LAWS—NEW JERSEY
1935

New Jersey State Library

ACTS

OF THE

One Hundred and Fifty-ninth Legislature

OF THE

STATE OF NEW JERSEY

AND

Ninety-first Under the New Constitution

1935

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New Jersey State Library

The following laws, passed by the One Hundred and Fifty-ninth Legislature, are published in accordance with "An act for the publication of laws," passed June 13th, 1895, and "A supplement to the act entitled 'An act relative to statutes,'" approved March twenty-seventh, eighteen hundred and seventy-four, which supplement was approved February 4th, 1896.

The proclamations of the Governor follow. An index of all the laws, compiled in accordance with the act of 1895, completes the work.

THOMAS A. MATHIS,
Secretary of State.

New Jersey State Library

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One Hundred and Fifty-ninth Legislature

OF NEW JERSEY

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LAWS

ACTS

PASSED BY THE

One Hundred and Fifty-ninth Legislature

CHAPTER 1

AN ACT to amend an act entitled "An act authorizing the board of chosen freeholders of every county and the governing body of every municipality to fix the salary or compensation of its members," approved February fourth, one thousand nine hundred and thirty-three.

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

1. Section two of the act of which this act is amendatory be and the same is hereby amended to read as follows: Section 2 amended.

2. This act shall take effect immediately, and shall become inoperative on February first, one thousand nine hundred and thirty-six. Act effective.

2. This act shall take effect immediately.

Approved January 9, 1935.

HORACE G. PRALL,

President of the Senate,
Acting Governor.

CHAPTER 2

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning counties,' approved March fourth, one thousand nine hundred and eighteen," approved February fourth, one thousand nine hundred and thirty-three.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Freeholders empowered to fix salaries.

1. The board of chosen freeholders of every county shall have full authority, by resolution, to fix and determine the salaries and compensation to be paid to officers and employees of and persons holding positions in any such county, between the first day of January, one thousand nine hundred and thirty-three, and the thirty-first day of January, one thousand nine hundred and thirty-six; *provided,* that if any such person be a member of any pension or retirement fund, such person may continue to pay, or cause to be paid, into such pension or retirement fund the same amount as if such salary or compensation had not been changed, and upon the death or retirement of such member, he or his beneficiary shall be entitled to the same benefits as if his salary or compensation had not been changed; *and provided, further,* that in fixing salaries or compensation there shall be no discrimination among or between individuals in the same class of service.

Proviso.

Proviso.

Schedule of salaries fixed.

In fixing and determining the salaries and compensation to be paid to officers, employees and persons holding positions in any such county, the board of chosen freeholders shall adopt a schedule, and if in fixing such salaries or compensation the amount

to be paid to any such officer, employee or person holding a position shall be less than the stated amount authorized to be paid to such officer, employee or person holding a position, without regard to deductions already made therefrom the amount to be reduced shall not exceed in percentage the amount authorized to be deducted pursuant to the provisions of an act entitled "An act respecting the salaries or compensation of officers and employees of and persons holding positions under the government of this State, whose salaries or compensation are paid by counties or municipalities," approved February fourth, one thousand nine hundred and thirty-three.

2. This act shall take effect immediately.

Approved January 9, 1935.

CHAPTER 3

AN ACT to amend an act entitled "An act respecting the salaries or compensation of officers and employees of and persons holding positions under the government of this State, whose salaries or compensation are paid by counties or municipalities," approved February fourth, one thousand nine hundred and thirty-three.

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

1. Section one of the act of which this act is amendatory be and the same is hereby amended to read as follows: Section 1 amended.

1. The governing body of every county or municipality may, by resolution, direct that the treasurer or other like officer of any county or municipality deduct from the salary or compensation to Deduction from salary.

New Jersey State Library

be paid to any officer or employee of or person holding a position under the government of this State, whose salary or compensation is paid by any such county or municipality, beginning with the first day of January, one thousand nine hundred and thirty-three, and ending on the thirty-first day of January, one thousand nine hundred and thirty-six, such sum of money as such governing body shall deem proper, but such deductions shall not exceed in percentage the amount authorized to be deducted in any schedule adopted or to be adopted by any such county or municipality for officers, employees and persons holding positions in any such county or municipality; *provided, however,* that in making deductions from salaries or compensation there shall be no discrimination among or between individuals in the same class of service.

Amount of deduction.

Proviso.

In fixing and determining the salaries and compensation to be paid to officers, employees and persons holding positions in any such county, the board of chosen freeholders shall adopt a schedule, and if in fixing such salaries or compensation the amount to be paid to any such officer, employee or person holding a position shall be less than the stated amount authorized to be paid to such officer, employee or person holding a position, without regard to deductions already made therefrom, the amount to be reduced shall not exceed in percentage the amount authorized to be deducted pursuant to the provisions of an act entitled "A supplement to an act entitled 'An act concerning counties,' approved March fourth, one thousand nine hundred and eighteen," which supplement was approved February fourth, one thousand nine hundred and thirty-three.

Fixing salaries.

2. This act shall take effect immediately.

Approved January 9, 1935.

CHAPTER 4

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning counties,' approved March fourth, nineteen hundred and eighteen," approved February fourth, one thousand nine hundred and thirty-three.

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

Section 5 amended.

1. Section five of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Application of act.

5. This act shall apply to budgets for the fiscal years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, and one thousand nine hundred and thirty-five only.

2. This act shall take effect immediately.

Approved January 9, 1935.

CHAPTER 5

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning municipalities,' approved March twenty-seventh, one thousand nine hundred and seventeen," approved February fourth, one thousand nine hundred and thirty-three.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Governing body empowered to fix salaries.

1. The governing body of every municipality shall have full authority, by resolution, to fix and

determine the salaries and compensation to be paid to officers and employees of and persons holding positions in any such municipality, between the first day of January, one thousand nine hundred and thirty-three, and the thirty-first day of January, one thousand nine hundred and thirty-six; *provided,* that if any such person be a member of any pension or retirement fund, such person may continue to pay, or cause to be paid, into such pension or retirement fund the same amount as if such salary or compensation had not been changed, and upon the death or retirement of such member he or his beneficiary shall be entitled to the same benefits as if his salary or compensation had not been changed; *and provided, further,* that in fixing salaries or compensation there shall be no discrimination among or between individuals in the same class of service.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved January 9, 1935.

CHAPTER 6

AN ACT to amend an act entitled "An act respecting the salaries or compensation of officers and employees of and persons holding positions in the several school districts of this State," approved February fourth, one thousand nine hundred and thirty-three.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended to read as follows:

District school board empowered to fix salaries.

1. The board of education of every school district in this State shall have full authority, by resolution, to fix and determine the salaries and compensation to be paid to officers and employees of and

persons holding positions in any such school district, between the first day of July, one thousand nine hundred and thirty-three, and the first day of July, one thousand nine hundred and thirty-six, notwithstanding any such person be under tenure or not; *provided,* that if any such person be a member of the Teachers' Pension and Annuity Fund of the State of New Jersey, or any employees' pension fund, such person may continue to pay, or cause to be paid, into such pension fund the same amount as if such salary or compensation had not been changed, and upon the death or retirement of such member, he or his beneficiary shall be entitled to the same benefits as if his salary or compensation had not been changed; *and provided, further,* that in fixing salaries or compensation there shall be no discrimination among or between individuals in the same class of service; *provided, however,* that the existing minimum salary of teachers of seventy dollars per month shall not be changed. Proviso. Proviso.

2. This act shall take effect immediately.

Approved January 9, 1935.

CHAPTER 7

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning municipalities,' approved March twenty-seventh, one thousand nine hundred and seventeen," approved February fourth, one thousand nine hundred and thirty-three.

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

1. Section five of the act of which this act is amendatory be and the same is hereby amended to read as follows: Section 5 amended.

Budgets for 1933, 1934, 1935.

5. This act shall apply to budgets for the fiscal years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, and one thousand nine hundred and thirty-five only.

2. This act shall take effect immediately.

Approved January 9, 1935.

CHAPTER 8

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof,' approved October ninteenth, one thousand nine hundred and three," approved June fifth, nineteen hundred and thirty-four.

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

Section 1 amended.

1. Amend section one of the act to which this act is an amendment so that it shall read as follows:

Loans to needy students.

1. Of the moneys received as tuition from pupils under the act to which this act is a supplement, a sum not to exceed twenty per centum (20%) of the tuition moneys received by each normal school or teachers college shall be allocated to each such institution for loans to needy students. The eligibility of students to receive loans shall be determined by the principal of each school under regulations approved by the Commissioner of Education.

Eligibility.

2. This act shall take effect immediately.

Approved January 22, 1935.

HAROLD G. HOFFMAN,
Governor.

CHAPTER 9

AN ACT to amend an act entitled "An act to regulate elections" (Revision of 1930), approved April eighteenth, nineteen hundred and thirty.

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

1. Article two, paragraph five, section one, of the act of which this act is amendatory, be and the same is hereby amended to read as follows: Art. II, par. 5, Sec. 1, amended.

ELECTIONS

Time for Holding Primary Elections for Delagates and Alternates to National Conventions of Political Parties.

Par. 5, Sec. 1. Primary elections for delegates and alternates to national conventions of political parties shall be held in each presidential year on the third Tuesday in May, between the hours of seven A. M. and nine P. M., Eastern Standard Time. Primary for national convention.

2. Article two, paragraph seven, section three, of the act of which this act is amendatory, be and the same is hereby amended to read as follows: Art. II, par. 7, Sec. 3, amended.

Time for Holding Primary Elections.

Par. 7, Sec. 3. The primary election for the general election shall be held on the third Tuesday of September in each year. Primary elections for special elections shall be held not earlier than thirty nor later than twenty days prior to such special elections. Date of primary.

3. Article three, paragraph ten, section three, of the act of which this act is amendatory be and the same is hereby amended to read as follows: Art. III, par. 10, Sec. 3, amended.

Party Offices Selected at Primary Elections.

Delegates to national convention

Par. 10, Sec. 3. In each presidential year delegates and alternates to the national conventions of said political parties shall be elected at a special primary election to be held on the third Tuesday in May in said year. The aforesaid members of State, county and municipal committees of said political parties shall be chosen at the primary for the general election as hereinafter provided.

Art. IV, par. 40, Sec. 4, amended.

4. Article four, paragraph forty, section four, of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Redistricting.

Division of election districts

Par. 40, Sec. 4. Whenever in any two consecutive general elections in any election district over six hundred or less than two hundred and fifty votes shall have been cast, the county board in counties of the first class and the governing board or body of the municipalities in counties other than counties of the first class except as hereinafter provided, wherein such election district shall lie, may readjust the boundary lines of such election district and other election districts necessary to effect the change so that none of the election districts affected shall have more than five hundred and fifty or less than three hundred and fifty registered voters, and for this purpose shall have power to consolidate any number of districts and subdivide the same, and in redistricting the election districts in counties having a population of less than sixty thousand which as heretofore provided may contain seven hundred voters, a like procedure may be followed; *provided,* that in every division, change or readjustment the geographical compactness of each district shall be maintained as nearly rectangular as possible and the lines of such district shall not extend beyond the boundary lines of the ward in the municipality, or of the municipality, as the case may be, in which such district is located; *provided, further,* that it shall not be lawful for such board or governing body

Number of voters to a district.

Proviso.

Proviso.

to make division of any election district between the twentieth day of April and the day of the general election in any year. The preparation of the signature copy registers, registers of the voters and the party primary poll books of the preceding primary election and the polling books of the preceding general election if made necessary for any purpose by reason of redistricting of the election districts, as aforesaid, shall be done by the commissioner in municipalities having permanent registration and by the municipal clerk in all other municipalities.

Preparation of registers, etc.

5. Article five, paragraph forty-five, section two, of the act of which this is amendatory, be and the same is hereby amended to read as follows:

Art. V, par. 45, Sec. 2, amended.

Membership and Organization.

Par. 45, Sec. 2. The members of the municipal committees of political parties shall consist of the elected members of the county committee in such municipality. The members of said municipal committee shall take office on the first Saturday following their election as members of the county committee, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each municipal committee shall be held on the first Monday following the primary election for the general election, at an hour and place to be designated in a notice to be given by the chairman thereof, at which annual meeting the members of each committee shall elect some suitable person as chairman to hold office for one year or until his successor is elected. Such chairman shall preside at all meetings of the committee, and shall perform all duties required of him by law and the constitution and by-laws of such committee. Such municipal committee shall have power to adopt a constitution and by-laws for its proper government. A member of a municipal committee of any political party may resign his office to the committee of

Municipal party committees.

Terms.

Annual meeting and organization.

Duties of chairman.

By-laws.

Vacancies.

which he is a member, and upon acceptance thereof by the committee a vacancy shall exist. Vacancies caused by death, resignation, failure to elect, or otherwise, in the office of a member of a municipal committee of any political party shall be filled for the unexpired term by the remaining members of said committee in the municipality in which such vacancy shall occur.

Art. V, par. 46, Sec. 3, amended.

6. Article five, paragraph forty-six, section three, of the act of which this act is amendatory be and the same is hereby amended to read as follows:

COUNTY COMMITTEE

Membership and Organization.

County party committees.

Par. 46, Sec. 3. The members of the county committees of political parties shall be elected annually at the primary for the general election in the manner provided in this act for the selection of party candidates to be voted for at the general election by voters of a municipality. The county committee shall consist of one male and one female member from each unit of representation in the county, the male receiving the highest number of votes among the male candidates and the female receiving the highest number of votes among the female candidates shall be declared elected. Members of the county committee shall actually reside in the districts or units which they respectively represent. The county committee shall determine by its by-laws the units into which the county shall be divided for the purpose of representation in the county committee. The members of the county committee of each of the political parties hereafter elected shall take office on the first Saturday following their election, for the general election, on which day the terms of all members of such committees heretofore elected shall terminate. The annual meeting of each county committee shall be held on the first Tuesday following the primary election, at an hour and place to be designated in a notice in writing

How composed.

Residence.

County units.

Terms.

Annual meeting and organization.

to be mailed by the chairman of the outgoing county committee to each member-elect, at which annual meeting the members of such committee shall elect some suitable person as chairman, to hold office for one year, or until his successor is elected. Such chairman shall preside at all meetings of the committee, and shall perform all duties required of him by law and the constitution and by-laws of such committee. Said committee shall have power to adopt a constitution and by-laws for their proper government. A member of a county committee of any political party may resign his said office to the committee of which he is a member, and upon an acceptance thereof by the committee a vacancy shall exist. Vacancies in the office of a member of the county committee of any political party, caused by death, resignation, failure to elect or otherwise, shall be filled for the unexpired term by the municipal committee of the municipality wherein the vacancy occurs, if there is such committee, and if not then by the remaining members of the county committee of such political party representing the territory in the county in which such vacancy shall occur. The chairman of the county committee of the several political parties shall before the first day of August certify to the clerk of each municipality in the county the unit of representation in such municipality, together with the enumeration of the election district or districts embraced within such unit.

Duties of chairman.

By-laws.

Vacancies.

Unit of representation certified to clerk.

7. Article six, paragraph sixty, section eleven, of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Art. VI, par. 60, Sec. 11, amended.

Organization of Board.

Par. 60, Sec. 11. Each of said district boards shall, on the third Tuesday next preceding the primary election for the general election, and in Presidential years on the third Tuesday next pre-

Organization of district boards.

ceding the primary election for the election of delegates or alternates to the national convention, meet together and organize by the election of one of its members as judge, who shall be chairman of said board, and another of its members as inspector; such judge and inspector shall be members or voters of different political parties. In case of failure to elect a judge as herein provided, after balloting or voting three times, the senior member of the board in respect to length of continuous service as a member of such district board shall become judge, and in case of failure to elect an inspector, after balloting or voting three times, the next senior member of the board in respect to length of continuous service as a member of such district board shall become inspector; *provided,* that both chairman and inspector shall not be members or voters of the same political party. The other two member of the board shall be clerks of election, and shall perform all the duties required by law of the clerks of district boards.

Proviso.

Art. IX, par. 99, Sec. 2, amended.

8. Article nine, paragraph ninety-nine, section two, of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Preparation of Books, Blank Forms, Et Cetera.

Preparation and furnishing supplies by Secretary of State.

Par. 99, Sec. 2. Pamphlets of the election laws and instructions; precinct returns; electors of President and Vice-President; United States Senator; member of the House of Representatives; Governor; State Senator; Assembly and county officers; justice of the peace; public questions submitted to the voters of the entire State; self-addressed envelopes plain and stamped to each district; returns for the county board of canvassers for the above officers; primary return sheets; and the following books and lists: In municipalities having permanent registration, party primary poll books, general election poll books; in municipalities not having permanent registra-

tion, primary election registry books, party primary poll books, canvassing books, registers of voters, general election poll books, general election registry lists, shall be prepared and distributed by the Secretary of State on or before the first day of April in Presidential years and in all other years on or before the first day of August prior to the primary election for the general election and the general election. Upon the covers of each of said books shall be printed in conspicuous type such instructions to election officers regarding the use and disposition of such books by election officials as the Secretary of State shall deem necessary. All other books, ballots, envelopes and other blank forms, which the county clerk is required to furnish under any other section of this act, stationery and supplies for the primary election for the general election, the primary election for delegates and alternates to national conventions and the general election shall be furnished, prepared and distributed by the clerks of the various counties; excepting that all books, blank forms, stationery and supplies, articles and equipment which may be deemed necessary to be furnished, used or issued by the county board or superintendent shall be furnished, used or issued, prepared and distributed by such county board or superintendent of elections, as the case may be. The county board in counties of the first class and the municipal clerks in counties other than counties of the first class shall furnish and deliver to the county clerk, county board, the municipal clerks and the district boards in municipalities having more than one election district, a map or description of the district lines of their respective election districts, together with the street and house numbers where possible in said election districts; *provided,* that nothing in the provisions of an act entitled "An act concerning counties" (Revision of 1918), approved March fourth, one thousand nine hundred and eighteen, and the

Supplies furnished by county clerk.

Exceptions.

Map of election districts.

Proviso.

amendments thereof and the supplements thereto shall in anywise be construed to affect, restrict, or abridge the powers herein conferred on said county clerks, county boards or superintendents by this act.

Art. X, par. 103, Sec. 1, amended.

9. Article ten, paragraph one hundred three, section one of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Secretary of State to County Clerks.

Certifying party vote.

Par. 103, Sec. 1. The Secretary of State shall within thirty days after the completion of the canvass by the Board of State Canvassers, certify to each county clerk and county board the fact that at the next preceding general election, ten per centum (10%) of the total vote cast in the State for members of the General Assembly had been cast for candidates having the same designation thereby creating, within the meaning of this act, a political party, to be known and recognized as such under the same designation as used by the candidates, for whom the required number of votes were cast. He shall also between the fifteenth day of July and the first day of August in every year, wherein electors of President and Vice-President of the United States, a representative of the United States Senate, members of the House of Representatives, a Governor, or Senator for any county, or any of them, are to be elected or any public question to be submitted to the voters of the entire State, direct and cause to be delivered to the clerk of the county and the county board wherein any such election is to be held, a notice stating that such officer or officers are to be elected and that such public question is to be submitted to the voters of the entire State at the ensuing general election.

Notice of officers, etc., to be elected.

Art. X, par. 104, Sec. 2, amended.

10. Article ten, paragraph one hundred and four, section two, of the act of which this is amendatory, be and the same is hereby amended to read as follows:

County Clerks to Municipal Clerks.

Certifications by county clerk.

Par. 104, Sec. 2. The Clerk of such county shall immediately upon the receipt of the certificate from the Secretary of State, setting forth that a political party has been created, forward a certified copy of said certificate to each municipal clerk of his county. He shall also between the first day of August and the fifteenth day of August in every year cause a copy of the notice received from the Secretary of State, of the officer or officers to be elected at the ensuing general election, certified under his hand to be true and correct, to be delivered to the clerk of each municipality in said county. The Secretary of State shall on or before the tenth day of May certify to the county boards in counties of the first class and to the municipal clerks in the respective municipalities in all counties the number of justices of the peace to be elected for full terms or to fill vacancies in said municipalities at the next succeeding general election.

Notice of justices of the peace to be elected.

Art. X, par. 106, Sec. 4, amended.

11. Article ten, paragraph one hundred and six, section four, of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Notice of Offices to Be Filled.

Notice of county offices, etc., to be filled.

Par. 106, Sec. 4. It shall be the duty of the clerk of every county between the first day of August and the fifteenth day of August in every year immediately preceding the expiration of the term of office of all other officers who are voted for by the voters of the entire county or of more than one municipality within said county, to direct and cause to be delivered to the clerk of each municipality and the county board in counties of the first class, a notice that such officer or officers, as the case may be, will be chosen at the ensuing general election.

Art. X, par. 107, Sec. 5, amended.

12. Article ten, paragraph one hundred and seven, section five, of the act of which this act is amendatory, be and the same is hereby amended so as to read as follows:

Municipal Clerks to County Clerks.

Certifications by municipal clerks.

Par. 107, Sec. 5. It shall be the duty of all municipal clerks, and on or before the first day of August in every year, to make and to certify under their hands and seals of office and forward to the clerk of the county in which such municipality is located a statement, designating the public offices which are to be filled at such election, and the number of persons to be voted for each office. In counties of the first class said statement shall also be forwarded to the county board.

Art. XXII, par. 266, Sec. 1, amended.

13. Article twenty-two, paragraph two hundred and sixty-six, section one, of the act of which this act is amendatory, be and the same is amended to read as follows:

PRIMARY ELECTION FOR THE GENERAL ELECTION, NOTICE OF ELECTIONS

Party Officials to Public Officials.

Notice by party chairman.

Par. 266, Sec. 1. The chairman of the State committee of a political party shall, on or before the fifteenth day of July in the year when a Governor is to be elected, notify in writing the chairman of each county committee of said party that a member of such State committee is to be elected from said county at the ensuing general election, and each such chairman shall, on or before the first day of August of said year, send a copy of such notice to the clerk of each municipality within said county. The chairman of each county committee shall also, on or before the first day of August in each year, file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to such county committee.

14. Article twenty-two paragraph three hundred and five, section forty, of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Art. XXII, par. 305, Sec. 40, amended.

BALLOTING

Time and Place of Holding.

Par. 305, Sec. 40. Time and place of holding. The primary election for the general election shall be held for all political parties upon the third Tuesday of September in each year, between the hours of seven A. M. and eight P. M., Eastern Standard Time. Said primary election for the general election shall be held for all political parties in the same places as hereinbefore provided for the ensuing general election.

Primary day. Polls open.

General methods followed.

15. Article twenty-three, paragraph three hundred and twenty-seven, section one, of the act of which this act is amendatory, be and the same is hereby amended so as to read as follows:

Art. XXIII, par. 327, Sec. 1, amended.

PRIMARY ELECTION FOR DELEGATES AND ALTERNATES TO NATIONAL CONVENTIONS. NOTICE OF ELECTIONS

State Committee to Secretary of State.

Par. 327, Sec. 1. In every year in which primary elections are to be held as herein provided for the election of delegates and alternates to the national convention of political parties, which said primary elections are to be held on the third Tuesday in May as hereinbefore provided, the chairman of the State committee of said political parties shall notify the Secretary of State, on or before the fifteenth day of March of said year, of the number of delegates at large, and the number of alternates at large, to be elected to the next national convention of his party, by the voters of the party throughout the State, and also of the number of delegates and alternates who are to be chosen to said national convention in the respective congressional districts or other territorial subdivisions of the State, as mentioned in said notification.

Notice by State committee to Secretary of State.

Failure to file notice.

If the State chairmen, or either of them shall fail to file such notice, it shall be the duty of the Secretary of State to ascertain the said facts from the call for said national convention issued by the national or State committee of said party.

Art. XXVII, par. 371, Sec. 3, amended.

16. Article twenty-seven, paragraph three hundred and seventy-one, section three, of the act of which this act is amendatory, be and the same is hereby amended so as to read as follows:

FIRST REGISTRATION

Canvassing Procedure.

House to house canvass.

Par. 371, Sec. 3. The district boards in all election districts in the State, not having permanent registration shall meet annually on the first Tuesday of September in each year, and having first organized, shall proceed to ascertain and truly and accurately enter in canvassing books, to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next ensuing general election by making actual inquiry at every dwelling house or habitation or of the head of every family residing therein, entering in the case of a female voter her own Christian name with the title

Work divided.

"Miss" or "Mrs.," as the case may be. In making such enumeration the said district boards may divide their election districts into subdivisions, and any two of their number, of opposite political faith, together and in company, may make the

Names entered.

enumeration in such subdivision. The name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing books, but no name shall be entered on such canvassing books without the concurrence of both said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof. Said board shall

Canvassing days.

continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed; *provided,* that such enumeration shall terminate on or before the Friday next succeeding. Immediately after the completion of such enumeration the district board shall transcribe and make up from his canvassing books one register of voters for use at the general election, arrange alphabetically according to surnames, and adding information as to the residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next general election. At the same time a correct list of the names entered on said register of voters with residences and street numbers, if any, to be known as the general election registry list, shall be prepared and certified by the district board in hand-bill form, and shall be posted in some conspicuous public place within such election district on or before the following Tuesday. The canvassing books duly certified and signed by the district board as to their correctness, and the fact that a house-to-house canvass has actually been made, shall be filed with the county board on or before the following Tuesday.

Proviso.

Register prepared.

Lists posted.

Canvassing books filed with county board.

17. Article twenty-seven, paragraph three hundred and seventy-two, section four, of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Art. XXVII, par. 372, Sec. 4, amended.

SECOND REGISTRATION

Preparation of Registers of Voters.

Par. 372, Sec. 4. On the third Tuesday of September next preceding the general election, said district boards shall meet at the places provided in this act for the holding of the primary election for the general election in their respective election districts at seven A. M. and continue in session until eight o'clock P. M., Eastern Standard Time. Said boards shall add to said registers of voters the names, residences, street numbers and other

Second registration.

information of all those who shall personally appear before them and establish their right to be registered.

Repealer. 18. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

19. This act shall take effect immediately.

Approved January 28, 1935.

CHAPTER 10

AN ACT to supplement an act entitled "An act concerning municipal and county finances," approved March twenty-eighth, one thousand nine hundred and seventeen.

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

Date of approval extended. 1. The dates for the approval, hearing and the final adoption of the budget and tax ordinance in connection with county and municipal budgets shall be extended one month, and the date of certifying the amounts to be raised by taxes to the county board of taxation and all other procedures and requirements pertaining to the county and municipal budget for nineteen hundred thirty-five shall be extended for one month.

May reopen budget already adopted. 2. In the event that any municipality or any county shall have adopted its budget and/or its tax ordinance or resolution it shall be lawful for such municipality or county to rescind such action and substitute therefor a new, amended or revised budget; *provided*, that same be finally approved or adopted and the tax ordinance or resolution supporting same be passed in accordance with the one month extended time as provided in section one hereof.

Proviso.

3. This act shall take effect immediately; *provided*, that any budget affected by the provisions of this act shall be finally approved and adopted under the provisions of the act to which this act is a supplement. Proviso.

Approved January 28, 1935.

CHAPTER 11

A FURTHER SUPPLEMENT to an act entitled "An amendment to an act entitled 'An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties,' approved April tenth, one thousand nine hundred and eight," approved April twenty-seventh, one thousand nine hundred and thirty-three.

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

1. Any person having been separated from his office or position under the classified service without any delinquency or misconduct on his part, but owing to reasons of economy or otherwise, shall have his name placed upon a special eligible list which list shall take precedence over all other civil service lists, and he shall be entitled to reinstatement at any time thereafter in the same office or position, or any similar office or position of the same kind as that previously abolished or relinquished in the manner aforesaid as soon as an opportunity arises. Name placed on special eligible list.

2. Any person having been separated from his office or position in the manner herein mentioned, Lists continued.

and whose name appeared on an appropriate special eligible or re-employment list as of April twenty-seventh, nineteen hundred and thirty-three, or who had been separated from his office or position in the manner herein described on or subsequent to April twenty-seventh, nineteen hundred and thirty-three, shall be entitled to all the rights and benefits provided for in the act to which this act is a further supplement.

3. This act shall take effect immediately.

Approved January 28, 1935.

CHAPTER 12

AN ACT to amend an act entitled "An act for the relief of the unemployed and dependents in the several counties and municipalities of this State and making appropriations therefor," approved January thirty-first, nineteen hundred and thirty-four.

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

Section 19 amended.

1. Section nineteen of the act of which this act is amendatory be and is hereby amended as follows:

Act effective.

19. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately, but shall become inoperative from and after the twenty-eighth day of February, one thousand nine hundred and thirty-five.

2. This act shall take effect immediately.

Approved January 28, 1935.

CHAPTER 13

A SUPPLEMENT to an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight.

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

Governor empowered to stagger employment.

1. For the purpose of economy, during the present emergency, the Governor shall have power, after investigation, to order in writing, the temporary reduction of the personnel or the staggering of time of employment of the employees of any department, office or division of the government of the State that he shall deem to be advisable or necessary. All such persons so temporarily relieved of duty and now coming under the protective features of the act of which this act is a supplement shall be held to be in the employ of such department, office or division of the government of the State, but shall not be entitled to compensation for time which he or she is not actually rendering service. No order issued under the authority of this act shall operate to deprive or in any way affect any employee in their status under Civil Service or any pension fund of which they are a member. Any order made by the Governor under this act shall be operative from the date of the making of the same. In order to fully enable the Governor to fully carry out the provisions of this act, it shall be the duty of the heads of all departments, offices or divisions of the State government to furnish the Governor, at his request, all data concerning the employees in their departments, offices or divisions of the government of the State.

Status of employees.

Civil service rights continued.

Co-operation by department heads.

Construing

Nothing in this act shall be deemed to refer to the head of any department or the executive head thereof or to any State official whose term is fixed by law.

Act effective.

2. This act shall take effect immediately and shall expire on June thirtieth, nineteen hundred and thirty-six.

Approved January 29, 1935.

CHAPTER 14

AN ACT to amend an act entitled "An act to provide for distribution of legislative bills and certain other legislative documents to applicants paying therefor," which act was approved January twelfth, one thousand nine hundred and fifteen.

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

Art. I, par. 1, Sec. 1, amended.

1. Article one, paragraph one, section one, of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Fee for legislative service.

1. Any person, firm, association or corporation desiring a complete set of the bills, joint resolutions and concurrent resolutions introduced in any year in the Legislature, together with the usual index slips, daily memoranda and advance parts of the journal of the Senate and minutes of the Assembly, may file an application therefor with the Secretary of State, accompanying the application with a fee of twenty-five dollars. Upon receipt of the application and fee, the Secretary of State shall cause the name and address of the applicant to be added to the printer's mailing list of members of the Legislature, and thereafter during the year such bills, joint resolutions, concurrent resolutions, slips,

Name placed on list.

daily memoranda and advance parts of the journal and minutes shall be mailed by the printer to such applicant as and when the same are mailed to members of the Legislature.

2. This act shall take effect immediately.

Approved February 5, 1935.

CHAPTER 15

AN ACT for the appropriation of funds to defray the expenses of a special committee to be appointed by the Speaker of the House of Assembly to inquire into alleged corrupt conduct, crimes and misdemeanors, incident to the institution of impeachment proceedings against civil officers of this State who may appear to be guilty thereof.

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

Appropriation for investigation.

1. For the purpose of conducting an investigation and inquiry by a special committee of the General Assembly, created by resolution of the General Assembly entitled "A resolution appointing a special committee to inquire into certain alleged corrupt conduct, crimes and misdemeanors of civil officers of the State of New Jersey, particularly in Bergen county; and to investigate alleged violations of law by any public official, public body, department, board or commission in the county of Bergen, and State of New Jersey," adopted January twenty-one, one thousand nine hundred and thirty-five, incident to the institution of impeachment proceedings against civil officers of the State of New Jersey who may appear to be guilty of any corrupt conduct, crimes or misdemeanors, and to defray the expenses of such investigation and inquiry, the sum of twenty-five thou-

sand dollars ($25,000.00) is hereby appropriated, which sum, or so much thereof as may be necessary for that purpose, shall be paid out of the treasury of this State on bills approved by the chairman and secretary of said special committee.

2. This act shall take effect immediately.

Approved February 5, 1935.

CHAPTER 16

AN ACT concerning the payment of past due State road taxes.

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

Municipality may issue bonds to pay road tax.

1. Where any municipality has failed to pay its State road tax levied in any year prior to one thousand nine hundred and thirty-four, such municipality may and authority is hereby given it to do so by the issuance of bonds of the municipality, to be known as State road tax funding bonds, payable to the State highway sinking fund in the amount of the tax as levied, plus the penalties prescribed by law for nonpayment thereof up to April first, one thousand nine hundred and thirty-five.

County may issue bonds in payment of tax.

2. Where any municipality has paid to the county treasurer any or all of its State road tax levied prior to one thousand nine hundred and thirty-four, but the county treasurer has failed to transmit same to the State Treasurer, then in such case, the county may pay the amount so withheld, and authority is hereby given it so to do, by the issuance of bonds of the county to be known as State road tax funding bonds, payable to the State highway sinking fund in the amount of the State road tax so withheld, plus the penalties prescribed by law for the nonpayment thereof.

Issuing details.

3. The bonds hereby authorized in sections one and two shall be general obligations of the municipality or the county, as the case may be, and may be authorized by resolution, and shall bear interest at the rate of four per centum (4%) per annum, payable semi-annually, and dated as of the first day of April, one thousand nine hundred and thirty-five, and payable in eight annual installments of as nearly equal amounts as may be; *provided,* that the last seven maturities shall be in even hundred dollars and the first maturity in amount to equal with the other maturities the amount of the tax due and penalties. Bonds authorized by this act may be issued notwithstanding any limitations or restrictions of any other law; *provided,* that bonds issued under this act shall be included in any annual or supplemental debt statement thereafter made or filed in determining the power of the county or municipality, as the case may be, to become otherwise indebted.

Rate;

Payable;

Proviso;

Bond limitation;

Proviso.

Treasurer authorized to accept bonds.

4. The State Treasurer is hereby authorized to accept such bonds in payment of the account of any municipality or as recited in section two of any county in connection with any State road tax levied prior to the year one thousand nine hundred and thirty-four and such bonds, when so received, shall be placed in the State highway sinking fund and due credit issued for same.

Form of bonds.

5. The State Treasurer shall prescribe the form of the bond to be issued. Should bonds be delivered subsequent to April first, one thousand nine hundred and thirty-five, an adjustment in cash as between interest and penalties shall be made in connection with the settlement of the State road tax.

Adjustments.

Act effective.

6. This act shall take effect immediately and shall cease to be effective September fifteenth, one thousand nine hundred and thirty-five.

Approved February 5, 1935.

CHAPTER 17

AN ACT concerning the payment of past due soldiers' bonus taxes.

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

Municipality may issue bonds to pay soldiers' bonus tax.

1. Where any municipality has failed to pay its soldiers' bonus tax levied in any year prior to one thousand nine hundred and thirty-four, such municipality may and authority is hereby given it to do so by the issuance of bonds of the municipality, to be known as soldiers' bonus tax funding bonds, payable to the soldiers' bonus sinking fund in the amount of the tax as levied, plus the penalties prescribed by law for nonpayment thereof up to April first, one thousand nine hundred and thirty-five.

County may issue bonds in payment of tax.

2. Where any municipality has paid to the county treasurer any or all of its soldiers' bonus tax levied prior to one thousand nine hundred and thirty-four, but the county treasurer has failed to transmit same to the State Treasurer, then in such case the county may and authority is hereby given it to pay the amount so withheld by the issuance of bonds of the county to be known as soldiers' bonus tax funding bonds, payable to the soldiers' bonus sinking fund, in the amount of the soldiers' bonus tax so withheld, plus the penalties prescribed by law for the nonpayment thereof.

Issuing details:

3. The bonds hereby authorized in sections one and two shall be general obligations of the municipality or the county, as the case may be, and may be authorized by resolution, and shall bear interest

Rate;

at the rate of four per centum (4%) per annum, payable semiannually, and dated as of the first day of April, one thousand nine hundred and thirty-five,

Payable;

and payable in six annual installments of as nearly

Proviso;

equal amounts as may be; *provided,* that the last

five maturities shall be in even hundred dollars and the first maturity in amount to equal with the other maturities the amount of the tax due and penalties. Bonds authorized by this act may be issued notwithstanding any limitations or restrictions of any other law; *provided*, that bonds issued under this act shall be included in any annual or supplemental debt statement thereafter made or filed in determining the power of the county or municipality, as the case may be, to become otherwise indebted.

Bond limitation;

Proviso.

4. The State Treasurer is hereby authorized to accept such bonds in payment of the account of any municipality or as recited in section two of any county in connection with any soldiers' bonus tax levied prior to the year one thousand nine hundred and thirty-four, and such bonds, when so received, shall be placed in the soldiers' bonus sinking fund and due credit issued for same.

Treasurer authorized to accept.

5. The State Treasurer shall prescribe the form of the bond to be issued. Should bonds be delivered subsequent to April first, one thousand nine hundred and thirty-five, an adjustment in cash as between interest and penalties shall be made in connection with the settlement of the soldiers' bonus tax.

Form of bonds.

Adjustments.

6. This act shall take effect immediately and shall cease to be effective September fifteenth, one thousand nine hundred and thirty-five.

Act effective.

Approved February 5, 1935.

CHAPTER 18

AN ACT to validate and confirm sales of land and real estate sold under an act of the Legislature of the State of New Jersey, entitled "An act concerning the militia of the State" (Revision of 1925), approved March tenth, one thousand nine hundred and twenty-five.

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

Validating sale of land, etc., by Quartermaster-General.

1. No sale of any lands, tenements, hereditaments or real estate heretofore made by the Quartermaster-General of this State, under the provisions of an act entitled "An act concerning the militia of the State" (Revision of 1925), approved March tenth, one thousand nine hundred and twenty-five, shall be invalidated by reason of any omission to properly advertise such sale whether it be a public or private sale or any adjournment thereof in the manner or for the length of time then required by law, or by reason of any irregularity or default in such advertisement of such sale, or by reason of the fact that the public advertisement called for sealed bids; but the purchaser or purchasers of such lands, tenements and hereditaments or real estate when he or they shall have paid the price therefor and shall have received a deed therefor, his, her, its or their heirs, successors or assigns shall be deemed to have as good and complete a title thereto as if such sale or adjournment had been in all particulars duly advertised, or as if there had been duly inserted any matters required by law to be inserted in any such advertisement thereof, or as if such sale had been held in accordance with the terms of said act; *provided,* such sale shall have been or shall be confirmed by resolution of the State Military Board; *and provided, further,* that no proceedings shall have been heretofore instituted in

Title to vest in purchaser

Proviso.

Proviso.

any court of law or equity to set aside sale, or any proceedings in connection therewith.

2. This act shall take effect immediately.

Approved February 5, 1935.

CHAPTER 19

AN ACT to amend an act entitled "An act relating to the financing of schools," approved May tenth, one thousand nine hundred and thirty-three.

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

1. Section one of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 1 amended.

1. Whenever any municipality and/or county is authorized by law to issue scrip, or other obligation of the municipality, the governing body of such municipality may pay in scrip of suitable denominations or other obligations of the municipality if payment cannot be made in cash, the State and county school taxes which remain unpaid to the county treasurer on February first, one thousand nine hundred and thirty-five; *provided,* that if the county is issuing scrip, ten per centum (10%) of the State schol tax shall be paid in cash; *and provided, further,* if the county is not issuing scrip, each municipality shall pay in cash the total amount in excess of the amount apportioned by the county superintendent to the coextensive school district. The county treasurer shall receive such scrip or other obligation of the municipality in payment of State and county school taxes; *provided,* each payment is proportionately in cash. May pay taxes in scrip. Proviso. Proviso. Proviso.

Section 3 amended.

2. Section three of the act to which this act is an amendment be and the same is hereby amended to read as follows:

County relieved of 90% of its obligation.

3. The county shall be relieved of that part of its obligation to the State for ninety per centum (90%) of the State school tax when the county treasurer shall have filed with the State Treasurer receipt from the custodian of the school district, which receipt shall acknowledge the acceptance of county and/or municipal scrip or other obligations of the municipality as payment for amounts due such school district from the county treasurer on account of the distribution of the State school tax, if with such receipts there is paid to the State Treasurer the proportionate cash payment due the State.

3. This act shall take effect immediately.

Approved February 5, 1935.

CHAPTER 20

A FURTHER SUPPLEMENT to an act entitled "An act concerning mortgages" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Cancelling mortgage.

1. In addition to the methods prescribed and authorized for the cancellation of any mortgage pursuant to the provisions of the act to which this act is a further supplement, it shall be lawful for the county clerk or register of deeds and mortgages of any county of this State and such officials are hereby authorized and empowered to cancel of record any mortgage presented for cancellation which shall contain an authorization so to do over the signatures of the chairman or vice-chairman of a board of directors of any agency or instrumentality of the Federal Government.

2. Nothing in this act contained shall be construed to prevent any cancellation of a mortgage by a certificate of discharge duly acknowledged, proved and recorded as heretofore. Construing.

3. This act shall take effect immediately.

Approved February 5, 1935.

CHAPTER 21

AN ACT to relieve and prevent unemployment in the building trades and in the durable goods industries and associated industries by providing for the making by savings banks, banks, banking institutions, trust companies, personal finance companies, mortgage companies, installment lending companies, and other such financial institutions, of loans and advances of credit and purchases of obligations representing loans and advances of credit, eligible for insurance under the National Housing Act, and by providing for the insurance of mortgages under the National Housing Act and the purchase of obligations of national mortgage associations under the National Housing Act, by savings banks, banks, banking institutions, trust companies, insurance companies, and fiduciaries.

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

1. Savings banks, banks, banking institutions, trust companies, personal finance companies, mortgage companies, installment lending companies, and other such financial institutions organized under any general or special law of this State Authorized to make loans, etc.

which are approved by the Federal Housing Administrator as eligible for credit insurance, are authorized to make loans and advances of credit and purchase obligations representing loans and advances of credit as are eligible for insurance under the act of Congress known by the short title "National Housing Act," approved June twenty-seventh, one thousand nine hundred and thirty-four, and to obtain such insurance and to perform and abide by all the provisions of said National Housing Act and any amendments thereof or supplements thereto and the rules and regulations of the Federal Housing Administrator now or hereafter in force, with respect thereto.

Banks, etc., authorized to:

2. Savings banks, banks, banking institutions, trust companies, and insurance companies organized under any general or special law of this State, and executors, administrators, trustees, guardians, and other fiduciaries are authorized.

Make mortgage loans;

(a) to make loans upon real estate secured by, to make mortgage loans upon and to invest in, purchase or otherwise acquire, own and hold, first mortgages insured under the act of Congress, approved June twenty-seventh, one thousand nine hundred thirty-four, known by the short title "National Housing Act" and any amendments thereof or supplements thereto and first mortgages eligible for insurance thereunder as to which eligible mortgages the Federal Housing Administrator has made commitments to insure the same thereunder;

Cause mortgages to be insured;

(b) to cause such mortgages to be and be kept insured by the Federal Housing Administrator under said National Housing Act and any amendments thereof or supplements thereto and to pay for and receive the benefits of such insurance;

Abide by National Housing Act;

(c) with respect to such mortgages to perform and abide by the provisions of the National Housing Act and any amendments thereof and supplements thereto and the rules and regulations of the Federal Housing Administrator now or hereafter in force;

(d) to invest in, purchase or otherwise acquire, own and hold notes, bonds, debentures, capital stock, or other such obligations of any national mortgage association created under said National Housing Act and any amendments thereof or supplements thereto, provided the issuance of such notes, bonds, debentures, capital stock, or other such obligations has been approved by the Federal Housing Administrator. Nothing in this act contained shall be construed to empower any fiduciary to make any investment or commitment pursuant to subdivision (d) of this section.

Invest in other obligations.

Construing.

3. No law of this State prescribing or limiting interest rates upon loans, discounts or advances of credit or upon obligations representing loans and advances of credit, shall be deemed to apply to loans, discounts, advances of credit or obligations representing loans and advances of credit made or purchased or discounted pursuant to section one of this act.

Interest laws not to apply.

4. No law of this State prescribing the nature, amount or form of security or requiring security upon which loans or investments may be made or prescribing or limiting the period for which loans or investments may be made or prescribing or limiting interest rates upon loans or investments shall be deemed to apply to loans, investments, purchases, or other acquisitions made pursuant to section two (a), (b), (c), (d), of this act; *provided, however,* that nothing in section two of this act contained shall be deemed to authorize any such savings bank not otherwise authorized by law to make any mortgage loan upon real property not situated in this State; *and provided, however,* that nothing in this act contained shall increase the aggregate amount which any corporation specified in section two of this act, is authorized to invest or have invested in mortgages upon real property.

Laws relative to nature, amount, etc., of loans not to apply.

Proviso.

Proviso.

5. This act shall take effect immediately.

Approved February 5, 1935.

CHAPTER 22

A SUPPLEMENT to an act entitled "An act to provide for a State budget system and its operations," approved April twentieth, one thousand nine hundred and thirty-one.

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

May suspend appropriations.

1. In view of the present condition of unemployment and financial stress, in addition to the powers conferred by the act to which this act is a supplement, it shall be lawful for the Governor, in the interests of economy, by writing addressed to the State Treasurer, to direct that the expenditure of an appropriation, or a part thereof, made to a spending agency as defined in the act to which this act is a supplement, including dedicated revenues which are committed to the State highway fund, together with the funds to be made available through the sale of bonds and all unappropriated balances, shall be withheld, and upon the receipt of such order, it shall be unlawful for the State Treasurer to expend from said appropriation any moneys so directed to be withheld.

Act effective.

2. This act shall expire on the first day of July, one thousand nine hundred and thirty-six.

3. This act shall take effect immediately.

Approved February 5, 1935.

CHAPTER 23

AN ACT to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

1. Section eighty of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 80 amended.

80. No insurance company of another State or foreign country, except a life insurance company, may transact business in this State, except through duly constituted and appointed agents resident herein, or resident elsewhere if not authorized to act as an agent for any insurance company in any other State, or as a broker with principal place of business in any other State, whose principal place of business for the conduct of such agency is located in this State, and who shall maintain a bona fide duly operated business office in this State, and shall issue and countersign all policies and contracts so issued. This section shall not apply to direct insurance covering the rolling stock of railroad corporations operating between different States or property received for shipment from one State to another while in the possession or custody of railroad corporations or other common carriers, nor to mutual fire insurance companies operated without purpose of profit and which confine their business principally to sprinklered risks and which pay no commissions or brokerages for the acquirement of their business. Foreign insurance companies to do business through agents. Agencies. Certain railroad cars exempt. Mutual companies exempted.

Repealer.

2. All laws in conflict with the provisions of this act are hereby repealed.

3. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 24

AN ACT concerning banking, saving, trust, guaranty, safe deposit, indemnity, mortgage, investment loan and building corporations of other States or foreign governments, regulating the business to be transacted by such corporations in this State and providing penalties for certain violations.

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

Foreign companies to be authorized.

1. Foreign corporation to file copy of charter, et cetera. No 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 shall solicit or transact any business in this State until it shall have secured from the Commissioner of Banking and Insurance a certificate of authority to transact business.

Application for authority:

2. When certificate of authority may be issued. Any such foreign corporation desiring to secure such certificate of authority shall make application therefor to the Commissioner of Banking and Insurance, and it shall be the duty of the Commissioner of Banking and Insurance to issue such certificate of authority to transact business in this State to any such corporation when:

a. Said corporation has filed in the office of the Commissioner of Banking and Insurance a copy of its charter or certificate of organization or incorporation, attested by its president or vice-president and secretary or treasurer under its corporate seal, and a statement attested in like manner showing the financial condition of said corporation at the close of business on the thirty-first day of December last preceding, which statement shall be in such form as may be prescribed by the Commissioner of Banking and Insurance, and it shall be the duty of the Commissioner of Banking and Insurance to furnish blank forms for that purpose. Certified copy of charter; Financial condition;

b. It shall appear by the statement of financial condition hereinabove mentioned that such corporation is possessed of an actual paid in, well invested and unimpaired capital stock of at least one hundred thousand dollars ($100,000.00). Paid-in stock;

c. Such corporation shall deposit with the Commissioner of Banking and Insurance such securities as he may prescribe amounting to at least thirty thousand dollars ($30,000.00), in value, which securities shall be held by him in trust for the benefit of the creditors of such corporation within this State; *provided, however,* that if any such corporation shall have and keep a deposit of at least one hundred thousand dollars ($100,000.00) in cash or securities approved by the Commissioner of Banking and Insurance of New Jersey, with any department or office of the State or country where the said corporation is organized, the Commissioner of Banking and Insurance shall not require the deposit of any securities as hereinbefore provided. Deposit with commissioner; Proviso.

d. Such corporation shall by a duly executed instrument filed in the office of the Commissioner of Banking and Insurance constitute the Commissioner of Banking and Insurance and his successor in office, its true and lawful attorney upon whom all original process in any action or legal proceeding against it may be served, and therein shall agree Commissioner authorized to act as attorney;

that any original process against it which may be served upon such Commissioner shall be of the same force and validity as though served on the company, and that the authority thereof shall continue in force, irrevocably, so long as any liability of the said corporation remains outstanding in this State.

Legality.

e. The Commissioner of Banking and Insurance shall not find that the contract under which the said corporation proposes to sell its securities in this State is unlawful, unfair, unjust, inequitable,

Policy.

or contrary to the public policy of this State, and that the policy, selling plan, selling representations, or methods of selling used by such foreign corporation or by its agents with its knowledge and consent, in conducting sales of securities within this State, is unlawful, unjust, inequitable, oppressive or against the public policy of this State or calculated to mislead a purchaser of any such securities.

Continuance of authority.

3. Duration of authority. All certificates of authority to transact business in this State issued to any such foreign corporations, unless cancelled or revoked by the Commissioner of Banking and Insurance or surrendered by the holder of the same, shall continue in force until the first day of April

Annual renewal.

of the following year, and shall be renewable each succeeding year before the first day of April thereof.

Change of securities.

4. Deposit of securities. The Commissioner of Banking and Insurance shall have authority to order a change of any of the securities deposited by any such foreign corporation with him as hereinabove provided, or any part of said securities, at any time during the continuance of the certificate of authority issued to the said corporation, and during the same period the said corporation may change said securities or any part thereof with the consent of the Commissioner of Banking and Insurance, and the corporation so depositing any such

Dividends.

securities shall be entitled to receive the dividends

or interest on the same, and upon the termination of its authority to transact business in this State it shall be entitled to the return of the said securities.

Annual report.

5. Annual report. Every foreign corporation which shall receive a certificate of authority under this act shall file a report during the month of January in each year on a form to be prescribed by the Commissioner of Banking and Insurance, and if any such corporation shall fail to file such annual report prior to the fifteenth day of February in each year, or to furnish any additional report, statement, or information which may be required by the Commissioner of Banking and Insurance within ten days after notice so to do, it shall be liable to a penalty of two hundred fifty dollars ($250.00) and costs to be sued for and collected in the name and for the benefit of the State of New Jersey; *provided, however,* that the time within which any such report shall be filed or any such report, statement or information shall be furnished to the said Commissioner of Banking and Insurance may be extended by the said Commissioner of Banking and Insurance.

Failure to comply.

Penalty.

Proviso.

Filing and renewal fees.

6. Fees payable. For filing a certificate of its charter or certificate of organization or incorporation every such foreign corporation shall pay a fee of twenty dollars ($20.00); for filing original and annual reports, a fee of twenty dollars ($20.00); for issuing or renewing a certificate of authority, a fee of two hundred fifty dollars ($250.00) annually; for issuing or renewing a certificate for each agency, an annual fee of five dollars ($5.00); and every such corporation shall pay the reasonable costs of making any examination of its affairs as herein provided for, and the Commissioner of Banking and Insurance may maintain an action in the name of the State against any such corporation for the recovery of any such expenses or costs in the name and for the benefit of the State of New Jersey.

Failure to observe law and requirements.

7. Penalty for noncompliance with this act. If any such corporation or association itself or by its agents, attorneys, solicitors, surveyors, canvassers, collectors or other representatives of whatsoever designation, or any agent, attorney, solicitor, surveyor, canvasser, collector or other representative or any individual or firm, whether on behalf of such corporation or not, shall solicit, negotiate, or in any wise transact any business in this State except in the endorsement of contracts by legal process, without having complied with the requirements of this act, any such person, firm or corporation so offending shall be liable to a penalty of two hundred fifty dollars ($250.00) and costs of suit, to be sued for and collected by the Commissioner of Banking and Insurance in the name and for the benefit of the State of New Jersey.

Penalty.

Examination of company.

8. Examination by Commissioner of Banking and Insurance. At any time during the continuance of any such certificate of authority the Commissioner of Banking and Insurance shall have power whenever he deems the same expedient, to require the filing of additional statements of financial condition, and he shall also have authority either himself or by his deputies or any other person or persons he may designate, to examine the affairs of any such corporation, and it shall be the duty of the officers and employees of every such corporation to exhibit its books, securities, records and accounts for such examination and to otherwise facilitate the same so far as it may be in their power so to do, and the Commissioner of Banking and Insurance or his deputies, or any person or persons so designated by him shall have power to examine under oath or affirmation the officers and employees of any such corporation relative to its business and affairs, and for that purpose the Commissioner of Banking and Insurance, his deputies or any persons so designated, shall have power to administer oaths and affirmations.

Records displayed on demand.

Inquiries.

Right to cancel certificate of authority.

9. When certificate of authority may be cancelled. Whenever the Commissioner of Banking and Insurance shall find that the affairs of any such corporation are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that the sales of securities in this State by such corporation have resulted in the establishing of a contract between the purchaser or purchasers thereof and the company issuing such securities which is unlawful, unfair, unjust, oppressive, inequitable, or against the public policy of this State, or if the said commissioner finds that the said policy, selling plan, selling representations, or methods of selling used by any such foreign corporation or by its agents with its knowledge and consent, in conducting the sales of securities within this State is unfair, unjust, oppressive, inequitable, or against the public policy of this State, or is calculated to mislead the purchaser of such certificate, then the said Commissioner of Banking and Insurance shall have authority to cancel and revoke any certificate of authority issued to such corporation pursuant to the provisions of this act.

Causes for cancellation.

Notice of intention to revoke authority.

10. Procedure on revocation and cancellation. Before any such certificate of authority shall be cancelled or revoked under the provisions of this act, the Commissioner of Banking and Insurance shall give at least twenty days' notice by mail to the corporation whose certificate of authority is sought to be cancelled or revoked, which notice shall be sent to the address of the said corporation as shown on the records of the Department of Banking and Insurance, of a hearing at which the corporation whose certificate of authority is sought to be cancelled, or revoked, may show cause why its said certificate of authority should not be cancelled or revoked.

If commissioner fails to act, application to Supreme Court.

11. Review of action of Banking and Insurance Commissioner in failing or refusing to issue or renew a certificate of authority or in cancelling or

revoking the same. In any case where the Commissioner of Banking and Insurance shall fail or neglect for the space of sixty days to act upon an application for a certificate of authority or renewal thereof, made pursuant to the provisions of this act, the applicant for such certificate of authority or renewal thereof may apply to the Supreme Court for a writ of mandamus, and the practice in any proceedings which may ensue shall be according to the practice and procedure obtaining in this State with respect to the prosecution of writs of mandamus. The judgment of the Supreme Court in any writ of mandamus prosecuted under this act shall be subject to review by the Court of Errors and Appeals in the manner now prescribed by law.

Judgment reviewable by Court of Errors.

Review by certiorari.

The refusal of the Commissioner of Banking and Insurance to issue or renew a certificate of authority as hereinabove provided, or the cancellation or revocation of a certificate of authority of any such corporation by the Commissioner of Banking and Insurance may be reviewed by the Supreme Court on a writ of certiorari. No writ of certiorari to review any such refusal to issue or renew a certificate of authority or to review any such cancellation or revocation of any certificate of authority shall be allowed unless application therefor be made within sixty days from the date on which applicant shall have received notice of any such refusal to issue or renew such certificate of authority or within sixty days from the date on which any such cancellation or revocation of such certificate of authority shall become effective, nor unless notice in writing of such application shall be given to the Commissioner of Banking and Insurance together with a copy of the affidavits and proof upon which such application for a writ is based. Notice of such application for said writ shall be served upon the Commissioner of Banking and Insurance either personally or by leaving the same at his office in the city of Trenton. In any case where the Commis-

Time for application.

Service of notice.

Jurisdiction on review.

sioner of Banking and Insurance shall refuse to issue or renew a certificate of authority or shall cancel or revoke any such certificate of authority, the Supreme Court shall have jurisdiction to review the entire proceedings resulting in said refusal to issue or renew such certificate of authority or the cancellation or revocation of the same, including the facts and evidence upon which such refusal, cancellation, or revocation is based and to determine the matter on its merits, and to set aside, modify, or revise any finding of the said Commissioner of Banking and Insurance which shall have resulted in any such refusal, cancellation or revocation and any order in relation thereto. The Supreme Court in its proceedings shall not be limited to the facts or evidence presented to or considered by the Commissioner of Banking and Insurance, but shall have authority to take and consider such further evidence as it may deem proper and just. In case the finding of the said Commissioner of Banking and Insurance resulting in any such refusal, cancellation or revocation of any such certificate of authority or any order in relation thereto shall be set aside, modified or revised, the Supreme Court shall have full power by its order to direct the said Commissioner of Banking and Insurance in the case of a refusal, to issue or renew a certificate of authority and in case of cancellation or revocation, to reinstate the certificate of authority so cancelled or revoked. All of the evidence presented to the Commissioner of Banking and Insurance together with his findings and such orders as he may have issued respecting the application for any such certificate of authority, the refusal to issue or renew or the cancellation or revocation of the same, shall be certified by the Commissioner of Banking and Insurance to the Supreme Court as his return. No finding or order of the Commissioner of Banking and Insurance shall be set aside, revised or modified for any irregularity or informality in the proceedings before him unless such

Determination.

Evidence.

Court may direct commissioner to act.

Evidence certified to court.

Setting aside finding.

irregularity or informality tends to defeat or impair the substantial right of the prosecutor in certiorari. If with respect to any finding or order of the Commissioner of Banking and Insurance it shall appear equitable and just that a rehearing shall be had before the said Commissioner of Banking and Insurance, the Supreme Court may order that such a hearing be had upon such terms and conditions as are reasonable, and the said Commissioner of Banking and Insurance shall thereupon proceed to such hearing upon the testimony theretofore taken and upon which the finding or order under review was based and upon such additional testimony, if any, as may be produced. As a result of such rehearing the Commissioner of Banking and Insurance may either revise, alter, modify or amend such finding and any order made pursuant thereto. The findings and orders of the Commissioner of Banking and Insurance made as a result of any such rehearing shall also be subject to review by the Supreme Court in the same manner as herein prescribed with respect to the original findings and orders. In any proceedings brought under this act to review the action of the Commissioner of Banking and Insurance in refusing to issue or renew a certificate of authority or in cancelling or revoking the same, the practice and procedure thereon shall be according to the practice and procedure obtaining in this State with respect to the prosecution of writs of certiorari, except as the same may be expressly changed by this act. The judgment of the Supreme Court on any writ of certiorari prosecuted under this act shall be subject to review by the Court of Errors and Appeals in the manner now prescribed by law.

Rehearing.

Result of rehearing.

Result reviewable by court.

Procedure.

Judgment reviewable by Court of Errors.

Whenever a judgment in the Supreme Court upon a writ of certiorari prosecuted under the provisions of this act shall be appealed to the Court of Errors and Appeals and the said Court of Errors and Appeals shall deem it equitable and just that a rehearing shall be had before the said Commissioner

Rehearing on appeal.

of Banking and Insurance said court shall remit the record and proceedings before it to the Supreme Court to the end that said court shall order that such rehearing be had before said Commissioner of Banking and Insurance upon such terms and conditions as are reasonable and as are hereinbefore provided. The findings and orders of the Commissioner of Banking and Insurance made as a result of any such rehearing shall also be subject to review in the same manner as herein prescribed with respect to the original hearing.

Findings and orders reviewable.

12. Definition of terms. The term "securities" as used in this act shall be taken to mean, and include, stock certificates, shares, treasury shares, bonds, debentures, evidences of indebtedness, certificates of participation, units, undivided interest, notes, or other obligations or evidence of indebtedness or of title which constitute evidence of or are secured by title to, interest in, or lien upon any or all of the property or profits of the issuer, or any instrument issued or offered to the public evidencing or representing any right to participate or share in the profits or earnings or the distribution of assets of any business carried on for profit or other instruments in the nature thereof by whatsoever name known or called, or undivided interests in the capital, property, assets, profits or business of any person, corporation, partnership, joint stock company, declaration of trust, association or other association or individual, whether evidenced by writing or printed certificates or not.

Securities defined.

13. Service of process. In all suits or actions brought in any court of this State against any such foreign corporation, process may be served upon the Commissioner of Banking and Insurance by leaving a copy of the same in the office of the said Commissioner of Banking and Insurance with a service fee of two dollars ($2.00) to be taxed in the plaintiff's costs of suit. Such service upon such commissioner shall be deemed sufficient service upon the corporation. When any original process

Serving process.

Fee.

Foreign corporations notified.

is served upon the Commissioner of Banking and Insurance as attorney or agent for any such foreign corporation and a service fee of two dollars ($2.00) paid to him, he shall forthwith notify the said foreign corporation 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 two days after such service forward in the same manner 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 company by written notice filed in the office of the Commissioner of Banking and Insurance. The Commissioner of Banking and Insurance shall keep a record of the service of all such process which shall show the date and hour of service.

Record of service.

Certificates of authority continue effective.

14. All certificates of authority heretofore issued and now in effect pursuant to the provisions of an act entitled "An act concerning banking, saving, trust, guaranty, safe deposit, indemnity, mortgage, investment, loan and building corporations of other States or foreign governments," approved June tenth, one thousand eight hundred and ninety, being chapter two hundred and fifty-one of the laws of one thousand eight hundred and ninety, shall continue in full force and virtue, but subject, however, to the provisions of this act, and the holders thereof are hereby expressly authorized to continue to transact business in this State in the same manner as though the certificates which they now hold were originally issued under the provision of this act.

Repealer.

Proviso.

15. All acts and parts of acts inconsistent with this act are hereby repealed; *provided, however,* that nothing herein contained shall be construed to modify or repeal the provisions of chapter thirty-five of the laws of one thousand nine hundred and seven, entitled "An act prohibiting the transaction of business in this State by foreign banking, savings, trust or safe deposit corporations," approved

April tenth, one thousand nine hundred and seven, nor shall this act be deemed to supersede the same.

16. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 25

A FURTHER SUPPLEMENT to an act entitled "An act to authorize two or more municipalities of this State to jointly construct and maintain outlet or trunk sewers and disposal works; and to authorize every such municipality to construct local sewers within its corporate limits connecting with or discharging into such joint outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine.

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

Right to lease certain land.

1. In case the municipalities jointly contracting under the act to which this act is a supplement shall, at any time after the execution of such joint contract, deem it expedient to lease a portion of the lands of the Passaic Valley Sewerage Commissioners for the purpose of constructing on or in such leased lands pipe lines and sewage storage tanks with appurtenances, it shall be lawful for such municipalities, so jointly contracting, and the Passaic Valley Sewerage Commissioners to enter into a contract or contracts for such purposes, upon such terms and for such consideration and period of years as may be agreed upon between the contracting parties; and the said municipalities, so jointly contracting, shall have the further right, power and authority to enter into a contract or

Contract.

Disposal of sludge.

contracts with said Passaic Valley Sewerage Commissioners for the disposal of sludge by barge to sea or otherwise.

2. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 26

A SUPPLEMENT to an act entitled "An act to relieve from pollution the rivers and streams within the Passaic Valley sewerage district, established and defined by an act of the Legislature entitled 'An act to create a sewerage district to be called the Passaic Valley sewerage district,' approved March twenty-seventh, one thousand nine hundred and two, and for this purpose establishing therefor a district board of commissioners, defining its powers and duties and providing for the appointment, terms of office, duties and compensation of such commissioners, and further providing for the raising, collecting and expenditure of the necessary moneys," approved April twenty-second, one thousand nine hundred and three.

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

Commission may lease certain land.

1. The Passaic Valley Sewerage Commissioners are hereby given the right, power and authority to lease unto any two or more municipalities in this State, organized in joint meeting, under the provisions of an act entitled "An act to authorize two or more municipalities in this State to jointly construct and maintain outlet or trunk sewers,"

approved March fifteenth, one thousand eight hundred and ninety-nine, and the supplements thereto and amendments thereof, for such period of years as may be agreed upon, any portion of its lands deemed necessary by the contracting parties for the purpose of constructing and maintaining on and in such leased lands, pipe lines and sewage storage tanks with appurtenances, and to enter into any agreements concerning the same, upon such terms and conditions as may be agreed upon; and shall further have the right, power and authority to enter into a contract or contracts with such municipalities, organized in joint meeting as aforesaid, for the disposal of sludge by barge to sea or otherwise.

Further rights.

2. All moneys received by Passaic Valley Sewerage Commissioners pursuant to any such lease and contract or contracts shall be applied first to all costs and expenses in connection with said lease and contract or contracts, and the balance of the monies, if any, shall be applied toward the payment of the cost of operation and maintenance of the intercepting sewer and appurtenances operated and maintained by the Passaic Valley Sewerage Commissioners.

Use of moneys derived by lease and contract.

3. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 27

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved April twenty-first, nineteen hundred and nine.

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

Section 1 amended.

1. Amend section one of the act to which this act is an amendment so that it shall read as follows:

Tenure of teachers.

1. The services of all teachers, principals, supervising principals of the public schools in any school district of this State shall be during good behavior and efficiency, after the expiration of a period of employment of three consecutive calendar years in that district unless a shorter period is fixed by the employing board; or after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year; *provided*, that the time any teacher, principal, supervising principal has taught in the district in which he or she is employed at the time this act shall go into effect shall be counted in determining such period of employment. An academic year shall be interpreted to mean the period between the time school opens in the district after the general summer vacation until the next succeeding summer vacation. No principal or teacher shall be dismissed or subjected to reduction of salary in said school district except for inefficiency, incapacity, conduct unbecoming a teacher or other just cause, and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or person making the

Proviso.

Academic year defined.

Removal or reduction for cause.

Charges.

same, and filed with the secretary or clerk of the board of education having charge of the school in which the service is being rendered, and after the charge shall have been examined into and found true in fact by said board of education, upon reasonable notice to the person charged, who may be represented by counsel at the hearing. Charges may be filed by any person whether a member of said school board or not.

Examination and action.

2. If any one or more sections, subsections, sentences or parts of this act shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision so held unconstitutional or invalid.

Constitutionality of act.

3. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 28

A FURTHER SUPPLEMENT to an act entitled "An act concerning railroads" (Revision of 1903), approved April fourteenth, one thousand nine hundred and three.

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

1. Every railroad company may, by action taken at any meeting of its board of directors, sell or exchange all or substantially all of its property and assets, including its franchises, upon such terms and conditions and for such considerations, which may be in whole or in part shares of stock in, and/or other securities of any other corporation or

Railroad may dispose of property and franchises.

corporations, as its board of directors shall deem expedient and for the best interest of the company, when and as authorized by the affirmative vote of two-thirds in interest of the holders of each class of stock having voting powers on such proposal given at a stockholders' meeting duly called for that purpose, or when authorized by the written consent of two-thirds in interest of the holders of each class of stock having voting powers on such proposal; *provided,* that no such sale or exchange shall be valid unless approved by the Board of Public Utility Commissioners. Notice of such meeting or of such consent shall be given to all stockholders of record whether or not they shall be entitled to vote on such proposal. If any stockholder shall at such meeting, or within twenty days after such meeting, or the receipt of notice of such consent, object to such sale or exchange and demand payment for his shares, such objecting stockholder or the company may, within sixty days after such meeting or the receipt of such notice of consent, apply for an appraisal of such stock as provided by the one hundred and eighth section of the "Act concerning corporations" (Revision of 1896), all of the provisions of which section shall in all respects be applicable.

Proviso—approval.

Notice of meeting to all stockholders.

Appraisal of stock of objecting stockholder.

2. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 29

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, nineteen hundred and seventeen.

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

1. An act entitled "An act concerning municipalities," approved March twenty-seventh, nineteen hundred and seventeen, is hereby amended by inserting after section three of article sixteen, a new section to be numbered 3A as follows: Section 3-A added to art. 16.

3A. If any person shall be removed from office or employment in any such police department, or from the police force of any municipality which has not adopted the provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities and providing for a Civil Service Commission and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, such person may appeal such removal to the court of common pleas of the county in which such municipality is situated, and such court shall hear such case de novo, and may order such person reinstated in his office or employment if such court should find that such person was not guilty of the charges upon which he was removed, or may make such other order as such court may decide is proper and just under the circumstances. Appealing removal from office. New hearing. Order

2. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 30

AN ACT to amend an act entitled "An act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river below Trenton Falls, within the jurisdiction, respectively, of the Commonwealth of Pennsylvania and of the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," approved April twenty-first, one thousand nine hundred and nine.

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

Section 3 amended.

1. Section three of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Game fish defined.

3. For the purposes of this act the following fish shall be designated as game fish, to wit: Black bass or small-mouth bass; large-mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass; rock bass, otherwise known as red-eye or goggle-eye; white bass; crappie, pike-perch, otherwise called wall-eyed pike or Susquehanna salmon; pike; pickerel; charr, commonly called brook or speckled trout, or any form of trout. The following shall be designated as bait fish, to wit: All species of minnows, killifishes and stone catfish. All other species or varieties of fish whatsoever shall be designated as food fish.

Bait fish.

Food fish.

Section 4 amended

2. Section four of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Rod or hand line only allowed.

4. It shall be unlawful to catch or fish for any game fish, or any sunfish, or any white or yellow perch in any part of the Delaware river below

Trenton Falls, with any device or by any means or method whatsoever, excepting with rods and lines or hand lines, commonly called dipsey or throw lines, each having not more than three hooks, or with trolling lines with spoon or artificial bait having not more than one burr of three single hooks attached. The number of rods and lines, or the number of trolling lines not to exceed two of one or the other device named. Any person violating any provisions of this section shall on conviction thereof be subject to a fine of twenty dollars.

Number of lines.

Penalty.

4a. It shall be unlawful to fish for and take game fish, excepting from the fifteenth day of June to the first day of December, inclusive, in each year; *provided, however,* that any charr, commonly called brook or speckled trout, or any form of trout, may only be taken between the fifteenth day of April and the thirty-first day of July, both dates inclusive, in each year. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each and every fish so taken.

Season for game fish.

Proviso.

Penalty.

4b. It shall be unlawful to take, catch, kill, or have in possession in any one day more than ten in all of black and Oswego bass, twenty rock bass, twenty in all of calico bass and crappie, ten pike-perch or wall-eyed pike, ten pike, ten pickerel, or twenty trout, under a penalty of twenty dollars for each fish so taken, caught, killed, or possessed in excess of the number permitted by this section.

Number of certain fish taken.

3. Section six of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Section 6 amended.

6. It shall be unlawful to fish for food fish in the Delaware river below Trenton Falls with any device, method or means, excepting by the following devices and under regulations and restrictions hereinafter described, to wit: A seine, a gill net, an eel pot, or fyke net, each without wings; a parallel net, or stake net at the edge of low water, and rods and lines or hand lines, otherwise known as

Taking food fish—methods.

dipsey or throw lines, each having not more than three hooks. The number of rods and lines or hand lines not to exceed three of one or the other device named. Any person who shall use or employ any method or device for catching food fish other than those named in this section, or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned, shall be subject to a fine of twenty dollars.

Penalty.

Fishing below Trenton Falls.

6a. It shall be lawful to catch food fish with rods and lines and hand lines and trolling lines as described in section four of this act at any time of the year in the Delaware river below Trenton Falls.

Section 7 amended.

4. Section seven of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Size of meshes of nets.

7. It shall be unlawful for any person to catch and take or attempt to catch and take sturgeon from the Delaware river below Trenton Falls with any device excepting a seine or a gill net, the meshes of which shall not be less than thirteen inches stretched measure while being fished or to catch and take or attempt to catch and take any other food fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished or any gill net the meshes of which shall be less than five and one-quarter inches stretched measure while being fished; *provided,* that gill nets with a mesh not smaller than three inches may be used from March first to June tenth in each year, for the purpose of taking herring only. It shall also be unlawful for any person to catch and take, or attempt to catch and take, any food fish, except sturgeon, by means of a seine or gill net between the tenth day of June in each and every year and the first day of March next ensuing; *provided,* that suckers may be taken with a seine only from October fifteenth in each and every year to the fifteenth day of March next ensuing. Any person who shall violate any of the provisions of this section shall, on conviction there-

Proviso—taking herring.

Sturgeon fishing.

Proviso.

Penalty.

of, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and appliances used.

Section 8 amended.

5. Section eight of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Staked nets forbidden.

8. It shall be unlawful for any person to catch and take, or attempt to catch and take, fish of any kind from the Delaware river, below Trenton Falls, with a net of any character which is anchored or staked, or fastened down in any manner, permanently or otherwise, or to use any net so anchored or fastened down in any manner; nor shall any net of any kind or character, be used for the purpose of catching and taking fish in said waters within one-half mile above or below the mouth of any river, creek or stream emptying into said Delaware river below Trenton Falls. Any person who shall violate any of the provisions of this section shall on conviction thereof be subject to a fine of twenty dollars, together with the forfeiture of boats, nets and other appliances used.

Fishing near mouth of river, etc.

Penalty.

Section 10 repealed.

6. Section ten of the act to which this act is amendatory is hereby repealed.

Section 12 amended.

7. Section twelve of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Use of parallel nets.

12. It shall be unlawful to use a parallel net, otherwise a net set approximately parallel with the shore in the Delaware river below Trenton Falls, and at low-water mark between the first day of June and the thirty-first day of August in each year, and it shall be lawful to use such parallel net from the first day of September to the thirty-first day of May, inclusive, next ensuing in each year, for the purpose of taking carp only; *provided,* that the meshes of said net be not less than three and one-half inches stretched measure when being fished; *provided,* that seines not smaller than two and one-half inch mesh may be used from September first to May thirty-first of each year for the

Taking carp.

Proviso.

Proviso.

Proviso.

purpose of taking carp only; *and provided, further,* that no such net shall be set in such manner as to impede navigation. All other fish than carp must be returned unharmed to the water beyond low-water mark. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of one hundred dollars together with a forfeiture of all nets and other appliances used.

Returning fish to water.

Penalty.

Approved February 13, 1935.

CHAPTER 31

AN ACT to amend an act entitled "An act regulating fishing in the waters of the tributaries of the Delaware river, in this State, between Trenton Falls and Birch creek wherein the tide ebbs and flows," approved February twenty-eighth, one thousand nine hundred and twelve.

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

Section 1 amended.

1. Section one of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Game fish designated.

1. For the purposes of this act the following fish shall be designated as game fish, to wit: Black bass or small mouth bass; large mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass; rock bass, otherwise known as red-eye or goggle-eye; white bass; crappie, pike-perch, otherwise called wall-eyed pike or Susquehanna salmon; pike, pickerel, charr, commonly called brook or speckled trout, or any form of trout. The following shall be designated as bait fish, to wit: All species of minnows, killi-fishes and stone catfish. All

Bait fish.

Food fish.

other species or varieties of fish whatsoever shall be designated as food fish.

Section 2 amended.

2. Section two of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Catching game fish.

2. It shall be unlawful to catch or fish for any game fish or any sunfish or any white or yellow perch in any waters of the tributaries of the Delaware river, in this State, between Trenton Falls and Birch creek, wherein the tide ebbs and flows, with any device or by any means or method whatsoever, excepting with rods and lines, or hand lines, commonly called dipsey or throw lines, each having not more than three hooks, or with trolling lines with spoon or artificial bait, having not more than one burr of three single hooks attached. The number of rods and lines, or the number of trolling lines not to exceed two of one or the other device named. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars.

Number of lines.

Penalty.

Season for game fish.

2a. It shall be unlawful to fish for and take game fish, excepting from the fifteenth day of June to the first day of December inclusive, in each year; *provided, however,* that any charr, commonly called brook or speckled trout, or any form of trout, may only be taken between the fifteenth day of April and the thirty-first day of July, both dates inclusive in each year. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each and every fish so taken.

Proviso.

Penalty.

Season for certain fish.

2b. It shall be unlawful to take, catch, kill, or have in possession in any one day more than ten in all of black and Oswego bass, twenty rock bass, twenty in all of calico bass and crappie, ten pikeperch or wall-eyed pike, ten pike, ten pickerel, or twenty trout, under a penalty of twenty dollars for each fish so taken, caught, killed, or possessed in excess of the number permitted by this section.

Penalty.

Section 4 amended.

3. Section four of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Catching food fish.

4. It shall be unlawful to fish for food fish in the waters of the tributaries of the Delaware river, in this State, between Trenton Falls and Birch creek, wherein the tide ebbs and flows, with any device, method or means excepting by the following devices, and under regulations and restrictions hereinafter described, to wit: A seine, a gill net, an eel pot or fyke net, each without wings, a parallel net or stake net at the edge of low water, and rods and lines, or hand lines, otherwise known as dipsey or throw lines, each having not more than three hooks. The number of rods and lines or hand lines not to exceed three of one or the other device named. Any person who shall use or employ any method or device for catching food fish other than those named in this section or shall use or employ any device named in this section, contrary to the regulations and restrictions hereinafter mentioned, shall be subject to a fine of twenty dollars.

Fishing devices.

Number of lines.

Penalty.

All year fishing.

4a. It shall be lawful to catch food fish with rods and lines and hand lines and trolling lines as described in section two of this act at any time of the year in the waters of the tributaries of the Delaware river, in this State, between Trenton Falls and Birch creek wherein the tide ebbs and flows.

Section 5 amended.

4. Section five of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Sturgeon fishing.

5. It shall be unlawful for any person to catch and take, or attempt to catch and take, sturgeon from the waters of the tributaries of the Delaware river, in this State, between Trenton Falls and Birch creek, wherein the tide ebbs and flows, with any device, excepting a seine or a gill net, the meshes of which shall not be less than thirteen inches stretched measure, while being fished, or to catch and take or attempt to catch and take, any other food fish from said water with a seine, the

Meshes of nets.

meshes of which shall be less than two and one-half inches, stretched measure, while being fished, or any gill net, the meshes of which shall be less than five and one-quarter inches, stretched measure, while being fished; *provided,* that gill nets with a mesh not smaller than three inches may be used from March first to June tenth in each year for the purpose of taking herring only. It shall also be unlawful for any person to catch and take, or attempt to catch and take, any food fish, except sturgeon, by means of a seine or gill net between the tenth day of June in each and every year and the first day of March next ensuing; *provided,* that suckers may be taken with a seine only from October fifteenth in each and every year to the fifteenth day of March next ensuing. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and appliances used.

Proviso—taking herring.

Closed season.

Proviso—taking suckers.

Penalty.

5. Section eight of the act to which this act is amendatory is hereby repealed.

Section 8 repealed.

6. Section ten of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Section 10 amended.

10. It shall be unlawful to use a parallel net, otherwise a net set approximately parallel with the shore, in the waters of the tributaries of the Delaware river, in this State, between Trenton Falls and Birch creek, wherein the tide ebbs and flows, and at low water mark between the first day of June and the thirty-first day of August in each year, and it shall be lawful to use such parallel net from the first day of September to the thirty-first day of May, inclusive, next ensuing in each year for the purpose of taking carp only; *provided,* that the meshes of said net be not less than three and one-half inches, stretched measure, when being fished; *provided,* that seines not smaller than two and one-half inch mesh and cast nets may be used from September first to May thirty-first of each year,

Use of parallel nets.

Taking carp.

Proviso.

Proviso.

Catfish, carp.
Proviso.
Returning to water.
Penalty.

for the purpose of taking catfish, carp only; *and provided, further,* that no such net shall be set in such manner as to impede navigation. All other fish than catfish, carp must be returned unharmed to the water beyond low water mark. Any person violating any of the provisions of this section shall on conviction thereof, be subject to a fine of one hundred dollars together with a forfeiture of all nets and other appliances used.

Approved February 13, 1935.

CHAPTER 32

AN ACT to amend an act entitled "An act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river above Trenton Falls, within the jurisdiction, respectively, of the Commonwealth of Pennsylvania and of the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," approved April twenty-first, one thousand nine hundred and nine.

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

Section 3 amended.

1. Section three of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Game fish defined.

3. For the purposes of this act the following fish shall be designated as game fish, to wit: Black bass or small mouth bass; large mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass, rock bass, otherwise known as red-eye or goggle-eye; white bass; crappie; pike-perch, other-

wise called wall-eyed pike or Susquehanna salmon; pike; pickerel; charr, commonly called brook or speckled trout, or any form of trout. The following shall be designated as bait fish to wit: All species of minnows, killi-fishes and stone catfish. All other species or varieties of fish whatsoever shall be designated as food fish.

Bait fish.

Food fish.

2. Section four of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Section 4 amended.

4. It shall be unlawful to catch or fish for any game fish, or any sunfish, or any white or yellow perch in any part of the Delaware river above Trenton Falls with any device or by any means or method whatsoever excepting with rods and lines or hand lines, commonly called dipsey, or throw lines each having not more than three hooks, or with trolling lines with spoon or artificial bait having not more than one burr of three single hooks attached. The number of rods and lines or the number of trolling lines not to exceed two of one or the other device named. Any person violating any provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars.

Rod or hand lines only allowed.

Number of lines.

Penalty.

4a. It shall be unlawful to fish for and take game fish, excepting from the fifteenth day of June to the first day of December inclusive, in each year; *provided, however,* that any charr, commonly called brook or speckled trout, or any form of trout, may only be taken between the fifteenth day of April and the thirty-first day of July, both dates inclusive in each year. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each and every fish so taken.

Season for game fish.

Proviso.

Penalty.

4b. It shall be unlawful to take, catch, kill, or have in possession in any one day more than ten in all of black and Oswego bass, twenty rock bass, twenty in all of calico bass and crappie, ten pike-perch or wall-eyed pike, ten pike, ten pickerel, or twenty trout, under a penalty of twenty dollars for

Number of certain fish taken.

Penalty.

each fish so taken, caught, killed, or possessed in excess of the number permitted by this section.

Section 6 amended.

3. Section six of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Taking food fish—methods.

6. It shall be unlawful to fish for food fish in the Delaware river above Trenton Falls with any device, method or means excepting by the following devices and under regulations and restrictions hereinafter described, to wit: A seine, an eel pot or fyke net, each without wings, and rods and lines or hand lines, otherwise known as dipsey or throw lines, each having not more than three hooks. The number of rods and lines or hand lines not to exceed three of one or the other device named. Any person who shall use or employ any method or device for catching food fish other than those named in this section or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned, shall be subject to a fine of twenty dollars.

Number of lines.

Fishing above Trenton Falls.

6a. It shall be lawful to catch food fish with rods and lines and hand lines and trolling lines as described in section four of this act at any time of the year in the Delaware river above Trenton Falls.

Section 7 amended.

4. Section seven of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Size of meshes of nets.

7. It shall be unlawful for any person to catch and take or attempt to catch and take sturgeon from the Delaware river above Trenton Falls with any device excepting a seine, the meshes of which shall not be less than thirteen inches stretched measure while being fished, or to catch and take or attempt to catch and take any other food fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished. It shall also be unlawful for any person to catch and take or attempt to catch and take any food fish, except sturgeon, by means of a seine, between the tenth day of June

Season for seine fishing.

in each and every year and the first day of March next ensuing; *provided,* that suckers may be taken with a seine only from October fifteenth in each and every year to the fifteenth day of March next ensuing. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars together with a forfeiture of all nets, boats and appliances used.

Proviso, taking suckers.

Penalty.

5. Section eight of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Section 8 amended.

8. It shall be unlawful for any person to catch and take or attempt to catch and take any fish of any kind from the Delaware river above Trenton Falls with a net of any character which is anchored or staked or fastened down in any manner permanently or otherwise, or to use any net so anchored or fastened down in any manner, nor shall any net of any kind or character be used for the purpose of catching and taking fish in said waters within one-half mile above or below the mouth of any river, creek or stream emptying into said Delaware river above Trenton Falls. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars, together with the forfeiture of boats, nets and other appliances used.

Use of staked nets.

Penalty.

6. Section ten of the act to which this act is amendatory is hereby repealed.

Section 10 repealed.

Approved February 13, 1935.

CHAPTER 33

AN ACT to amend an act entitled "A general act relating to boroughs" (Revision of 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

Section 23 amended.

1. Section twenty-three of the act to which this act is amendatory be and the same is hereby amended to read as follows:

Borough council.

Annual meeting.

23. The mayor and councilmen of every borough shall constitute the council thereof. They shall hold an annual meeting on January first at twelve o'clock noon, or during the next following week day not a legal holiday, and such other meetings, or adjourned meetings, at such time and place as they may by resolution direct, but all regular meetings shall be held within the borough. Special meetings may be called and held as provided in section 40:48-24 of this title.

Other meetings.

Special meetings.

Quorum.

Three councilmen and the mayor, and, in the absence of the mayor, four councilmen, shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time.

Mayor to preside; when to vote.

The mayor shall preside over all meetings except as herein in this article otherwise provided, but shall not vote except to give the deciding vote in case of a tie.

2. This act shall take effect immediately.

Approved February 13, 1935.

CHAPTER 34

AN ACT to appropriate money from the treasury of this State to pay expenses incurred and to be incurred in connection with litigation respecting transfer inheritance taxes and taxes on property in railroad and canal use.

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

Appropriation for litigation by Attorney-General.

1. To defray the expenses heretofore and hereafter incurred in defending the interests of the State in litigation arising from the levying of transfer inheritance taxes and from taxes on property in railroad and canal use, the sum of seventy-five thousand dollars ($75,000.00), or so much thereof as may be necessary, is hereby appropriated forthwith from the treasury of this State to the Attorney General's Department, to be disbursed and paid by the State Treasurer on vouchers signed and submitted by the Attorney General.

2. This act shall take effect immediately.

Filed February 20, 1935.

CHAPTER 35

AN ACT for the relief of the unemployed and dependents in the several counties and municipalities of this State, making appropriations therefor, and providing for penalties or punishment for violation.

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

State Emergency Relief Administration created.

1. There is hereby created a State Emergency Relief Administration, consisting of a State Relief Council, hereinafter called the Relief Council, a

State director of emergency relief, hereinafter called the State director, and such other assistants as he may, with the approval of the Relief Council, appoint.

Office. The principal office of the State Relief Administration shall be at the State Capitol, but offices may be maintained at such other places as the State director may determine.

Relief Council. 2. The Relief Council shall consist of the Commissioner of Institutions and Agencies, the Commissioner of Labor, the Commissioner of Finance, and the State Auditor, together with five representative citizens to be appointed by the Governor, by and with the advice and consent of the Senate, any of which members shall be subject to removal by the Governor at any time. They shall serve without compensation. The Governor also shall be, ex officio, a member of the Relief Council.

Organization. Upon the passage of this act, and the appointment of the full membership as herein provided, the Relief Council shall organize and elect a chairman, a vice-chairman, and a secretary, who may or

Record kept. may not be a member of the Relief Council. The secretary shall keep a full and complete record of all meetings and proceedings, and perform such other duties as may be assigned to him by the Re-

Assistant secretary. lief Council. With the approval of the Relief Council, he may designate an assistant secretary.

Rules. The Relief Council shall adopt such rules for the conduct of its meetings as it shall deem advisable, including the time for holding regular meetings.

Quorum. A quorum at least three of whom shall be representative citizen members shall consist of five members.

Relief districts. Each county in the State is hereby declared to be a relief district within the meaning of this act, and all relief measures undertaken and all grants of funds made to and for the benefit of municipalities (including counties) or other political subdivisions of the State shall be undertaken through and made to the several relief districts.

The Relief Council shall formulate, declare and establish the policies and procedures for the administration of relief in this State and, through the State director, his assistants and employees, shall manage the detailed expenditure of State funds and funds received from the Federal Government, the various municipalities of the State, or from any other source. All funds for emergency relief received from the State and the Federal Government or any other source shall be deposited in the name of the State Treasurer. Payment of all bills contracted in accordance with the provisions of this act shall be made by the State Treasurer, upon warrant of the Comptroller, after examination and audit thereof in the same manner as other obligations contracted by the State are paid. It shall determine and regulate the assistance granted to the several counties and other political subdivisions, make such rules and regulations and perform such other duties and assume such other responsibilities with respect to the State relief program as the emergency may require.

Policies and procedure.

Funds deposited.

Payment of bills.

Regulate assistance.

The Relief Council may, in its discretion, cooperate with existing National, State or local emergency relief commissions or agencies, and if it deems it advisable may co-ordinate and correlate its work with the work or projects of any such commission or agency.

Co-operate with existing agencies.

3. The State director shall be appointed by the Relief Council. He shall devote his entire time to the performance of the duties of his office, and shall receive a salary to be fixed by the Relief Council. He may be removed from office at any time upon the affirmative vote of not less than five members of the Relief Council.

State director.

Salary.

Removal.

4. All other assistants and employees shall be appointed or employed by the State director, with the approval of the Relief Council. Such approval may be signified or given by a resolution embodying the authority to appoint or employ the necessary assistants and employees. The Relief Council shall also, upon recommendation of the State direc-

Assistants.

Compensation.

tor, fix, by resolution, the compensation to be paid the various assistants and employees, or classes of employees, graded according to the nature or character of employment. Any assistant or employee appointed by the State Director under the authority of this act may be removed or discharged by him at any time, and in his discretion.

Removal.

Intention in reference to employees.

It is declared as the intention of this act that in so far as may be found practicable, the necessary employees and assistants required by the Relief Council, the State director, or by county directors in the administration of emergency relief and of all relief work undertaken hereunder shall be recruited from the present public officers and employees of the State, county and municipal governments, and that in all cases they shall serve without compensation, other than their regular compensation received as State, county and municipal employees; *provided,* that nothing herein contained shall be construed to prohibit, restrain or limit, at the discretion of the Relief Council, any duly licensed physician or dentist of this State employed by the State, or any county, municipality or school district thereof from being compensated or remunerated for the care and treatment of emergency relief patients. The Relief Council may prescribe by rule the conditions under which such compensation or remuneration may be paid.

Proviso.

Oaths.

The State director, members of the Relief Council, and each county director shall, before entering upon the duties of his office, take and subscribe the usual oath of office, the same to be filed in the office of the Secretary of State.

Duties of State director.

5. The State director shall be the chief executive and administrative officer of the State Emergency Relief Administration and its official agent for all purposes. He shall be the budget officer, and unless some other person be appointed by the Relief Council for that purpose, he shall be its fiscal officer. He shall have general charge, direction and supervision of the work of and measures under-

taken by the emergency relief administration. He shall have authority to appoint such advisory councils and committees as he shall deem necessary. He may bond in such sums as he may deem sufficient any assistant, employee, or officer charged with the handling of and accounting for funds coming under the jurisdiction and control of the State Emergency Relief Administration.

Assistants bonded.

6. The State director shall appoint a county director of emergency relief, hereinafter called the county director, with approval of the Relief Council, for each of the counties in this State, and fix his compensation. Any county director, when so appointed, may be removed from office at any time by the State director, at his discretion.

County directors.

The county director may appoint such assistants and employ such stenographic, clerical and other employees as he may deem necessary to carry out the intent and purposes of this act, and, with the approval of the State director, fix their compensation. All assistants and employees in the office of county directors may be removed or discharged at any time by the county director, subject to approval by the State director.

Assistants.

The county director may, subject to approval by the State director, appoint a county advisory board for the county for which he was appointed. If such county advisory board is appointed it shall consist of at least seven representative citizens of such county, at least two of whom shall be women, and the members of such board shall serve without compensation. Such county advisory board shall be responsible to the county director and may, subject to his discretion and assignment, advise, determine and aid in the administration of relief assistance granted to the county and other political subdivisions within the county, subject always to the limitations, rules and regulations prescribed by the State director and the Relief Council.

County advisory boards.

7. No person or persons appointed to any office or position, or employed in any capacity in the

Status of employees.

State Emergency Relief Administration created by this act, or the authority for whose appointment or employment is contained in this act, shall be entitled to the protection of or shall be subject to the provisions of the civil service laws, rules, and regulations of this State. The provisions of this section shall not be held to apply to or affect in any way the permanent forces of any department, board, commission or agency in the State, county, or municipal governments subject to the civil service laws. Such temporary employment of any person appointed as herein provided shall in no case be held as entitling any such appointee to any right, privilege, or preference to permanent employment or status. The appointing authorities in every case may terminate all or any such temporary emergency employment at any time, and in no case shall it extend beyond the period of emergency as provided in this act.

No compensation.

8. The Relief Council and such State and county advisory boards and committees as may be appointed shall serve without compensation, but they

Expenses paid.

may be paid the necessary and actual expenses incurred by them in the performance of their duties when and as determined by the Relief Council.

Duties of advisory councils:

9. The State director, with the approval of the Relief Council, shall have the power and it shall be his duty to prescribe the duties of each such advisory council or committee which he may appoint, of county and municipal directors and all other

Study unemployment;

employees and assistants; to make or cause to be made a thorough and comprehensive study of unemployment within the State, the occupations, industries and trades most affected thereby, and the number of persons in need by reason thereof, the character and kind of public or private relief now being provided, the character and extent of public work required or useful to be done by the State or any political subdivision thereof, the resources available by public or private agencies for relief purposes and such other studies or inquiries as may be promptly done and of value to him in the

prompt execution of the relief plans contemplated under the terms of this act; to establish policies and prescribe a program of emergency relief for the State and the several counties and municipalities therein; to co-ordinate the local relief activities with the State program; to establish, amend and enforce rules and regulations for the guidance of all county directors, advisory councils and groups, assistants and employees and for the regulation and control of all relief work and projects undertaken on the part of the State or jointly by the State and any county or local government, or department, and for the allocation and disbursement of funds therefor; to require the co-operation and assistance of any local government, department, officer or employee thereof, and to do any other needful thing for the accomplishment of the purposes of this act. Such rules and regulations and each change in or amendment thereto shall be publicly announced and copies of the same shall be furnished to each council, advisory group, county director, and to State, county and municipal public agencies and departments having to do with public relief and welfare work.

Establish relief policies;

Co-ordinate local activities;

Require local government assistance.

Rules and regulations.

10. The State director, with the approval of the Relief Council, shall report to the Governor and the Legislature from time to time on the work accomplished and the financial grants and expenditures of his administration, together with the conditions of unemployment and the relief afforded to unemployed persons of the State in such detail as the Governor may require.

Reports.

11. When designated and required by the Relief Council or the State director so to do, the Relief Council, sitting as a whole, or any designated member or members thereof, the State director, any county director, or any other person duly designated and required as aforesaid is hereby authorized and empowered to conduct an inquiry into and investigate the administration of relief measures and projects undertaken pursuant to the terms of this act and any phase or part thereof, the ex-

Investigation by Relief Council.

penditure of relief funds under the control and jurisdiction of the State Emergency Relief Administration or of funds allotted to any of the counties, municipalities, or other political subdivisions of this State, the conduct, acts or actions of any officer, member or employee of said relief administration in the performance of his or her official duties; and any person or persons duly authorized and empowered as aforesaid to conduct an inquiry and investigation is hereby empowered to subpœna witnesses, administer oaths, take testimony, and compel the production of such books, papers, records, and documents as may be relevant to any such authorized inquiry or investigation, or any claim for award made pursuant to this act. Upon the completion of any such inquiry or investigation, the person or persons conducting the same shall make report of all the facts adduced and his or their conclusions with reference thereto. Such report shall be made to the officer or body authorizing and requiring the inquiry.

May subpœna witness and records.

Report of investigation.

Method of expending relief funds.

12. The funds appropriated to the Relief Council are to be employed by it and expended for the relief of the unemployed and dependents of this State and shall be distributed upon recommendation of County Directors to such municipalities as the Relief Council and the State director shall deem advisable. The State director, with the approval of the Relief Council, may prescribe the conditions for the distribution and use of such funds allotted to any municipality. The Relief Council, in its discretion, may require any municipality to furnish a portion of the cost of relief as a condition for granting State aid or may assume the entire cost of the relief of unemployed and dependents in such municipality. Where any State funds are granted, the Relief Council is hereby granted full power and authority to prescribe all rules and conditions under which any emergency relief program for the relief of the unemployed and dependents shall be administered. In exercising any of the powers conferred under this section of the act, the State direc-

tor or the Relief Council is authorized to delegate such power in so far as is practicable to the county directors.

Municipal committees.

13. County directors shall appoint municipal committees, at least one member of which committee shall be a member or representative of the governing body and designated by said governing body. Such municipal committees may administer or assist in administering or act in an advisory capacity at the discretion of the county director. The county director shall have power at any time to remove from office any member of a municipal committee appointed by him.

May accept voluntary contributions.

14. For the purpose of relieving the local tax burden imposed upon the various municipalities of this State by the present condition of unemployment and dependency, any municipality of this State is hereby authorized and empowered, subject to the approval of the Relief Council, to accept voluntary contributions of money, which money contributions shall be disbursed in the same manner as other moneys appropriated by such municipality for such purposes. Such voluntary contributions may be included by such municipality as a method or scheme of providing the moneys for its program of unemployment and/or dependency relief required to be submitted to the Relief Council.

Personal injury to employee.

15. In case of personal injury or death by accident arising out of and in course of employment provided by the State, or by any county or municipality, or by any board, commission or agency thereof, pursuant to any plan of relief authorized and approved by the relief Council, the said Relief Council, on its own initiative or upon claim being made to it, shall inquire into the circumstances pertinent and material to the accident from which such injury or death resulted, together with the number and condition of the dependents of such injured or deceased person. Upon being satisfied that such conditions require relief it may, in its discretion, be permitted to pay to such injured per-

Method of settlement.

son or in case of death to the widow or husband of such deceased person, or if no widow or husband to the dependent children, such sum in weekly installments as the Relief Council may determine to be necessary to provide for same during the emergency.

Construing.

16. The payments provided in section fifteen shall be subject entirely to the discretion of the Relief Council and shall in no manner be considered or construed to be a vested right, and shall not be construed as granting a right to sue or to recover from the State or any such administrative body, and the determination by such administrative body shall not be subject to review in the courts.

Lawyers not allowed fees.

17. No attorney or counselor-at-law of this State or any other State shall be entitled to receive any fee or other compensation for presenting or prosecuting any claim under the provisions of this act nor to maintain any suit or action in any of the courts of this State to compel the payment of any such fee or other compensation.

Misdemeanor.

18. Any person presenting any claim for an award under this act, or presenting evidence with respect to any such claim, with intent to defraud the State or any county or municipality, shall be guilty of a misdemeanor and punished accordingly.

Recovering excess relief.

19. If at any time it shall be ascertained that any person who has been assisted by or received support from the emergency relief administration, any county director, assistants or employees, has real or personal property over and above that necessary for the maintenance in whole or in part of such relief recipient, if such relief recipient shall be maintained by the county director, assistants or employees of emergency relief administration, or over and above that sufficient for his or her family, or if any such relief recipient shall die, leaving real or personal property, an action may be maintained in the court of common pleas of the county by the county director of emergency relief for that county wherein said relief recipient has been furnished or provided such assistance or support from the emer-

gency relief administration, or any part thereof, against such relief recipient or his or her estate, to recover such sums of money as may have been expended by the emergency relief administration or the county director thereof in the assistance and support of such relief recipient during the period for which such support was furnished, and if any relief recipient should die having received relief or maintenance as a relief recipient, having insurance upon his or her life, the proceeds of such insurance, after the payment of the expense of the last illness and the funeral expenses of such person, if the terms of policy so permit, shall be first applied to the reimbursement of the said emergency relief administration or county director thereof for the cost of the support and maintenance of such person. This right shall be at the discretion of the county director.

Purpose.

20. The purpose of this act is to provide necessary and prompt relief to the citizens and residents of this State, and this act shall be liberally construed in all courts and places in order that its purposes may be accomplished as equitably and expeditiously as possible. If a statute or regulation, general or special, or any local law or ordinance confers a power, prescribes a duty or imposes a restriction inconsistent with this act, such power shall not be exercised or said duty or restriction endorsed during the continuance of the administration of relief as provided herein.

Cost of administering relief.

21. The cost of administering emergency relief as authorized by this act, including the salaries and expenses of officers, members and employees, the rental of space for relief activities other than public buildings, the cost of furniture, fixtures, stationery and other office materials, supplies and expenses, together with expenditures of funds allotted to the several counties, municipalities and other political subdivision for and on account of authorized relief programs, measures, projects and allotments, shall be taken and made from any funds now or hereafter appropriated to or placed under

the jurisdiction and control of the State Emergency Relief Administration by any other law or laws of this State.

Relief granted children, etc.

22. The Relief Council of the Emergency Relief Administration, or its duly authorized officer, is authorized to advance from funds under its jurisdiction such relief as in its judgment may be required for the relief of children committed to the care and supervision of the State Board of Children's Guardians and of aged persons committed to the care and supervision of the county welfare boards, until funds are otherwise provided therefor. This relief shall be granted under such regulations as may be prescribed by the Relief Council of the Emergency Relief Administration.

Constitutionality.

23. The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional, the decision of the court respecting such provision or provisions shall not affect the validity of any other provisions which can be given effect without such invalid provision or provisions.

Repealer.

24. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act inoperative.

25. The provisions of this act shall expire on the first day of March, one thousand nine hundred and thirty-eight, but its provisions shall become inoperative from and after such time as the Governor shall, by proclamation, declare that the emergency necessitating its creation has ceased to exist.

Proviso.

26. This act shall take effect immediately; *provided, however,* that emergency relief shall continue to be administered under an act entitled "An act for the relief of the unemployed and dependents in the several counties and municipalities of this State and making appropriations therefor," approved January thirty-first, one thousand nine hundred and thirty-four, until March first, one thousand nine hundred and thirty-five. Inconsistent acts are saved from repeal until March first, one thousand nine hundred and thirty-five.

Approved February 26, 1935.

CHAPTER 36

AN ACT to amend an act entitled "An act to provide for a State budget system and its operation," approved April twentieth, one thousand nine hundred and thirty-one.

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

1. Section eighteen of the act to which this act is an amendment is hereby amended to read as follows: Section 18 amended.

18. (a) The State Highway Commission shall, on or before the fifteenth day of October in each year, submit to the Governor a report of the work and operations and financial condition of the department for the year (projecting same to December thirty-first), including itemized report of county and township allotments and commitments, in such form and in such detail as the Governor shall require. Report by Highway Commission to Governor.

(b) On or before the fifteenth day of October in such year the State Highway Commission shall submit to the Governor, in connection with its report for the then current year, a schedule of the estimated anticipated revenues available for highway purposes during the ensuing calendar year. The several revenue items committed to the State highway fund which are dedicated to a specific purpose before being made a part of the State highway fund together with the funds to be made available through the sale of bonds and all unappropriated balances shall be tabulated and shown as the total resources for the support of the Highway Department schedule and program for the ensuing calendar year. Estimated revenue for roads next year. Items tabulated.

(c) On or before the fifteenth day of October in each year the State Highway Commission shall submit to the Governor the schedule and program Program for ensuing year.

for which they propose to expend or use such funds for the ensuing calendar year, stating the dedicated fund items and the general fund items separately, according to purposes, routes and sections of routes. Such program may include projects that may be substituted for other projects included in the program should it be found impossible or impractical to construct or carry on any one or more of the projects in the program.

Governor to review schedule.

(d) The Governor shall review the schedule of anticipated revenues and program submitted by the State Highway Commission, as provided in subsections (b) and (c) hereof, and shall formulate his budget recommendations thereon and shall submit such recommendations to the Legislature at the same time that he submits to the Legislature the budget message provided in section eight of the act to which this act is an amendment. Such recommendations, which shall be for the calendar year in which such budget message is submitted, shall be submitted to the Legislature in substantially the following form, and shall include the items designated hereafter as mandatory dedications, (d-1), (d-2) and (d-3) for the purpose of statistical information only and not for the purpose of their being included in the appropriation act provided for in this act:

Recommendations.

Revenues:

Schedule of revenues.

A detailed schedule of the anticipated revenues to be available for the State highway fund, as hereinafter defined, for the calendar year beginning on the first day of January next ensuing the date provided for the submitting of such report.

Mandatory Dedications:

Debt service.

(d-1) Debt Service: interest, sinking fund and principal payments of any State bonds heretofore or hereafter issued, payable from revenues derived from motor fuel tax.

Projects.

(d-2) State-aid projects which shall include the following items:

County highway systems:

First: Six million dollars ($6,000,000.00) for the construction, reconstruction, maintenance and re-

pair, operation, policing and lighting of county roads and bridges, and for the payment of principal or interest of obligations heretofore incurred for any of such purposes, and for the extension of the county highway system under the following formula:

Percentage of population of each county to the total population of the State, according to the last Federal census; By population;

Percentage of each county road mileage as against total county road mileage in the State; By mileage;

Percentage of each county in area as against total area in the State. By area.

Second: Two million one hundred thousand dollars ($2,100,000.00) to be expended pursuant to "An act to provide for the proper construction, grading, drainage, maintenance and repair of unimproved town, township, village and borough roads of the State," approved March twenty, one thousand nine hundred and sixteen, as amended or supplemented. Municipal roads.

Third: Seven hundred and thirty-five thousand dollars ($735,000.00) to be expended pursuant to the provisions of chapter one hundred and seventy-eight of the laws of one thousand nine hundred and thirty, as amended or supplemented. County roads.

Fourth: Two hundred and ten thousand dollars ($210,000.00) to be expended pursuant to chapter two hundred and fifty-five of the laws of one thousand nine hundred and twenty-nine, as amended or supplemented. Unimproved roads.

Fifth: Ninety thousand dollars ($90,000.00) to the Board of Commerce and Navigation for the construction, reconstruction and maintenance and improvement of the inland waterway, as provided by chapter three hundred and thirty-four of the laws of one thousand nine hundred and twenty-seven, as amended or supplemented. Inland waterways.

Sixth: The amount required for the State highway sinking fund as provided by chapter two hundred and sixty-two, laws of one thousand nine hundred and twenty-two, and chapter one hundred Sinking fund.

and eighty-one of the laws of one thousand nine hundred and twenty-seven, for the year to which the budget shall apply.

Reimbursements.

(d-3) For reimbursement to municipalities or counties due in the budget period for which such budget shall apply, which obligations have been contracted for prior to the passage of this act.

Appropriations:

Motor vehicle department.

(d-4) For administration and operation of the Department of Motor Vehicles and of the Motor Fuel Tax Division of the State Tax Department;

Highway department.

(d-5) For the administration, engineering, inspection and administration costs of right of way for the State highway system;

Construction.

(d-6) For construction of the State highway system;

Plant and equipment.

(d-7) For purchase of plant and equipment of the State Highway Department;

Right of way.

(d-8) For purchase of rights of way for the State highway system;

Maintenance.

(d-9) For maintenance of the State highway system;

Bridges.

(d-10) For administration and operation of the Delaware River Joint Toll Bridge Commission, for the maintenance of free bridges, including improvements;

Quarterly report on road work.

(e) The State Highway Commission shall make a report to the Governor quarterly, and at such other times as the Governor may direct, as to the progress of its work in connection with the program as adopted and upon any project carried over from the preceding year, together with the condition of its revenues and finances all in such detail as the Governor may direct;

Amount set up for county, etc. aid.

(f) On or before December tenth of each year the State Highway Commission shall notify the clerk of the board of chosen freeholders of each county as to the amount of county and township and borough aid which has been set up for the county and each municipality within the county applicable to the ensuing calendar year, and it shall be lawful for the several counties and municipalities to in-

clude such amount in their respective budgets whether such budget be adopted before or after the Legislature has enacted the State Highway Fund appropriation act as provided in this act;

(g) The Governor shall submit his recommendations to the Legislature as to the appropriations to be made under subdivisions (d-5), (d-6), (d-7), (d-8), (9-9) and (d-10) of this act, in lump sum for each item, and who shall submit to the Legislature a detailed budget request as provided in section eight of this act for the recommendations relating to subdivision (d-4), above designated, and the Legislature shall, by separate appropriation act which shall take effect on the first day of January preceding its enactment in each year, and which shall be known as the State highway fund appropriation act, appropriate such items for the several purposes in lump sums as enumerated in subdivision (d) of this section which are required to be appropriated by this act. Prior to the enactment of such appropriation act, it shall be lawful for the State Highway Commission to expend from such moneys in the State highway fund, as hereinafter defined, as shall be necessary for the maintenance of the State Highway system and the administration of the State Highway Department, amounts which may be equal to but not in excess of such amounts as were expended for similar purposes during the same period in the preceding calendar year, and the State Treasurer is hereby authorized to pay on warrant of the Comptroller moneys for such purposes when not in excess of expenditures for similar purposes during the same period in the preceding calendar years; *provided, however,* that during such period as the appropriation act is not in effect no contracts for new construction shall be entered into by the State Highway Commission;

Governor's recommendations.

Necessary maintenance.

Limitation.

Proviso.

(h) The necessary expenses for the administration and operation of the Department of Motor Vehicles and the Motor Fuel Tax Division of the State Tax Department shall be included in the ap-

Motor Vehicle Department.

New Jersey State Library

propriations act provided by this act, as provided in subdivision (e) hereof. There shall be included in the annual appropriations act for the fiscal year 1933-34 the amount of appropriations necessary for the period from July first, one thousand nine hundred and thirty-three, to December thirty-first, one thousand nine hundred and thirty-three, and annually thereafter the Commissioner of Motor Vehicles shall submit to the Governor his budget request for the calendar year beginning January first next ensuing, and the State Tax Commissioner shall submit to the Governor his budget request for the Motor Fuel Tax Division of the State Tax Department for the same period, all as provided in section four of the act to which this act is an amendment, it being the intent of this subdivision to authorize the appropriations to the Department of Motor Vehicles and to the Motor Fuel Tax Division of the State Tax Department, both on a calendar year basis commencing with the calendar year of one thousand nine hundred and thirty-four. Prior to the enactment of the State highway fund appropriation act provided by this act, it shall be lawful for the Commissioner of Motor Vehicles and for the State Tax Commissioner, respectively, to expend from such moneys in the State highway fund, as hereinafter defined, such amounts as may be necessary to continue the administration and operation of the Department of Motor Vehicles, and of the Motor Fuel Tax Division of the State Tax Department, on the same basis as was authorized for similar purposes under any act authorizing appropriations for the preceding calendar year, together with any unexpended balances of appropriations for the preceding calendar year for the Delaware River Joint Toll Bridge Commission, which have been reserved for expenditure, but not actually expended or contracted for, and the State Treasurer is hereby authorized to pay on warrant of the Comptroller such moneys for such purposes and the State Commissioner of Finance is authorized to approve work programs on that basis;

Fiscal year to conform to calendar year.

Necessary expenses.

Limitation.

Provision for payment.

(i) All moneys now in the treasury of the State or which hereafter shall be received into such treasury from any and every source which are dedicated to highway purposes, which shall include all revenues from the motor fuel taxes and the motor vehicle license fees and fines shall be set up by the State Treasurer in a separate fund to be known as the State highway fund, and no money shall be withdrawn from such fund except as shall be included in the State highway appropriation fund act except for the purposes enumerated in subdivisions (d-1), (d-2), and (d-3) of this section, or for further grants of moneys to counties or municipalities for road purposes or for the payment of interest or principal on reimbursement obligations heretofore incurred for road purposes, and provided for in subsections (g) and (h) of this section, and none other, excepting as hereinafter provided for in this subdivision, and any unexpended or uncommitted balances of such appropriations shall revert back to the State highway fund. Nothing in this section contained shall be construed to prohibit the withdrawal of any money as received for the payment of the principal or interest of any bonded indebtedness of this State or for sinking fund purposes on any bonds heretofore or hereafter issued by the State, or for the amount of money appropriated by the Legislature for the collection of the tax on motor fuels, which moneys shall be withdrawn for such purposes upon certification of the State Treasurer;

Highway funds kept separate.

Provision for principal and interest.

(j) The program for the calendar year one thousand nine hundred and thirty-three heretofore submitted by the State Highway Commission to the Governor shall be the basis for the State highway program for the year one thousand nine hundred and thirty-three, and none of the provisions of this amendment shall be construed as affecting the procedure heretofore existing for adopting and carrying such program into effect;

Basis of program.

(k) For the year one thousand nine hundred and thirty-four and subsequent years the Governor

Appropriation to control program.

shall send to the Legislature his recommendations as provided in subdivision (d) of this section, and after the enactment of the appropriations act provided for in this act such appropriations shall control the program of the State Highway Commission for the calendar year; *provided, however,* that the Governor shall have the same power over the appropriations to the State Highway Commission as is provided in section sixteen of the act to which this act is an amendment;

Proviso.

Transfer of funds.

(l) In order to maintain a reasonable degree of flexibility, the State Highway Commission, the Commissioner of Motor Vehicles, and the State Tax Commissioner, respectively, may, with the approval of the State House Commission, transfer funds from one item to another where such action seems to be in the best interests of the State and will tend to the economical operation of the State Highway Department, of the Department of Motor Vehicles, and of the Motor Fuel Tax Division of the State Tax Department, respectively; *provided, however,* that no item appropriated for any permanent construction improvement shall be transferred to any administrative item.

Proviso.

Repealer.

2. All acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 26, 1935.

CHAPTER 37

AN ACT concerning State publications.

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

Copies filed in State Library.

1. It is hereby made the duty of all State officers, departments and commissions or committees issuing annual or special reports required by law to be submitted to the Governor or to the Legis-

lature of this State, where such reports are printed, to file with the New Jersey State Library for general reference use in said library at least six copies of each of such printed reports, and in those cases where such reports are made in mimeographed or typewritten form and not subsequently printed to file in the State Library for general reference use at least one each of such mimeographed or typewritten reports.

State publications to be filed in Library.

2. It is also hereby made the duty of State officers, departments, commissions or committees issuing from time to time serial or other publications of a general informational character other than annual or special reports, where such publications are printed for public distribution to file in the State Library for permanent reference use at least six copies of each of such publications, and in those cases where such serials or other publications are not printed but are issued in mimeographed or typewritten form to file in the State Library for general reference use at least one each of such mimeographed or typewritten publications.

Exceptions.

3. These requirements are not intended to apply to the decisions of the courts, to the Pamphlet Laws of the State or to the proceedings of the Legislature or to other publications, the distribution of which in printed form is otherwise provided for by law. Nor are these requirements intended to apply to official opinions of the Attorney-General or to reports made as a part of the routine proceedings or official actions of any State officer, department, board or commission.

Approved February 26, 1935.

CHAPTER 38

AN ACT to amend an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 244 amended.

1. Amend section two hundred and forty-four of the act to which this is an amendment so that it shall read as follows:

Referendum; acceptance of Article VII.

244. The acceptance of the provisions of this act contained in Article VII relating to boards of education in township, incorporated town and borough school districts shall be submitted to the qualified voters of any city at a general or municipal election to be held therein, whenever the common council or other governing body of such city or the board of education of the school district situate in such city, shall have, by resolution, directed that such question shall be so submitted. The question to be submitted shall be for or against the adoption of the provisions of Article VII of an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved ..... (insert herein the date when this act shall be approved), and if a majority of the votes cast upon said question shall be for the adoption of the provisions of said article, the school district in such city shall thereafter in all respects be governed by the provisions of Article VII relating to township, incorporated town and borough school districts, and the board of education therein shall have all the powers and duties given and imposed by the several provisions of said article.

The members of the board of education holding office at the time of the acceptance of the provisions of Article VII shall continue in office until the expiration of the term for which they were appointed. Members to hold office until end of term.

If at the time of the passage of this act, or at any time hereafter, any school district which has or shall adopt the provisions of Article VII in accordance with this section shall have a board of less than nine members, such membership shall be increased to nine, and the said board of education shall call a special election within thirty days after the passage of this act or the adoption of the provisions of Article VII, for the election of members to fill the vacancies, so that the membership of said board shall be nine in number. Said duly elected members shall hold their offices until the next annual election, when there shall be elected a sufficient number of members to fill the vacancies, so that said board shall consist of nine members; *provided,* that when the provisions of Article VII shall hereafter be adopted by an Article VI school district more than two months prior to the annual election in the month of February following, then a special election to fill vacancies in the membership of said board shall be held; and when the provisions of Article VII shall hereafter be adopted by an Article VI school district less than ten days prior to said annual election, a special election shall be called as herein provided. If, however, the adoption of Article VII shall be within the period of two months and more than ten days prior to the said annual election next following, members shall be elected at the next annual election. Special election held. Proviso.

2. This act shall take effect immediately.

Approved February 26, 1935.

CHAPTER 39

AN ACT to amend an act entitled "An act to amend the title and body of an act entitled 'An act providing for the licensing and bonding of commission merchants, dealers and brokers, receiving, buying, soliciting or negotiating the sale of perishable agricultural commodities from or on behalf of a grower or growers thereof residing in this State, and the licensing of the agent or agents of commission merchants, dealers or brokers, and to punish any person, firm, association, partnership, corporation or agent violating the provisions hereof,' approved April fourteenth, one thousand nine hundred and thirty, as said title was changed and amended by act approved April twenty-eighth, one thousand nine hundred and thirty-one," which amendment was approved June twenty-sixth, one thousand nine hundred and thirty-three.

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

Section 3 amended.

1. Section three of the act of which this act is amendatory be and the same hereby is amended to read as follows:

Application for license.

3. Each such person, firm, association, partnership or corporation before engaging in such business shall, on or before June first, one thousand nine hundred and thirty-one, and on or before June first annually thereafter, file an application with the secretary, on a form prescribed by him, for a license to transact such business. The application shall state the nature of the business, the kind, or kinds, of perishable agricultural commodities which the applicant proposes to handle, the full name or names of the person or persons applying for the

Form of application.

license, and if the applicant be a firm, association or partnership, or corporation, the full name of each member of such firm, partnership or association, or officers of such corporation, and the name of the local agent or agents of the person, firm, association, partnership or corporation, the city, town or municipality and street address, if any, or post-office address, where such business is to be conducted, and such other facts as the secretary shall prescribe. The application shall be accompanied by a good and sufficient surety bond executed in favor of the secretary in his official capacity, by a surety company duly authorized to transact business in this State in the sum of at least three thousand dollars, conditioned for the payment of all moneys due and owing by such licensee to such grower or growers during the period that such license is in force. Such bond shall be executed upon a form prescribed by the secretary and shall be subject to his approval as to form and sufficiency. Such applicant may in lieu of such bond deposit with the secretary for agriculture United States Government securities in an amount equal to the sum secured by the bond required to be filed as herein provided, and such securities so deposited with the secretary for agriculture shall constitute a separate fund and shall be held in trust for and applied exclusively to the payment of claims arising under the provisions of this act against the licensee making such deposit for the period for which such license is issued. The applicant shall further satisfy the secretary of his or its character, financial responsibility and good faith in seeking to engage in such business. Upon the filing and approval of such application and bond the secretary shall thereupon issue to such applicant or applicants or their agent on payment of a license fee of two dollars, a license entitling the applicant or applicants or the agent of such to conduct the business of receiving, buying, soliciting or negotiating the sale of perishable agricultural commodities on behalf of the grower, at

Bond.

Form of bond.

U. S. bond as surety.

Character and responsibility.

Issuance of license.

Fee.

Expiration.

the place named in the application, which license shall expire on the thirtieth day of June next following its date of issuance; *provided, however,* that nothing in this act contained shall be construed to apply to any agricultural co-operative association which deals only with its members and organized pursuant to the provisions of an act entitled "An act to provide for the incorporation and regulation of co-operative agrciultural associations either with or without capital stock," approved February twenty-eighth, one thousand nine hundred and twenty-four.

Proviso.

Agents soliciting, etc.

No agent shall receive, buy, solicit or negotiate the sale of any perishable agricultural commodity in this State on behalf of any commission merchant, dealer or broker unless such agent has been designated by a duly licensed commission merchant, dealer or broker to so act and unless such commission merchant, dealer or broker has notified the secretary in his application for license or given notice in writing of such designation and has requested the secretary to issue to such agent an agent's license.

Additional bond.

The secretary may require a licensee to file an additional bond, to be executed as above provided, in the sum to be determined by the secretary, but the maximum amount of such bond shall not exceed twenty-five thousand dollars.

Section 4 amended.

2. Section four of the act of which this act is amendatory be and the same hereby is amended to read as follows:

Filing claim upon default by licensee.

4. Upon default of any licensee in the payment of any money due to any grower such grower may file with the secretary upon a form prescribed by him, a verified statement of his claim. If such grower or growers shall have reduced his claim to judgment a transcript of such judgment shall be filed with the secretary. Such statement may be filed at any time during the period of the license and within ninety days from the termination of such period, for debts contracted during such licensed period. After the expiration of ninety

Judgment.

Statement filed.

Prorating claims.

days from the termination of any licensed period the secretary shall, by proper action, wherein all such creditors and the surety or sureties upon the bond or bonds given as herein provided for and the licensee shall be parties, proceed to determine the amount due each creditor and the judgment rendered in such action shall be enforced ratably for such creditors against the surety or sureties on the bond or bonds, or against the securities deposited as the case may be. If any grower shall have reduced his claim to judgment such judgment shall be presumptive proof of the amount due such creditor in any action brought by the secretary as herein provided. Every bond given pursuant to the provisions hereof shall be applicable to the payment of all claims arising during the licensed period for which such bond or bonds shall continue. Claims not filed within ninety days from the termination of any licensed period shall not be received, acted upon or paid and shall not participate in the proceeds of any bond. The secretary may bring an action in any court of competent jurisdiction against the licensee or surety or sureties on the bond or bonds for the recovery of any money due and owing to a grower or growers as hereinbefore provided; *provided, however,* that nothing in this act contained shall be construed to apply to any agricultural co-operative association which deals only with its members and organized pursuant to the provisions of an act entitled "An act to provide for the incorporation and regulation of co-operative agricultural associations either with or without capital stock," approved February twenty-eighth, one thousand nine hundred and twenty-four.

Proof of amount due.

Bond applicable to payment of claim.

Limit to filing claim.

Secretary to bring action.

Proviso.

3. This act shall take effect immediately.

Approved February 27, 1935.

CHAPTER 40

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved April twenty-seventh, nineteen hundred and twenty-seven.

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

Section 3 amended.

1. Amend section three of the act to which this act is an amendment so that it shall read as follows:

Corporate name.

3. Each board of education appointed as provided in this article shall be a body corporate, and shall be known as and called "the regional board of education of the school districts of .....,"
(here insert the names of the districts and the county or counties in which each such uniting district is situate); *provided, however,* that if a shorter name appears to be desirable to any regional board heretofore or hereafter created, another title may be adopted by it, with the approval of the State Board of Education, which approved title shall be certified by the State Board of Education under the hand of its secretary to the Secretary of State, and the new title so approved and certified shall become the corporate title of the district and any obligations of the regional board under the former title shall become the obligations of such board under the new title.

Proviso.

2. This act shall take effect immediately.

Approved February 27, 1935.

CHAPTER 41

AN ACT to amend an act entitled "An act imposing taxes upon the sale or delivery of alcoholic beverages and providing for the collection thereof," approved December fourth, one thousand nine hundred and thirty-three, and to repeal certain sections thereof.

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

1. Section two hundred two of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 202 amended.

202. Power to examine.

The commissioner shall have power, whenever he deems it expedient, to make or cause to be made by his deputies, supervisors, auditors or investigators, an examination or investigation of the books, records, papers, vouchers, accounts and documents of any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation, or sale of alcoholic beverages, and as well of the premises of any such person, for the purpose of administering the provisions of this act or of any other act of this State imposing taxes upon the sale or delivery of alcoholic beverages. It shall be the duty of every such person, and of every director, officer, agent or employee of every such person to exhibit to the commissioner, his deputies, supervisors, auditors or investigators, all of the books, records, papers, vouchers, accounts and documents of the said person and as well of the premises of said person, and to facilitate as far as it may be in his or their power so to do any such examination or investigation. It shall be lawful for the commissioner, his deputies, supervisors, auditors and investigators to take any oath or affirmation of any person signing a deposition, statement, return or

Examination of records, books, etc.

Premises examined.

Exhibition of records, etc. mandatory.

Oaths.

report required by the commissioner in the administration of this act or any other act of this State imposing taxes upon the sale or delivery of alcoholic beverages.

Section 204 amended.

2. Section two hundred four of the act to which this act is an amendment be and the same is hereby amended to read as follows:

204. Power to subpœna witnesses; fees.

Subpœnas.

The commissioner shall have power by subpœna, to compel the attendance of witnesses and the production of any books, records, papers, vouchers, accounts and documents of any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation or sale of alcoholic beverages, or of any other person, at any such hearing. The fees of the witnesses required to attend any such hearing shall be the same as those allowed to witnesses appearing in the Supreme Court. Such fees shall be paid in the manner provided for the payment of other expenses incident to the administration of this act.

Witness fees.

Section 205 amended.

3. Section two hundred five of the act to which this act is an amendment be and the same is hereby amended to read as follows:

205. Procedure to compel witnesses to attend and to testify.

Power to compel attendance.

If a person subpœnaed to attend any hearing refuses to appear, be examined or to answer any question, or to produce any books, records, papers, vouchers, accounts and documents when ordered so to do by the commissioner or any deputy, auditor or investigator designated by him to conduct such hearing, the commissioner or such deputy, auditor or investigator may apply to the Supreme Court or any justice thereof, who shall have the power of the court for that purpose, upon proof by affidavit of the facts, to make an order returnable in not less than two, nor more than ten days, directing such person to show cause before the court or a justice thereof, why he should not comply with the direction or order of the commissioner, or of the deputy, auditor or investigator so appointed by

the commissioner. Upon the return of such order, the court or justice before whom the matter shall come, shall examine such person under oath, and such person shall be given an opportunity to be heard, and if the court or justice shall determine that such person refused without legal excuse to obey the command of such subpœna, or to be examined, or to answer a question, or to produce any book, paper, voucher, record, account and document which he was ordered to answer or produce, said court or justice may order said person to comply forthwith with such subpœna or order, and any failure to obey such order of the court or of such justice, may be punished by said court or by said justice as a contempt of the Supreme Court. Examination by court.

4. Section three hundred five of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 305 amended.

305. Cancellation of sale; tax credit.

Where, after January first, one thousand nine hundred thirty-five, a sale has been rescinded or canceled and the alcoholic beverages if delivered have been returned and the full sale price and the tax thereon have been refunded or credited, the taxpayer shall be entitled to a credit for the amount of the tax which would have accrued had the sale not been rescinded or canceled. If the tax has already been paid to the commissioner, the credit shall be applied against any present or future liability of the taxpayer, under this act, and if there be no such liability the taxpayer shall be entitled to a refund of the tax so paid. Cancellation of sale. Tax refund.

5. Section four hundred three of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 403 amended.

403. Certification of debt; judgment; procedure thereon. Docketing certificate of indebtedness.

As an additional or alternative remedy, the commissioner may issue a certificate to the clerk of the Supreme Court or to the clerk of the court of common pleas of any county, that any person is indebted under this act in an amount named in such

certificate and thereupon the clerk to whom such certificate shall have been issued shall immediately enter upon his record of docketed judgments the name of such person, the amount of the debt so certified and the date of making such entries; and the making of the entries shall have the same force and effect as the entry of a docketed judgment in the office of such clerk and the commissioner shall have all of the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action at law upon contract. Every person who shall be licensed to manufacture, distribute, transport, store, warehouse, import or sell alcoholic beverages under any law of this State shall by the acceptance of such license be deemed to have consented to the procedure set forth in this section.

Collection.

Acceptance deemed consent to procedure.

Section 406 repealed.

6. Section four hundred six of the act to which this act is an amendment be and the same is hereby repealed, together with its caption.

Section 501 amended.

7. Section five hundred one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

501. Reports to the commissioner.

Monthly report.

Every person who shall manufacture, distribute, transport, store, warehouse, import or sell any alcoholic beverages in this State shall file with the commissioner on or before the fifteenth day of each month a report under oath, on such form as the commissioner shall prescribe, which report shall disclose the amount of alcoholic beverages manufactured, distributed, transported, stored, warehoused, imported, purchased and sold by such person during the preceding month, and such other information as the commissioner may require.

Tax paid at time of filing.

Every such person shall pay to the commissioner upon the filing of such report the amount of tax which shall be due from such person by reason of the sales or deliveries of alcoholic beverages disclosed in said report, unless previously paid. Any such person who shall fail to file any such report on the day when the same shall be due, shall forfeit

Penalty for failure to file.

as a penalty for each day thereafter until said report is filed the sum of five dollars ($5.00) to be collected as hereinabove provided. Such penalty shall not continue to accrue after the suspension or revocation of the license of any such person. Any such person who shall fail to pay any such tax on the day when the same shall be due shall forfeit as a penalty an amount equivalent to five per centum of said tax to be collected as hereinabove provided. The commissioner, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of any penalty herein imposed.

Section 505 amended.

8. Section five hundred five of the act to which this act is an amendment be and the same is hereby amended to read as follows:

505. Arbitrary assessment; deficiency assessment; jeopardy assessment; procedure.

May assess estimated tax.

(a) If any taxpayer shall fail to make a report as herein required, the commissioner may make an estimate of the taxable liability of such taxpayer from any information he may obtain and, according to such estimate so made by him, assess the taxes, penalties and interest due the State from such taxpayer, give notice of such assessment to the taxpayer, and make demand upon him for payment.

May assess deficiency tax.

(b) After a report is filed under the provisions of this act, the commissioner shall cause the same to be examined and may make such further audit or investigation as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess the additional taxes, penalties and interest due the State from such taxpayer, give notice of such assessment to the taxpayer, and make demand upon him for payment.

Payment of assessments.

(c) All taxes, penalties and interest assessed by the commissioner pursuant to the provisions of subdivisions (a) or (b) of this section shall be paid within fifteen days after notice and demand shall have been mailed to the retailer by the commission-

Penalty.

er. If such taxes, penalties and interest, so assessed, shall not be paid within the said fifteen days, there shall be added to the amount of the assessment a sum equivalent to five per centum of the tax assessed as a penalty, which penalty shall be in addition to the penalties provided for in section five hundred and one of this act. All such additional penalties shall be payable to and recoverable by the commissioner in the same manner as if the penalties were taxes imposed by this act. If the failure to pay the taxes, penalties and interest so assessed when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any such additional penalty.

Recovery of penalties.

May waive payment.

Demand immediate payment.

(d) If the commissioner finds that a taxpayer designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property, or to discontinue business, or to do any other act tending to prejudice or render wholly or partly ineffectual proceedings to collect such tax, unless such proceedings be brought without delay, the commissioner shall cause notice of such finding to be given to such taxpayer, together with a demand for an immediate report and immediate payment of such tax. All taxes, assessed pursuant to the provisions of this subdivision, shall be payable forthwith after notice and demand shall have been mailed to the taxpayer by the commissioner. If such payment be not made within fifteen days thereafter, there shall be added to the amount of the tax so assessed a sum equivalent to five per centum thereof, and in addition thereto interest thereon at the rate of one per centum a month for each month or fraction thereof from the date demand was made for payment of said tax until the same shall be paid. All such penalties and interest shall be payable to, and recoverable by, the commissioner in the same manner as if the penalty or interest were a tax imposed by this act. If the failure to pay such tax when required to be paid is explained to the satisfaction of the commission-

Penalty.

Collection.

er, he may remit or waive the payment of the whole or any part of such penalty and interest.

Hearing on protest.

(e) If any taxpayer shall be aggrieved by any finding or assessment of the commissioner, he may, within thirty days of receipt of the notice of assessment or finding, file a protest in writing signed by himself or his duly authorized agent, which shall be under oath, and shall set forth the reason therefor, and may request a hearing. Thereafter the commissioner shall grant a hearing to the taxpayer, if the same shall be requested. He may make an order confirming, modifying or vacating any such finding or assessment. The filing of any such protest shall not abate penalties for nonpayment, nor shall it stay the right of the commissioner to collect the tax in any manner herein provided, unless the taxpayer shall furnish security of the kind and in the amount satisfactory to the commissioner.

Order.

Will not abate penalties.

Section 506 amended.

9. Section five hundred six of the act to which this act is an amendment be and the same is hereby amended to read as follows:

506. Refunds and credits.

Claim for refund.

(a) Any taxpayer, at any time within one year after payment of any original or additional tax assessed against him, may file with the commissioner a claim under oath for refund, in such form as the commissioner may prescribe, stating the ground therefor; *provided, however,* that no claim for refund shall be required or permitted to be filed with respect to a tax paid, after protest has been filed with the commissioner or after proceedings on appeal have been commenced as provided in this act.

Proviso.

In case of over payment.

(b) If upon examination of such claim for refund, it shall be determined by the commissioner that there has been an overpayment of tax, the amount of such overpayment shall be credited against any liability of the taxpayer under this act, and if there be no such liability the taxpayer shall be entitled to a refund of the tax so overpaid. If the commissioner shall reject the claim for refund

in whole or in part, he shall make an order accordingly and serve a notice upon the taxpayer.

Refunding monies improperly collected.

(c) Where no questions of fact or law are involved and it appears from the records of the commissioner that any monies have been erroneously or illegally collected from any taxpayer or other person or have been paid by any retailer or other person under a mistake of fact or law, the commissioner may at any time, upon making a record in writing of his reasons therefor, certify to the comptroller that the taxpayer is entitled to such refund and thereupon the comptroller shall authorize the payment thereof from the appropriation for this purpose.

Section 701 repealed.

10. Section seven hundred one of the act to which this act is an amendment be and the same is hereby repealed, together with its caption.

Section 702 repealed.

11. Section seven hundred two of the act to which this act is an amendment be and the same is hereby repealed, together with its caption.

Section 703 amended.

12. Section seven hundred three of the act to which this act is an amendment be and the same is hereby amended to read as follows:

701. Failure to file report; filing of false or fraudulent report.

False reports.

Any person who shall fail to file any report required to be filed pursuant to the provisions of this act, or shall file or cause to be filed, with the commissioner, any false or fraudulent report or statement, or shall aid or abet another in the filing, with the commissioner, of any false or fraudulent report or statement, with the intent to defraud the State or evade the payment of any tax, penalty or interest or any part thereof, which shall be due pursuant to the provisions of this act, shall be guilty of a misdemeanor and punished accordingly.

Penalty.

Section 704 amended.

13. Section seven hundred four of the act to which this act is an amendment be and the same is hereby amended to read as follows:

702. False swearing; false testimony.

Perjury.

Any person who shall knowingly swear to, affirm, or verify any false or fraudulent statement, or who,

being under oath, shall testify falsely at any hearing held pursuant to the provisions of this act, with intent to evade the payment of any tax hereunder, shall be guilty of a misdemeanor and punished accordingly.

Change Sec. 705 to Sec. 703.

14. Section seven hundred five of the act to which this act is an amendment be and the same is hereby amended by changing the number thereof from seven hundred five to seven hundred three.

Change Sec. 706 to Sec. 704.

15. Section seven hundred six of the act to which this act is an amendment be and the same is hereby amended by changing the number thereof from seven hundred six to seven hundred four.

Change Sec. 707 to Sec. 705.

16. Section seven hundred seven of the act to which this act is an amendment be and the same is hereby amended by changing the number thereof from seven hundred seven to seven hundred five.

17. This act shall take effect immediately.

Approved February 27, 1935.

CHAPTER 42

AN ACT relating to the collection of delinquent municipal liens.

Preamble.

WHEREAS, The large volume of unpaid municipal liens is creating such a serious tendency toward nonpayment of current taxes and municipal liens that a public emergency demands some plan be made available to municipalities for the prompt collection of current taxes and assessment without requiring the immediate payment of arrears; but such a plan to be helpful must recognize the need of the property owner to maintain as a first lien the mortgage encumbrance upon his property; now, therefore, in order to encourage the owner to use every effort to keep his property by granting him an opportunity to pay his present arrears in fixed installments over a term of years,

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

Resolution to total arrears.

1. Whenever the governing body of any municipality of this State shall, by resolution adopted during the calendar year one thousand nine hundred and thirty-five, declare that it is for the best interest of its citizens that the provisions of this act be made available to its property owners, then all taxes, assessments, tax sale certificates held by the municipality or other municipal liens in arrears on January first, one thousand nine hundred and thirty-five, and not yet paid and satisfied, together with the interest and penalties thereon, shall, when brought under the provisions of this act by compliance with section seven of this act, and subject to the conditions hereinafter set out be totaled as of said date; and the payment of such totaled sum shall be spread over a period of five years, and the same shall be payable in monthly or quarterly installments as stated in said resolution commencing August first, one thousand nine hundred and thirty-five, with interest on the several unpaid balances at the rate of seven per centum (7%) per annum, payable on the same quarterly dates.

Payable in installments.

Interest rate.

Certified copy filed.

2. A copy of such resolution, certified by the clerk of such municipality, shall be filed in the office of the clerk of the county in which such municipality is located before the provisions of this act shall be applicable therein.

Local improvements included.

3. In computing such total of arrears there shall be included, of assessments for local improvement benefits which were payable in installments, only such installments as were in arrears at the date to which the totals were computed, but interest on the entire unpaid balances shall be included.

Arrears may be apportioned.

4. In computing such total of arrears, any tax, assessment, tax sale certificate held by the municipality or other municipal lien may be apportioned at the request of any party interested, to such parcels of the property affected thereby as may be required by diverse ownership, mortgage lien or otherwise; such apportionment to be upon such

equitable basis as may be determined by the collecting official of the municipality on at least five days' notice to all persons other than the applicant interested therein.

Conditioned upon prompt payment.

5. The right of any person interested in such property to pay such arrears in such installments shall be conditioned on the prompt payment of the installments of taxes of one thousand nine hundred and thirty-five and all subsequent taxes, assessments or other liens imposed or becoming a lien after January first, one thousand nine hundred and thirty-five, including all installments thereafter payable on assessments theretofore levied, and also the prompt payment of all installments of arrears as hereinbefore authorized. Prompt payment shall consist in making payment thereof within thirty days after the respective due dates.

Lien suspended.

6. During the period of the extension of time for payment herein provided for, the lien of such arrears shall be suspended, and the amounts thereof shall not be considered as due except as the same become payable in installments under the terms of this act; and the municipality shall have no further right to enforce the payment of such arrears so long as such installment payments shall be made promptly when due as herein provided for, and so long as payment for all subsequent taxes, assessments and other liens shall likewise be made promptly when due.

Not effective until first half 1935 taxes paid.

7. The extension of time for payment and the suspension of the lien of existing arrears herein authorized shall not be effective as to any parcel of property until the first half of the nineteen hundred and thirty-five taxes thereon has been paid, together with any assessments for local improvements, or installments thereof, falling due after January first, one thousand nine hundred and thirty-five, and before the date of actual payment of said first half of nineteen hundred and thirty-five taxes.

Failure to pay when due, all arrears immediately payable.

8. In case any such installment of arrears or any new taxes, assessments or other liens are not

promptly paid, that is to say, within thirty days after the date when the same is due and payable, then the whole amount of arrears theretofore suspended with interest thereon and penalties shall immediately become due and payable, and the liens thereof be reinstated, and the municipality shall have all the powers of enforcing its liens for such arrears that it would have had if this act had not been passed, and the time of such municipality for any action on its part shall at its option be extended for as much additional time as the period during which this act shall have been in force, as to such arrears.

Noted on tax search.

9. Any arrears payment of which has been extended under this act shall be noted on any official tax search thereafter issued, but shall be noted thereon as "payment extended under laws of one thousand nine hundred and thirty-five; total present balance of extended arrears is $ each month or quarterly installment amounts to $ with interest on the unpaid balance."

Property conveyed subject to extended arrears.

10. The existence of any extended arrears affecting any property conveyed after this act becomes effective shall be construed as a violation of any warranty or covenant against encumbrances in such conveyance unless made expressly subject to extended arrears of taxes, assessments or other municipal liens.

Installments credited to oldest arrears.

11. Any installments of arrears paid under the provisions of this act shall be credited to the arrears oldest in point of time, and the moneys paid shall be so applied; but no entry of payment or satisfaction or cancellation of record of the same, except by way of part payment, shall be made on or in respect to any item of arrears until the same is fully paid with the interest thereon, after which the same shall be satisfied or cancelled or marked paid of record as if this act had not been passed.

Arrears used as security.

12. The municipality shall have no right to make any such arrears the basis of security for any type of municipal obligation, except for renewals of existing obligations and for funding bonds.

Installments effective in tax sales.

13. The holders of any outstanding certificates of tax sale shall not as a condition of foreclosure thereof be bound to pay any extended arrears except the respective installments provided for under this act, and no foreclosure of such certificate of sale shall include in the amount required to redeem, any sums paid on such extended arrears in excess of the amount so required to be paid; but this shall not relieve the holder thereof from any contract obligation to pay in full any arrears so extended.

Construing.

14. Nothing in this act shall apply to water or sewer rents.

May add arrears to lien by payment of installments.

15. Any holder of a lien by way of mortgage or otherwise may pay any installment of any tax, or tax sale certificate, assessment, including any installment of arrears extended under this act, at any time after the same has been assessed or levied upon filing with the collecting officer a certificate stating his name and address and lien, and shall then be entitled to add to the amount of his lien, the sum so paid with interest thereon from the date of payment; but in such case if the owner or any other prior party in interest shall thereafter pay the same to the collecting officer, the latter shall give a special receipt for such payment, and shall immediately notify the lien-holder who made the first payment thereof, and said lien-holder shall be entitled to receive the amount of such payment from the collecting officer, and all further rights of such lien-holder under such payment shall immediately cease.

In case of prior lien.

List of properties kept.

16. The collecting officer of any municipality acting under the provisions hereof shall make up and keep a list of the properties which are brought under the provisions of this act by payment of the first installment of the taxes of the year one thousand nine hundred and thirty-five, and shall keep the records of payments hereunder, all in such form as shall be prescribed by the State Auditor.

17. This act shall take effect immediately.

Approved February 28, 1935.

CHAPTER 43

AN ACT concerning cemetery corporations.

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

Cemetery corporations may foreclose.

1. Any cemetery corporation or association, whether incorporated under a special act or under the general laws of this State, shall have the power to protect any mortgage or any lawful investment of its funds in any mortgage upon lands, tenements or hereditaments, by foreclosure of any such mortgage and purchase of such lands, tenements or hereditaments upon such foreclosure, and shall have the further power, whenever necessary, to protect any such mortgage asset, by purchase under any sale made upon foreclosure of any other mortgage, tax sale, or other lien on said lands and premises, or at a sale of said lands and premises on execution under any judgment, and to acquire title by deed from the owner of said lands and premises to avoid foreclosure of any such mortgage forming a part of the assets in the hands of said corporation or association, and such lands, tenements and hereditaments so acquired by said corporation or association shall be assets in its hands and may be sold and conveyed by it without any restriction whatsoever.

Title.

Validating sale.

2. Any sale and conveyance heretofore or hereafter made by any such corporation or association of lands purchased or acquired by it in any of the ways above indicated, shall be taken and deemed to be valid in all respects.

3. This act shall take effect immediately.

Approved March 4, 1935.

CHAPTER 44

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Approval of contracts.

1. No management, advisory service, construction or engineering contract that in itself or in connection with another contract relating to the same work, project, transaction or service involves the expenditure of a sum exceeding twenty-five thousand dollars ($25,000.00), made by any public utility with any person or corporation owning, holding or controlling separately, or in affiliation with another person or corporation, five per centum (5%) or more of the capital stock of such public utility or with any corporation five per centum (5%) of the capital stock of which is owned, held or controlled by a person or corporation owning, holding or controlling separately, or in affiliation with another person or corporation, five per centum (5%) of the capital stock of such public utility shall be valid or effective until approved in writing by the Board of Public Utility Commissioners.

Disapproval of contract.

2. The board shall disapprove such contract if it determines that such contract violates the laws of this State or of the United States, or that the price, or compensation thereby fixed exceeds the fair price or fair compensation for the property to be furnished or the work to be done or the services to be rendered thereunder or is contrary to the public interest; otherwise the board shall approve such contract.

Hearing necessary.

3. No order shall be made by the board disapproving such a contract except after hearing upon notice.

4. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 45

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-one, one thousand nine hundred and eleven.

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

Loans of money or property approved by utility commission.

1. Except with the approval in writing of the Board of Public Utility Commissioners first had and obtained, no public utility shall loan any of its money or property to any other person, firm, group, association, company, trust or corporation owning, holding or controlling separately or in affiliation with others, five per centum (5%) or more of the capital stock of any such public utility or to any corporation five per centum (5%) or more of the capital stock of which is owned, held or controlled by any person, firm, group, association, trust, or corporation owning, holding or controlling separately or in affiliation, five per centum (5%) or more of the capital stock of such public utility.

2. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 46

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-one, one thousand nine hundred and eleven.

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

Paying dividends.

1. The Board of Public Utility Commissioners is hereby empowered after hearing upon notice, by order in writing, to prohibit any public utility corporation from paying dividends except from surplus or net profits as permitted by the law of this State and to require any public utility corporation to comply with the law of this State with respect to the payment of dividends.

Limiting paying dividends.

2. The board is hereby empowered after hearing upon notice by order in writing, to prohibit or limit the payment of dividends by a public utility if the board, after such hearing, finds and determines that such public utility fails to comply with any order of the board ascertaining, determining and fixing reasonably adequate working capital or rates of depreciation or with any order requiring such public utility by adequate maintenance to keep its property and equipment in condition to furnish safe, adequate, and proper service. Every order so made by the board shall continue in effect until the board by its certificate in writing determines that the conditions on the existence of which the making of the order was based have been corrected.

Order effective.

3. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 47

AN ACT to amend an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-one, one thousand nine hundred and eleven.

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

Section 19 amended.

1. Section nineteen of the act to which this act is an amendment is hereby amended to read as follows:

Transfer of stock to other companies.

19. No public utility as herein defined incorporated under the laws of this State shall sell, nor shall any such public utility make or permit to be made upon its books any transfer of any share or shares of its capital stock, to any other public utility as herein defined, unless authorized to do so by the board. Nor shall any public utility as herein defined incorporated under the laws of this State sell any share or shares of its capital stock or make or permit any transfer thereof to be made upon its books, to any corporation, domestic or foreign, or any person, the result of which sale or transfer in itself or in connection with other previous sales or transfers shall be to vest in such corporation or person a majority in interest of the outstanding capital stock of such public utility corporation unless authorized to do so by the board. Every assignment, transfer, contract or agreement for assignment or transfer, by or through any person or corporation to any corporation or person in violation of any of the provisions hereof shall be void and of no effect, and no such transfer shall be made on the books of any public utility corporation. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

Transfers not authorized void.

Lawful holding.

2. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 48

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Discontinuance of surcharge.

1. Whenever any public utility shall heretofore have been or shall hereafter be authorized by the Board of Public Utility Commissioners to collect a surcharge to raise a definite amount of money or for a specified purpose and the Board, after hearing upon notice, shall determine that the amount authorized has been collected, or that the specified purpose has been accomplished, the Board is hereby empowered to require by an order in writing the immediate discontinuance of such surcharge.

Repaying excess surcharge.

2. Whenever after hearing upon notice the Board shall determine that any public utility has collected by means of a surcharge an amount of money exceeding the authorized amount or has continued to collect a surcharge after the specified purpose for which it was authorized has been accomplished, the Board is hereby empowered to require such public utility by an order in writing to repay the excess so collected to those from whom the same was collected.

3. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 49

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Public utility rates during hearing or suit.

1. The Board of Public Utility Commissioners is hereby empowered, during the pendency of any hearing instituted by it, on its own initiative or on complaint, in which the approval or fixing of just and reasonable individual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, mileage or other special rates is in issue, or at any other time, to negotiate and agree with any

Adjustment.

public utility for an adjustment of the individual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, mileage or other special rates for any product or service supplied or rendered by such public utility. Such adjustment may be for, or without, a specified limit of time. In no event shall any such adjustment be

Changing rates.

regarded as contractual. Such adjustment shall at all times be subject to change through the proceedings provided for by the act to which this act is a supplement, or through negotiation and agreement under this act. The Board as a part of any such negotiation and adjustment shall provide for the continuance, suspension or other disposition of any hearing of the character aforesaid then pending.

2. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 50

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Rates determined in six months.

1. In every proceeding to fix just and reasonable individual rates, joint rates, tolls, charges, or schedules thereof, commutation, mileage, or other special rates under subdivision (c) of section sixteen of the act to which this act is a supplement, the Board of Public Utility Commissioners shall complete and close the hearing provided for by said subdivision (c) of section sixteen and enter its final order within six months after the filing of the order of the Board initiating such proceeding, when such proceeding is on the Board's own motion; and within six months after issue is joined through the filing of an answer to a complaint, when such proceeding is initiated by complaint.

2. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 51

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Deposit to secure payment.

1. The Board of Public Utility Commissioners is hereby empowered to adopt rules and regulations prescribing the terms and conditions under which public utilities may require the deposit of moneys to secure the payment by customers of such sums as may become due for services to be rendered and the conditions under which repayment of moneys deposited for such purpose shall be made.

Regulations.

2. The Board is hereby empowered to adopt rules and regulations prescribing the rate of interest that shall be credited or paid on moneys so deposited.

3. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 52

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Certain information supplied utility commission.

1. The Board of Public Utility Commissioners is hereby empowered by order in writing to require any public utility to compile from its accounts, books, records, documents, and papers and submit to said board any data material and relevant to any inquiry, investigation or proceeding undertaken by or pending before such board under the act to which this act is a supplement. The data which the board is hereby empowered to require to be compiled may relate and extend to services rendered, business done, transactions had, and property located, within or without this State where such data is material and relevant to the inquiry, investigation or proceeding so undertaken by, or pending before the board.

Data.

2. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 53

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Books records, etc., subject to subpœna.

1. The Board, or any member of the Board of Public Utility Commissioners is hereby empowered to compel by service of its subpœna the production of the books, accounts, records, contracts and other documents in writing of (a) any corporation or person owning, holding or controlling, separately or in affiliation with another corporation or person, five per centum (5%) or more of the capital stock of any public utility, and of (b) any corporation five per centum (5%) of whose capital stock is owned, held, or controlled by any corporation or person so owning, holding or controlling, separately or in affiliation with another corporation, or person, five per centum (5%) or more of the capital stock of any public utility, respecting any relation between such public utility and such corporation or person.

Witnesses.

2. The board, or any member of the board, shall have power to compel the attendance of witnesses for the purpose of obtaining information as to such books, accounts, records, contracts and other documents and writings in the same manner that witnesses are now compelled to testify before said board.

Use of information.

3. Information, books, accounts, records, contracts and other documents in writing obtained by the Board of Public Utility Commissioners through the proceeding hereby authorized shall be used by said board only for the purpose of aiding

the board in reaching a determination in a proceeding or on an issue before it under the act to which this act is a supplement, and for no other purpose.

4. All acts and parts of acts inconsistent with this act are hereby repealed. Repealer.

5. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 54

AN ACT to amend an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

1. Section thirteen of "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven, be and the same is hereby amended to read as follows: Section 13 amended.

13. The members of the board are hereby empowered to sit singly for the purpose of taking testimony in any proceeding. The board may designate in writing any member of the legal staff of the board or any department head who is an attorney-at-law of this State to sit as examiner for the purpose of taking testimony in any investigation of any accident which may occur within this State upon the property of any public utility, or directly or indirectly arising from or connected with its maintenance or operation; or in any investigation or hearing upon the application of a railroad company to abandon any railroad station or to stop the Member of board acting singly. Examiner. Scope of investigation.

sale of passenger tickets, or to cease to maintain an agent to receive and discharge freight at any station now or hereafter established in this State, at which passenger tickets are now or may hereafter be regularly sold, or at which such agent is now or may hereafter be maintained, or at any hearing upon application for the transfer of municipal consents for the operation of auto buses; or upon application by a public utility for approval of a proposed sale of property having a value not exceeding five thousand dollars ($5,000.00) or of a proposed mortgage or encumbrance of property not exceeding in amount five thousand dollars ($5,000.00); or in any investigation or hearing relating to failure to file annual or other reports, or to conform the same to the rules and regulations of the board. Such officer or employee so designated shall have the same powers as a member of the board sitting singly, including power to report to the board his recommendations as to the order or other disposition to be made. The board shall adopt rules affording an opportunity to parties affected by any recommendation made by such examiner, to be heard before the board, either in oral argument or on written briefs in the board's discretion, on the question of adopting, rejecting or modifying the recommendations so made. An officer or employee of the board so designated as examiner shall not be paid or receive, directly or indirectly, any additional compensation for such services. A majority vote of the board shall be necessary for the making of any order.

Powers of sitting members.

Rules governing hearings.

No extra compensation.

2. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 55

A SUPPLEMENT to "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Operating an unauthorized bus a misdemeanor.

1. Any person, copartnership, association, joint stock company or corporation causing to be operated, run or driven, or operating, running or driving an auto bus to which the jurisdiction of the Board of Public Utility Commissioners as to construction and equipment thereof extends, upon, over, along or in any street, avenue, parkway, road, highway or other public place within this State, in intrastate or interstate transportation, which auto bus in its construction or equipment does not comply with or conform to the requirements prescribed by the rules, regulations, or orders of the Board of Public Utility Commissioners shall be guilty of a misdemeanor and subject to the penalties therefor provided by law.

2. This act shall take effect immediately.

Approved March 5, 1935.

CHAPTER 56

AN ACT declaring the Dutch elm disease, caused by the fungus Graphium ulmi (Schwarz), to be a public nuisance; authorizing the State Board of Agriculture to issue orders and regulations pertaining thereto; providing for the right of entry; disallowing indemnification for property destroyed; and providing for violations and prescribing penalties therefor.

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

Public nuisance.

1. Statement. The Dutch elm disease (Graphium ulmi, Schwarz) is hereby declared a public nuisance, and the protection of the susceptible host plants (elm species) is deemed to be a subject of public welfare.

Control by Board of Agriculture.

2. Authority vested. The State Board of Agriculture is hereby empowered to issue orders pertaining to the control, eradication and/or prevention of the Dutch elm disease and to issue regulations and/or orders for the destruction and/or removal of diseased trees and of other trees involved in the spread of the disease and for the disposition of the wood therefrom.

Right of entry.

3. Right of entry. Duly authorized representatives of the State Board of Agriculture may enter upon any lands and/or premises, public or private, within the State for the purpose of making necessary inspections, for the removal of condemned trees, and for the disposition of the wood therefrom.

No damage awarded.

4. Damages to property destroyed. No damages shall be awarded for the destruction of infected or condemned trees nor for the wood resulting therefrom.

5. Co-operative agreements. The State Board of Agriculture is hereby authorized to enter into agreements with the United States Department of Agriculture and/or the department, bureau or other State agency of any other State in the Union, for the purpose of establishing co-ordinating plant pest control eradication work in New Jersey insofar as deemed desirable by the said State Board of Agriculture to further the purpose of this act. Co-operate with other bureaus.

6. Violations. Any person who shall interfere with the representatives of the State Board of Agriculture while engaged in the performance of any of the duties herein imposed or in the enforcement of any of the provisions of this act or of any of the regulations or orders of the State Board of Agriculture issued pertaining hereto, shall be deemed a violator of this act and shall be liable to a penalty of one hundred dollars ($100.00) for the first offense and two hundred dollars ($200.00) for the second and each subsequent offense, to be recovered in an action brought in any district court in any city or judicial district in New Jersey or in any court of common pleas in any county wherein a district court is not located, which said courts, on the filing of a complaint in writing, duly verified, which said verification may be made upon information and belief that any person has violated any of the said provisions of this act, shall issue process in the suit of the State Board of Agriculture; such process shall be in the nature of a summons, shall be returnable in not less than five nor more than fifteen days and on the return of such process or any time at which the trial shall be adjourned, the said court shall proceed in a summary manner without a jury to hear the testimony and determine and give judgment in the matter without the filing of any pleadings either for the State Board of Agriculture as plaintiff for the recovery of such penalty with costs, or for the defendant, and the said court shall in judgment rendered for the plaintiff cause any such defendant who may refuse or neglect to further pay the judgment rendered against said Penalty for violations. Recovery of penalty. Process. Trial. Judgment.

defendant and all costs and charges incident thereto to be committed to the county jail for a period of thirty days for the first offense and for a period of sixty days for the second and each subsequent offense; that the officers to serve and exact all processes under this act shall be the officers who serve and exact processes in said courts.

Service of process.

Approved March 7, 1935.

CHAPTER 57

AN ACT to amend an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight.

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

Section 11 amended.

1. Section eleven of the act to which this act is an amendment, and which section was amended by act approved June twenty-sixth, one thousand nine hundred and thirty-three (chapter three hundred and twenty-six of the laws of one thousand nine hundred and thirty-three), be and the same is hereby further amended to read as follows:

Dissolution.

11. Whenever in the judgment of any corporation, organized under the provisions of this act, it shall be deemed advisable and most for the benefit of such corporation that the same should be dissolved, it shall and may be lawful for such corporation, within ten days after the adoption of a resolution to that effect by said corporation, to cause written or printed notice of the adoption of such resolution to be mailed to each and every member of said corporation, residing in the United States, and also within ten days to cause a like notice to be published in one or more newspapers

Notice given to members.

Publication.

published and circulated in the county wherein such corporation shall have its place of meeting, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of such members of said corporation, to be held at the usual place of meeting of said corporation, in such county, to take action upon such resolution, and which meeting may, on the day so appointed, by the consent of the majority of the said members present, be adjourned from time to time for not less than one week at any time, of which adjourned meeting notice by advertisement in such paper shall be given; and if at any such meeting two-thirds of all the members then present shall consent by resolution that such dissolution shall take place, then and in such case such corporation shall upon filing a certificate of such consent, duly attested by their secretary, in the office of the Secretary of State, and receiving from him a certificate that such certificate of consent has been filed be dissolved; *provided, however,* that whenever all the members shall consent in writing to a dissolution, no meeting or notice thereof shall be necessary, but on filing said consents in the office of the Secretary of State he shall forthwith issue a dissolution certificate. The said corporation shall in every case cause such certificate of the Secretary of State to be published four weeks successively, at least once in each week, in one or more of the newspapers published and circulated in the county in which such corporation has had its place of meeting; *provided further,* that the Secretary of State shall not issue the certificate of dissolution hereinbefore mentioned until satisfied by due proof that the requirements aforesaid have been fully complied with by such corporation; *and provided further,* that no distribution of the assets of any corporation affected by this act shall be made until the debts of such corporations shall have been fully satisfied, nor shall any property be diverted from any trust created by the donor or grantor. After all debts have been fully satisfied, the assets of the corpora-

Consent.

Proviso.

Publication.

Proviso.

Proviso.

Distribution of assets.

tion shall be distributed in accordance with the by-laws of the corporation. In the absence of any such provisions, the assets shall be distributed per capita among the membership.

Repealer.

2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 7, 1935.

CHAPTER 58

AN ACT to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

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

Contracts not deemed in violation of law when:

1. No contract relating to the sale or resale of a commodity which bears, or the label or content of which bears, the trade-mark, brand, or the name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of New Jersey by reason of any of the following provisions which may be contained in such contract.

Fixing reselling price of commodity.

(a) That the buyer will not resell such commodity except at the price stipulated by the vendor.

(b) That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not, in turn, resell except at the price stipulated by such vendor or such vendee.

Fixed price not to apply:

Such provisions in any contract shall be deemed to contain or imply conditions that such com-

modities may be resold without reference to such agreement in the following cases:

(a) In closing out the owners' stock for the purpose of discontinuing delivering any such commodity. When closing out stock;

(b) When the goods are damaged or deteriorated in quality, and notice is given the public thereof. When goods are damaged;

(c) By any officer acting under orders of any court. Forced sale.

2. Willfully and knowingly advertising, offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section one of this act, whether the person so advertising, offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby. Unfair competition.

3. This act shall not apply to any contract or agreement between wholesalers or between producers or between retailers as to sale or resale prices. Construing.

4. The following terms, as used in this act, are defined as follows: Terms defined:

"Producer" means grower, baker, maker, manufacturer or publisher. Producer;

"Commodity" means any subject of commerce. Commodity.

5. If any provision of this act is declared unconstitutional it is the intent of the Legislature that the remaining portions thereof shall not be affected but that such remaining portions shall remain in full force and effect. Constitutionality.

6. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 59

AN ACT to amend an act entitled "An act concerning building and loan associations" (Revision of 1925), approved March twelfth, one thousand nine hundred and twenty-five.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended to read as follows:

1. Purposes.

Formation of building and loan associations.

Upon executing, recording and filing a certificate pursuant to this act, nine or more persons, citizens of this State, may become an incorporated association for the purpose of assisting each other and all who may become associated with them in acquiring real estate, making improvements thereon and for removing encumbrances therefrom by the payment of periodical installments, as its constitution shall provide; and for the further purpose of accumulating a fund, to be repaid to its members, subject to the right of earlier redemption, who do not obtain advances for purposes above mentioned when the funds of such association shall amount to a certain sum per share or when a certain period of time shall have elapsed or both, said sum or said period of time or both to be specified in the certificate of incorporation.

Purposes.

Section 2 amended.

2. Section two of the act of which this act is amendatory be and the same is hereby amended to read as follows:

2. Certificate of incorporation.

Certificate of incorporation to show:

The certificate of incorporation shall be signed in person by all the subscribers to the shares named therein, and shall set forth:

I. The name of such association; Name;

II. The city or other municipality where it is to be located and its business transacted, which shall be within this State; Location;

III. The object for which it is formed; Object;

IV. The name, residence (if in any municipality, the street and number), occupation and post-office address of each incorporator, the number of shares subscribed for by each of them, the number of installment shares to be subscribed before such association shall begin business and either the amount fixed as the value of each share when matured or the time, not less than ten years, fixed for maturing shares or both. Incorporators. shares.

3. Section five of the act of which this act is amendatory be and the same is hereby amended to read as follows: Section 5 amended.

5. Membership.

The members or shareholders of any such association shall be those to whom its shares shall be issued, and their personal representatives, and those to whom said shares may be transferred under the regulations prescribed by such association subject to making the payments required and compliance with the other terms of membership according to the constitution, and subject to such fines and penalties as shall be determined by the constitution; minors may hold shares in any such association. Any person or two or more persons jointly may hold shares as trustee or trustees for a minor and in case of the death of any such trustee all rights shall vest in the survivor or survivors as trustees but this section shall not affect the law in regard to the investment of trust funds. When shares are pledged, the pledgors may vote thereon unless the same have been transferred on the books of such association. Each member over the age of sixteen years shall be entitled to all the rights and privileges of membership and shall be entitled to one vote at any meeting of such association and may be represented and vote by proxy if the constitution shall so provide; any such association may Membership. Rights. Voting.

provide in its constitution that the right to vote at any meeting of the association shall be limited to those members whose membership in such association, as shown by the records of such association, shall have been acquired at least sixty days prior to such meeting and it may, in its constitution, prescribe the terms and conditions under which any member whose membership shall have been acquired within sixty days prior to such meeting shall be permitted to vote; when the retirement, lapsed, matured or withdrawal value of shares has been paid, the subscribers thereto or owners thereof shall cease to be members, unless they have subscribed for or purchased other shares.

Section 6 amended.

4. Section six of the act of which this act is amendatory be and the same is hereby amended to read as follows:

6. Constitution.

Constitution.

Every such association shall by the vote of its members adopt a constitution, not inconsistent with this act or any law of this State, for the regulation of its business as it shall deem proper, and may alter and amend the same from time to time in the manner therein provided. A copy of said constitution and of all alterations thereof and amendments thereto, certified by the secretary, shall be filed in the Department of Banking and Insurance within thirty days after their adoption. Whenever the constitution of any such association makes no provision for the manner in which the same may be amended, such association may at any regular meeting, by a two-thirds vote of its members present, adopt an amendment to its constitution providing a manner in which the same may be amended; *provided,* a written or printed notice of the time and place of such meeting and of the proposed amendment be given to each member at least ten days before said meeting; *provided, however,* that no constitution or any alteration or amendment of any constitution, hereafter adopted, shall become effective until the same shall have been approved in writing by the Commissioner of

Copy filed.

Amending.

Proviso.

Proviso.

Banking and Insurance and filed in the Department of Banking and Insurance. The Commissioner of Banking and Insurance shall, within thirty days after application shall have been made for the approval of any such constitution or amendment or alteration thereof, act upon the same by approving or rejecting the same in writing and shall, within such time, give written notice of his decision to the applicant and shall file a copy of his written approval or written rejection, as the case may be, of said constitution or alteration or amendment thereof in the Department of Banking and Insurance. No writ of certiorari to review any such decision of the Commissioner of Banking and Insurance shall issue unless application therefor be made within sixty days after the giving of the notice as aforesaid; and in all cases of writs of certiorari brought to review any such decision of the Commissioner of Banking and Insurance, whether before the Supreme Court or any justice thereof, the said court or justice thereof, as the case may be, shall determine all questions both of fact and of law touching upon the legality and reasonableness of the said decision and if the said court or justice thereof shall find that the said decision is unlawful or unreasonable the said court or justice thereof shall order that the said decision be set aside and make such other orders touching thereon as to the said court or justice thereof may seem proper; and thereupon the Commissioner of Banking and Insurance shall, in writing, enter an order rejecting or approving said constitution or alteration or amendment thereof in accordance with the determination of said court or justice thereof, file said order in the Department of Banking and Insurance and give written notice thereof to the applicant.

Action by commissioner.

Review of decision.

Notice of decision to applicant.

5. Section seven of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Section 7 amended.

7. Directors, elections.

The business and affairs of every such association shall be managed and directed by a board of

Management.

not less than six directors who shall be members and shall have such qualifications and be of such number as the constitution shall provide; at least one-third of the members of the said board shall be elected each year, by the members, by ballot, at the annual meeting of such association; the polls at every such election shall be opened for at least one hour, between the hours of nine o'clock in the morning and nine o'clock in the evening, at such time as the constitution may designate. All vacancies in said board or in any office shall be filled by the board until the next annual meeting of the association or of the board of directors, as the case may be, for the election of directors or officers. The board may employ one or more attorneys, who shall be attorneys-at-law of this State, and such other employees as may be necessary for the direction of the business of such association, the term of employment of the attorney or attorneys to be for not more than one year; and each officer and director of every such association shall before entering upon the duties of his office, take and subscribe, before an officer legally qualified to administer oaths, an oath or affirmation swearing or affirming, as the case may be, that he is a member of such association, that he will accept the office or directorate to which he has been elected or appointed, and that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such association and will not knowingly violate or knowingly permit to be violated any of the provisions of this act; and said written oaths of office shall be filed with the secretary of each such association and be a permanent record of such association; and if any such officer or director of any such association shall fail, within a reasonable time after his election, to take and subscribe the oath required by this section, the board of directors of such association shall have power to declare his office or directorate vacant and elect a successor to fill the vacancy for the unexpired term; and if any such officer or director shall violate the provisions

Election of directors.

Vacancies.

Attorneys.

Oath.

Oath filed.

Failure to take oath.

Violation of oath.

of his oath the board of directors may, by a vote of two-thirds of the members present at any meeting of the board of directors of which notice shall have been given to each director, declare vacant the office or directorate of such officer or director and elect a successor to fill the vacancy thus created for the unexpired term.

Section 18 amended.

6. Section eighteen of the act of which this act is amendatory be and the same is hereby amended to read as follows:

18. Dividends and profits.

Payment of dividends.

At least annually the board of directors of each such association shall determine the net profits, if any, which, in its judgment, are available for distribution to share accounts as apportioned profits or dividends; and such profits or dividends shall be credited or paid to share accounts upon a compound-interest plan; *provided, however,* that the dividend to juvenile and income share accounts may be at a lesser rate than the dividend to installment share accounts as elsewhere provided in this act; and no profits shall be apportioned or dividends declared until a financial statement of the association shall have been submitted to and approved by the board of directors showing such profits to have been earned since the last apportionment or declaration of profits or dividends or to have been transferred from undivided profits; *and provided, however,* that any such association may, with the written consent of the Commissioner of Banking and Insurance, transfer all or any part of its real estate holdings together with all or any part of its defaulted bonds and mortgages or other assets to a trust account or to a trustee or trustees to hold, upon terms approved by said commissioner, for the purpose of ultimate liquidation of such real estate, bonds, mortgages and assets and equitable distribution of the proceeds of such liquidation to its shareholders under the supervision of said commissioner; and if the amount of such transfer shall exceed the sum of the applicable reserve and undivided profit accounts of such asso-

Proviso.

Financial statement approved before payment.

Proviso.

ciation the share liability of such association to each member thereof, regardless of the type of shares held by such member, and without regard to whether notice of withdrawal shall have been filed or the shares shall have been retired, lapsed or matured, shall be reduced on an equal percentage basis.

Section 26 amended.

7. Section twenty-six of the act of which this act is amendatory be and the same is hereby amended to read as follows:

26. Investments.

Investments.

The funds of every such association shall be invested in the following and no other way:

I. Real Estate.

Real estate,

In the purchase of lands or building lots and erecting buildings and improvements thereon, or in the purchase of lands already improved; which lands, buildings and improvements shall be within this State and shall be already contracted to be sold to the members of such association, payable in the shares of the association, or in periodical installments for a period such as shall be agreed upon and designated in its constitution; at the expiration of which term, all payments having been made, the lands, dwellings and improvements so sold and conveyed to the members of such association shall become the property of the grantees, discharged from all further payment; in the purchase of lands and the erection or improvement of buildings thereon for the purpose of providing offices for the transaction of its business; the amount that may be so invested in such lands and buildings together with the amounts due on obligations payment of which is secured by liens or mortgages on said lands and buildings shall not, in the aggregate, exceed five per centum of the value of the assets of such association; the interest on the amount so invested, calculated at the rate of six per centum per annum less the annual income obtained from subrentals or otherwise of any part of such building, shall be charged against the aggregate amount of expense as limited by this act;

II. Mortgage loans to members.

In loans to members on bonds secured by mortgage which shall be a first lien on improved real estate in this State, not to exceed eighty per centum of the cash value thereof, payable in shares of such association, or by appropriating, periodically, in whole or in part, dues or dues and profits credited to shares of such association which shall have been pledged as collateral for any such loan, or by periodical installments; except where any such association holds a mortgage on real estate which is a first lien, such association may increase its loan thereon and secure the same by a second or subsequent mortgage; the total indebtedness to such association, less the amount of the withdrawal value of the shares pledged for such loan, shall not exceed eighty per centum of the cash value of the real estate loaned on, and all the mortgages held by such association shall be prior to any other encumbrance on said real estate; Bond and mortgage;

III. Redemption of shares.

In the redemption of shares of such association; Redeem shares;

IV. Loans on shares.

In loans upon the pledge or collateral security of the shares of such association not to exceed ninety per centum of the withdrawal value of such shares; Loans on shares;

V. Mortgage loans to non-members.

In loans to persons not members or in loans, other than those authorized by paragraph II of this section, to members; *provided,* that such loans to persons not members and to members, in each instance, shall be on bond secured by mortgage, which shall be a first lien on improved real estate in this State, not to exceed sixty-five per centum of the cash value thereof; such loans may also be simultaneous with or subsequent to loans of the character authorized by paragraph II of this section; *provided,* the sum of all the loans on the real estate mortgaged shall not exceed sixty-five per centum of the cash value thereof; *and provided, further,* at least fifty per centum of such a loan shall be of the character authorized by paragraph Loans to nonmembers; Proviso; Proviso;

Construing; II of this section; a purchase money mortgage given to such association upon real estate sold by it shall not be considered a loan within the meaning of this subdivision; a premium or discount taken by any such association for loans of the character specified in this paragraph shall not be deemed to be usurious;

VI. Securities.

Securities; In the purchase of any or all of the securities in which savings banks of this State are authorized by law to invest, or as a loan upon any of such securities as collateral, not to exceed eighty per centum of their market value; *provided,* investments or loans authorized under this paragraph of this section and mortgage loans unaccompanied by one of the character authorized by paragraph II of this section shall only be made from moneys on hand not required for any of the purposes specified in paragraphs I, II, III, IV and V hereof, or for the payment of withdrawals or matured shares, or for the purpose of creating a fund for the payment of maturing shares;

Proviso; Proviso, limiting amount invested; *Provided, further,* that a sum equivalent to not less than one per centum of the gross assets of each such association as shown by its last preceding annual report shall be invested by such association in the following manner: (a) In stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof; (b) In the interest-bearing bonds of this State or in any bonds authorized by the laws of this State to be issued by any commission appointed by the Supreme Court of this State by virtue of any law of this State; (c) In the bonds of any State in the Union that has not, within ten years previous to making such investment by any such association, defaulted in the payment of any part of either principal or interest on any debt authorized by any law of such State to be contracted; (d) In the bonds of any county, township, municipality or

United States securities:

State securities;

Other States' securities:

Municipal securities:

school district of this State issued pursuant to the authority of any law of this State; *provided,* such county, township, municipality or school district shall not, within the five years next preceding, have defaulted in the payment of any part of either principal or interest of any legal debt or obligation thereof; *and provided, further,* the total indebtedness of any borough or village does not exceed ten per centum of its assessed valuation, and such school district bonds are by law charged upon all the property of the inhabitants of such districts; or in any interest-bearing obligation issued by the county in which such building and loan association is situated, or by any city, town, township, borough or village in such county; (e) In any demand or time deposits in, or certificates of deposit of, any bank or trust company in this State, which deposits or certificates shall be in the name of such association and shall be designated "liquid investment fund"; (f) In the stock and/or bonds of the Federal Home Loan Bank of Newark; moneys acquired by such association from the sale or hypothecation of securities specified in subdivisions (a), (b), (c), (d) and (f) hereof, or from the sale, surrender, hypothecation or withdrawal of such deposits or certificates of deposit, shall be used only for the purpose of making payments to shareholders on shares withdrawn or on shares matured or on loans authorized under paragraph IV hereof; and no such association shall agree to invest any moneys in the manner permitted by paragraphs I, II and V hereof when its investments in such securities and/or deposits and/or certificates shall be less than the percentage herein require; and every such association shall be subject to such rules and regulations respecting the methods of investing funds in such securities, deposits and certificates and the custody and control of such securities, deposits and certificates as the Commissioner of Banking and Insurance shall prescribe.

Proviso;

Proviso;

Demand as time deposits;

Federal Home Loan Bank of Newark.

8. This act shall not be construed to amend, repeal or supersede the provisions of an act en-

Construing.

titled "An act to amend an act entitled 'An act concerning investments by banks, trust companies, savings banks, building and loan associations, title and mortgage guaranty companies, insurance companies, and by persons and corporations acting in a representative capacity in leasehold estates within this State of camp meeting associations,' approved April ninth, one thousand nine hundred and thirty," approved July seventh, one thousand nine hundred and thirty.

Section 27 amended.

9. Section twenty-seven of the act of which this act is amendatory be and the same is hereby amended to read as follows:

27. Limitation on mortgage loans.

Limiting mortgage loans.

No association having mortgage loans outstanding in excess of the sum of one hundred thousand dollars, shall lend on mortgage on any property an amount in excess of ten per centum of its total mortgage loans outstanding, and associations having mortgage loans outstanding of one hundred thousand dollars or less shall not lend on any property more than ten thousand dollars; and no loan on bond and mortgage shall hereafter be made by any such association to an officer, director or employee of such association except for the bona fide financing of the home of such officer, director or employee, and loans on bond and mortgage hereafter made by any such association shall be limited to loans upon real estate used or to be used wholly or partially for dwelling purposes.

Section 49 amended.

10. Section forty-nine of the act of which this act is amendatory be and the same is hereby amended to read as follows:

49. (a) Withdrawals; procedure and limitations.

Withdrawal of shares.

The shares of every such association of this State, or doing business therein, may be withdrawn by the holder upon giving such written notice as may be provided for in the constitution, not to exceed thirty days; and upon withdrawal of such shares a reasonable portion of the dividends or profits, if any, credited to such shares may be retained by such association and the remainder of

the amounts credited on such shares, less fines and other obligations thereon, paid to the withdrawing member in the manner otherwise provided in this act; *provided,* that no fines shall be deducted from the dues credited on shares which shall be withdrawn within one year after such shares shall have been subscribed; *provided, however,* that this section shall not be construed to prevent a reduction of the share liability of any such association to its members for the purpose of providing for losses or anticipated losses or of reserving against them as otherwise provided in this act; *provided,* that the Commissioner of Banking and Insurance, if it shall appear to him that any such association is in an unliquid condition, may authorize the making of an agreement, in writing, which shall be binding on assenting members of any such association, whereby such assenting members shall agree not to file a notice of withdrawal before a date specified in such agreement and notice of such agreement shall be printed or stamped upon the face of the certificate and/or pass book of each such assenting member when such certificate or pass book shall come into the possession of any such association.

Proviso.

Proviso.

Proviso.

(b) Maturity of shares.

Whenever dues and dividends or apportioned profits credited to the installment, single payment or juvenile shares of any such association, shall equal the maturity value of said shares or when shares shall have been matured by the lapse of time, said association shall give notice thereof to the holders of said matured shares and the holders of said shares, respectively, shall receive payment thereof in the manner prescribed elsewhere in this act. Dividends or profits, not in excess of current earnings, may be specially credited or apportioned between dividend or apportionment dates, to shares nearly matured for the purpose of maturing such shares.

Maturity of shares.

11. Section fifty-two of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Section 52 amended.

52. Payment of maturities and withdrawals.

Order of payment:

Maturities and withdrawals shall be paid in the manner and subject to the limitations provided herein:

Maturities and withdrawals;

(a) Maturities shall be paid in the order in which they become due except as provided herein and withdrawals shall be paid in the order in which notices of withdrawal shall have been filed except as provided herein; and

Maturities paid in order.

(b) The maturities of any one month shall be paid before the maturities of subsequent months; and

Prorating net receipts;

(c) One-third of the net receipts of any such association in each fiscal month shall be made available so far as necessary for the payment of maturities or for the establishing of maturity reserves and another one-third of the net receipts of any such association in each fiscal month shall be made available so far as necessary for the payment of withdrawals; and the words "net receipts," as used in this section, shall be construed to mean the monies, other than borrowed monies, received by any such association less monies used for operating expenses, monies used to pay creditor obligations, monies used for the conservation, preservation or protection of the property and assets of such association, and monies reserved for any of such purposes; and

"Net receipts," defined;

Payments on account;

(d) If at the end of any fiscal month the funds of any such association required to be made available for the payment of withdrawals, together with such other funds, if any, made available for such purpose by the board of directors, shall be insufficient for the payment of all withdrawals then due and payable, the board of directors of such association shall, so far as possible, pay out of such funds, on account of the sum due on each such withdrawal, in the order in which the notices shall have been filed, the sum of fifty dollars or the balance due thereon, whichever is less and, if the available funds shall not thereby be exhausted or become inadequate, shall, so far as possible, again pay on

account of each such withdrawal, in said order, the sum of fifty dollars or the balance due thereon, whichever is less, and shall repeat the process until the available funds shall become inadequate or exhausted; and subsequent available funds, when available, shall be applied to the payment of then existing withdrawal obligations in the same manner beginning with the withdrawal next following the one on account of which the last such payment was made; and

Suit barred;

(e) No member to whom any such association shall be obligated for the payment of any maturity or withdrawal shall have the right to bring suit against such association to recover the maturity or withdrawal value of his shares or any part thereof so long as the funds of such association shall be applied as required by this section; and

Additional funds.

(f) The board of directors of any such association shall have the right, in their discretion, to make available additional funds other than those required in subdivision (c) of this section for the payment of maturities and withdrawals; *provided, however,* that no more than one-third of the net receipts as defined in subdivision (c) hereof shall be used for the payment of withdrawals while maturities remain unpaid; *and provided further,* that borrowed monies shall not be used for the payment of withdrawals while maturities remain unpaid.

Proviso.

Proviso.

Section 55 amended.

12. Section fifty-five of the act of which this act is amendatory be and the same is hereby amended to read as follows:

55. Lapsed shares.

Failure to pay installments:

If a member of any such association shall fail for six successive months to pay his installments as the constitution shall provide, his membership in such association shall, at the option of the board of directors, thereupon cease and determine, but in no case shall further fines or penalties be charged against his account; if he be a borrower on bond and mortgage, the principal sum of such mortgage shall, at the option of the board of directors, be-

If borrower;

come at once due and payable, unless by the terms of the mortgage, the same shall sooner become due and payable, in which event he shall be allowed the withdrawal value of his pledged shares as a credit on such mortgage loan less any arrearages or charges in connection therewith; if he be not such a borrower, he shall be paid the withdrawal value of his shares, less the amount of any loan thereon as collateral security, that may have been made by such association; *provided, however,* that this section shall not be so construed as to make any member whose shares shall be lapsed a general creditor of any such association as to the balance due on said lapsed shares and such member shall be paid the balance due on said lapsed shares in the same manner as if such member were a withdrawing shareholder who had filed notice of withdrawal at the time of lapsing said shares; if the address of such member, or of his legal representative in case of his death, be not known and the same is not ascertained within one year from the termination of his membership, such association may apply to the orphans' court of the county wherein the same is located for an order designating some bank, trust company or savings bank in said county, in which such moneys may be deposited to the credit of such member or his legal representatives, and said court is hereby empowered to make such order, and a compliance with the terms of such order shall be a full discharge of all liability on the part of such association to such member for the amount so deposited; the moneys so deposited shall be paid by such bank or trust company or savings bank to such member or his legal representatives in the same manner and under the same conditions as if such deposit had been made personally by such member; *provided,* there shall be deducted from the amount due such member such reasonable sum for the costs of the application as the court may direct.

Not a borrower;

Proviso.

Address unknown.

Court procedure.

Proviso.

Section 67 amended.

13. Section sixty-seven of the act of which this act is amendatory be and the same is hereby amended to read as follows:

67. Fines and reward profit plan.

No such association shall charge fines after a notice of withdrawal shall have been filed. A single fine not exceeding five per centum may be charged upon initial arrearages or on the amount by which the arrearage may be increased in any one month, but thereafter no further fines or charges shall be imposed exceeding one per centum per month upon the amount of such arrearages, not including fines; and any such association shall have authority, with the consent of the Commissioner of Banking and Insurance, to provide in its constitution for a reward profit plan whereby its board of directors shall be authorized to divide profits available for dividends on installment shares into two parts, one of which parts shall be absorbed by the crediting of a bases rate of dividends to the accounts of members holding installment shares and the other of which shall be transferred to a "reward profit" account, out of which "reward profit" account its board of directors shall have authority to credit proportionate reward dividends or profits, in accordance with the provisions of the constitution of such association, to the installment share accounts of those members who, by reason of the period during which or regularity with which they shall have paid installment share dues or both, shall have qualified themselves, under the constitution of such association, to receive such reward dividends or reward profits; *and provided,* that upon the withdrawal of any installment share issued under a reward profit plan, the reward profits to which such share would otherwise have been entitled on maturity shall be transferred to undivided profits and the withdrawing member shall have no further lien or right in such reward profit dividends, but such withdrawing member shall be entitled to a withdrawal value equivalent to all other credits entered on account of said installment share, payable in the manner otherwise provided in this act; *and provided, further,* that any such association, using the reward profit plan, shall transfer to the

Limiting fines.

Reward plan.

Proviso.

Proviso.

reward profit account not more than one-half of one per centum of its total share liability to its installment share members for each six months' period that shall have elapsed since the last declaration of dividends or apportionment of profits. This section shall not be construed to limit the right of any association to reduce its share liability as otherwise provided in this act.

Construing.

Section 68 amended.

14. Section sixty-eight of the act of which this act is amendatory be and the same is hereby amended to read as follows:

68. Premiums.

Apportioning gross earnings.

No gross premium upon a contract sale of real estate or gross premium upon a loan or advancement, charged or received by any such association, shall be used or regarded by such association as a profit wholly apportionable at the time it shall have been charged or received, but it shall be apportioned to profits from time to time over a period fairly estimated to mature shares and, for that period, in a decreasing proportion, it shall be carried in an unapportioned premium account; *provided, however,* that when such gross premium shall have been charged or received in any transaction where payment does not depend upon the maturity of shares, the said gross premium shall be transferred from the unapportioned premium account, proportionately, as the amount due the association on such transaction shall be decreased.

Proviso.

Section 69 amended.

15. Section sixty-nine of the act of which this act is amendatory be and the same is hereby amended to read as follows:

69. Reserve accounts.

Establishing contingency reserve account.

Before any such association shall apportion profits or declare dividends the board of directors of such association shall transfer to a contingency reserve account, after provision for expenses, five per centum (5%) of the net earnings of such association since the last apportionment of profits or declaration of dividends, until said contingency reserve account is equal to seven and one-half per centum (7½%) of the total assets of such associa-

tion and if at any time said contingency reserve account shall become less than seven and one-half per centum (7½%) of the total assets of such association, then at least five per centum (5%) of the net earnings shall be transferred thereto before the apportionment of any profits or the declaration of any dividends until said contingency reserve account is restored to seven and one-half per centum (7½%) of the total assets of such association and said contingency reserve account shall at all times be maintained for the purpose of absorbing unforeseen losses or extraordinary expenses; and the board of directors may, in its discretion, transfer additional amounts to the contingency reserve account.

Real estate reserve account.

If the aforesaid contingency reserve account is less than ten per centum (10%) of the cost of any real estate acquired by any such association other than in the manner authorized by paragraph I of section twenty-six, then such association shall set up a real estate reserve account in an amount, at least, equal to the difference between the amount of such aforesaid contingency reserve account and ten per centum (10%) of the cost of such real estate, which such real estate reserve account shall remain unimpaired until such association disposes of such real estate, at which time the loss on such real estate, if any, shall be charged first to the real estate reserve account and second to the contingency reserve account required by the preceding paragraph, and any balance of such real estate reserve account required to be established by this section and in excess of the amount so required may, by resolution of the board of directors, be transferred to the undivided profits account of such association.

Undivided profits.

Any profits not apportioned or set apart to contingency or real estate reserve accounts may be held as undivided profits to be used as other earnings; *provided, however,* that no part of the undivided profits of any such association shall be transferred or used, except with the consent of the

Proviso.

Commissioner of Banking and Insurance, for the purpose of declaring dividends or apportioning profits at a rate higher than the rate maintained by such association as an average for the preceding ten year period; *provided, further,* that the aggregate amount of the contingency reserve account and the undivided profits shall in no case exceed twenty per centum (20%) of the total assets of any such association.

Proviso.

Section 73 amended.

16. Section seventy-three of the act of which this act is amendatory be and the same is hereby amended to read as follows:

73. Designation of shares.

Designating shares:

Without changing their status as common shares all shares issued by any such association shall be designated as follows:

I. Installment.

Installment;

Installment shares shall be payable monthly, semi-monthly or weekly or as the constitution of any such association shall provide. The holder of any shares, on assigning or pledging such shares to any such association as collateral for a bond and mortgage loan, may contract with such association to waive profits or dividends on such shares and instead to receive the benefits of membership through the periodical application of dues paid on such shares to the reduction of the principal amount of such loan together with the consequent reduction of interest thereon; and upon the application as aforesaid of the dues paid on such shares, such dues shall not be a part of the share liability of such association to its members.

II. Single payment.

Single payment;

Single payment shares are those issued upon the making of a single payment thereon and which mature through the addition or crediting of profits thereto at a rate of profit equal to that apportioned to installment shares.

III. Juvenile.

Juvenile;

Juvenile shares may be issued to, or in the name of any minor, if the constitution shall so provide, and shall be held for the exclusive right and benefit

of such minor, and free from the control or lien of all other persons except as hereinafter provided; and the accumulations on these shares, together with the dividends accredited thereon, shall be paid to the person in whose name the shares have been issued if such person be over the age of sixteen years and if not to his or her parent or guardian, and the receipt or acquittance of such minor over sixteen years old or of the parent or guardian of such minor less than sixteen years old shall be a valid and sufficient release and discharge to such association for such accumulation together with the dividends accredited thereon, or any part thereof. Owners of juvenile shares shall not be chargeable with fines of any kind and need not be required to make regular or specific payments. Such shares may be credited with dividends from the apportioned profits of such association at a rate not in excess of the rate of dividends credited to installment shares.

IV. Income.

Income shares shall be shares the maturity value of which shall be paid in advance. The rate of dividends declared on income shares hereafter originally issued shall not exceed ninety per centum of the rate of dividends credited to installment shares for the same period; *provided, however,* that any such association which shall credit a base rate of dividends under a reward profit plan as elsewhere authorized by this act may declare a rate of dividends on income shares not in excess of the base rate credited to installment shares.

Income; Proviso.

17. Section seventy-four of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Section 74 amended.

74. Status of shares.

All shares issued by any such association shall be of the same maturity value, but any such association may amend its constitution in such manner that all shares thereafter issued shall have a maturity value differing from the maturity value of shares theretofore issued and any change of

Status of shares.

maturity value heretofore made in such manner in pursuance of an amendment to the constitution of any such association heretofore adopted shall be deemed not to contravene the provisions of this act; in case the maturity value per share is two hundred dollars or more such association shall have the right to issue one-half shares; *provided,* that this section shall not be construed to limit the right of any such association to provide in its certificate of incorporation and its constitution for maturing shares upon the expiration of a fixed time, not less than ten years. No such association shall issue preferred or other than common shares. The share liability of each such association to each member thereof shall be construed to mean its aggregate liability to such member for dues paid in by such member and profits, if any, apportioned individually or by series to the account of such member; and in the event that the losses or anticipated losses of any such association shall hereafter exceed the sum of its applicable reserve and current and undivided profit accounts, the share liability of such association to each member thereof, regardless of the type of shares held by such member and without regard to whether notice of withdrawal shall have been filed or the shares shall have been retired, lapsed or matured, but not paid, may, on application by the board of directors of such association to and approval by the Commissioner of Banking and Insurance, be reduced on an equal percentage basis to an extent sufficient to provide for such loss or anticipated loss or to reserve against them or either of them; *provided, however,* that this section shall not be construed to prevent the retention by any such association of apportioned profits or a portion thereof upon withdrawal of shares as otherwise provided in this act; *provided, however,* that this section shall not be so construed as to create a share liability on the part of any such association for profits heretofore recaptured for reserve purposes. The maturity of installment shares may be accelerated by the payment of an amount in excess of the regular install-

Half shares.

Proviso.

No preferred shares.

Shares liability.

Proviso.

Proviso.

Accelerating maturity.

ments if the constitution so provides, and such accelerated shares may be designated short term installment shares. No agreement or understanding shall be made or entered into except as provided in this act, whereby the time for surrendering shares to such association and withdrawing the value thereof shall be postponed, and all classes of shares shall be surrendered and withdrawn on the same terms and under the same conditions as provided in the constitution and in this act for the surrender and withdrawal of shares. No member shall hold income shares in any such association of a value in excess of two per centum of the liability of such association for dues on installment shares, and in no case shall a member hold income shares in any such association of a value in excess of twenty-five thousand dollars; *provided, further, however,* that this limitation shall not apply to income shares that are received by a person by will or under the statute of distribution or held as collateral security.

No agreement as to payments, etc. of shares.

Limiting amount of income shares held.

Proviso.

18. Section seventy-five of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Section 75 amended.

75. "Building and loan association" defined.

The term "building and loan association" as used in this act shall apply to and include all corporations, companies, societies or associations or persons acting together under a declaration of trust, commonly known as common law companies organized for the purpose of enabling its members to acquire real estate, make improvements thereon, and to remove encumbrances therefrom by the payment of money in periodical installments or principal sums; and for the accumulation of a fund to be returned to members who do not obtain advances for such purposes, when the funds of the corporation, company, society or association amount to a certain sum per share or when a certain period of time shall have elapsed, or otherwise doing business in the manner of what are commonly known as building and loan associations.

Building and loan association defined.

19. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 60

AN ACT authorizing and directing the Treasurer of this State to pay for emergency relief purposes, out of any fund in his hands, on the warrant of the Comptroller, and upon the order in writing of the Governor, such sums of money, not exceeding two million dollars ($2,000,000.00) per month, as the Governor shall deem necessary.

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

Appropriation for relief purposes.

1. The Treasurer of this State is hereby authorized and directed to pay for emergency relief purposes, out of any fund in his hands, on the warrant of the Comptroller, and upon the order in writing of the Governor, such sums of money, not exceeding two million dollars ($2,000,000.00) per month, as the Governor shall deem necessary.

Replacement.

2. Should any act or acts be passed providing for the raising of additional revenue for the support of the government, the Governor is hereby authorized, by order in writing, to direct the Treasurer to deduct from moneys received pursuant to such act or acts all or such portion of the moneys withdrawn from the treasury pursuant to section one of this act as the Governor shall, in writing, direct.

3. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 61

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Investment of depreciation fund.

1. No public utility shall, without the approval in writing of the Board of Public Utility Commissioners first had and obtained, invest any part of its depreciation fund in obligations or securities of any kind, except obligations and securities that are legal investments for savings banks under the laws of this State, and except obligations and securities of the underlying or subsidiary public utility corporations of this State, of such public utility.

Investments kept in State.

2. Every public utility shall at all times keep within this State all obligations and securities in which its depreciation fund is invested and reinvested.

Disposition of certain securities.

3. The board is hereby empowered after hearing upon notice to order any public utility to dispose of any obligations or securities in which its depreciation fund is now, or may hereafter be, invested, except obligations and securities that are legal investments for savings banks under the laws of this State, and except obligations and securities of underlying or subsidiary public utility corporations of this State, of such public utility.

Deposit of balance of depreciation fund.

4. Every public utility shall deposit, and at all times keep deposited in its own name and to its own credit and in a banking or trust company located in this State, the balance of the depreciation fund of such public utility which is not invested in accordance herewith or expended in accordance with the act to which this act is a supplement. This provi-

Application.

sion shall apply to every depreciation fund whether accumulated before or after the enactment of this act.

Certain railroads exempt.

5. The provisions of this act shall not apply to any public utility subject to the jurisdiction of the Interstate Commerce Commission owning, operating, managing or controlling a steam railroad within this State.

6. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 62

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Records kept.

1. Every public utility shall at all times keep within this State all records, books, accounts, documents and other writings relating to contracts entered into, transactions had, services rendered, business done and property within this State, and shall at no time remove any of such records, books, accounts, documents or writings from this State without the consent in writing of the Board of Public Utility Commissioners first had and obtained.

Not removed from State.

Agents.

2. Every public utility shall within fourteen (14) days after this act is enacted and approved, file with the Board of Public Utility Commissioners a designation in writing of an agent, resident of this State, who shall have the custody of such records, books, accounts, documents and other writings, and upon whom process for the production of the same

before the Board may be served. Such designation shall set out the name of such agent, his place of residence within this State and his place of business. Every public utility filing such designation may at any time revoke such designation, *provided*, that simultaneously with the revocation of such designation, a substituted designation be filed by it with the Board.

Requirements.

Change of agent.

3. Jurisdiction and power is hereby conferred upon the Court of Chancery of this State, at the suit of the Board, to enforce compliance with the foregoing sections of this act through sequestration of, or the appointment of a receiver for, the property in this State of any public utility failing to comply with the same.

Chancery to enforce compliance.

4. In case for any cause service of process to produce such records, books, accounts, documents or other writings cannot be effected upon a designated agent, service of such process may be made within this State upon any officer, agent or employee of such public utility having custody or control of the same, or access thereto.

Service of process.

5. The provisions of this act shall not apply to any public utility subject to the jurisdiction of the Interstate Commerce Commission owning, operating, managing or controlling a steam railroad within this State.

Certain railroads exempt.

6. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 63

A SUPPLEMENT to an act entitled "An act to authorize the formation of toll bridge companies and to regulate the same," passed April twelfth, one thousand nine hundred and twelve.

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

Reinstating inoperative company.

1. If the charter of any corporation organized under the act to which this is a supplement shall hereafter become or shall have heretofore become inoperative or void by proclamation of the Governor or by operation of law, for nonpayment of taxes, the Governor, by and with the advice of the Attorney-General, may, upon payment by said corporation to the Secretary of State of such sum in lieu of taxes and penalties as to them may seem reasonable, but in no case to be less than the fees required as upon the filing of the original certificate of incorporation, permit such corporation to be reinstated and entitled to all its franchises and privileges, and upon such payment as aforesaid the Secretary of State shall issue his certificate entitling such corporation to continue its said business and its said franchises; *provided,* that nothing in this section contained shall relieve any such corporation from the penalty of forfeiture of its franchises in case of failure to pay such future taxes imposed under any law of this State.

Proviso.

2. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 64

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, nineteen hundred and seventeen.

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

1. An act entitled "An act concerning municipalities," approved March twenty-seventh, nineteen hundred and seventeen, is hereby amended by inserting after section three of article seventeen a new section to be numbered 3-A as follows:

Section 3-A added.

3-A. If any person shall be removed from office or employment in any such fire department, or from the fire department of any municipality which has not adopted the provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities and providing for a Civil Service Commission and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, such person may appeal such removal to the court of common pleas of the county in which such municipality is situated, and such court shall hear such case de novo, and may order such person reinstated in his office or employment if such court should find that such person was not guilty of the charges upon which he was removed, or may make such other order as such court may decide is proper and just under the circumstances.

Firemen removed may appeal to common pleas.

Hearing.

Determination.

2. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 65

AN ACT to amend an act entitled "An act concerning officers and employees and members of police and fire departments of counties and municipalities of this State," approved May second, one thousand nine hundred and thirty-four.

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

Section 1 amended.

1. Section one of an act entitled "An act concerning officers and employees and members of police and fire departments of counties and municipalities of this State," approved May second, one thousand nine hundred and thirty-four, be amended so as to read as follows:

Decreasing number of firemen and policemen.

1. When the governing body or any other board of any county or municipality in this State shall for reasons of economy find it necessary to decrease the number of employees, officers or members of any police or fire department or of any grade or rank thereof in any such county or municipality they shall proceed in the following manner:

Method of procedure.

In the event that such board shall determine to decrease the numbers in any of the higher ranks or grades of any such police or fire department, they shall demote such officer, employee or member or officers, employees or members of such higher rank or ranks to the next rank below, but shall not remove any such officer, employee or member from such department except as hereinafter provided,

Demotion.

and in any such demotion from a higher rank or grade, the officer, member or employee to be demoted shall be the last one so appointed to such

Proviso.

higher rank or grade; *provided, however,* that any and all dismissals or removals from the department shall be made from the last person or persons appointed to the department, regardless of the rank

of such person at the time of decreasing the number of employees.

Approved March 12, 1935.

CHAPTER 66

AN ACT to amend an act entitled "An act regulating the days of employment of uniformed members of paid police departments in municipalities of this State, including all paid uniformed police officers having supervision or regulation of traffic upon county roads, parks and parkways," approved April third, one thousand nine hundred and twenty-eight.

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

1. Section one of an act of which this is amendatory be and the same is hereby amended so as to read as follows: Section 1 amended.

1. The days of employment of uniformed members of any paid police department in any municipality of this State, including all paid uniformed police officers having supervision or regulation of traffic upon county roads, parks and parkways shall not exceed six days in any one week; *provided, however,* that in case of an emergency the officer, board or other official having charge or control of all such police departments shall have full authority to summon and keep on duty any and all such officers during the period of any such emergency; but within twelve months after such emergency each uniformed member of such police department shall be given a day off duty for each extra day so served by him during such emergency. Working days a week. Provisc Time allowance for extra duty.

2. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 67

A SUPPLEMENT to an act entitled "An act to establish a State highway system, and to provide for the improvement, betterment, reconstruction, resurfacing, maintenance, repair and regulation of the use thereof" (Revision of 1927), approved March thirtieth, nineteen hundred and twenty-seven.

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

Installing traffic lights.

1. Any county or municipality, wherein a dangerous intersection has been established by reason of the construction of a State highway within the territorial limits thereof, may apply to the State Highway Commission for the installation and maintenance of traffic lights at such intersection, and after an application is so made the commission shall cause to be made a proper investigation and survey concerning the traffic hazards which exist at such intersection. The said State Highway Commission, after an investigation and survey, may install and maintain traffic lights at any intersection where an application, as hereinbefore provided for, has been made; *provided, however,* that the installation of any traffic lights pursuant to the provisions of this act shall receive the approval of the Commissioner of Motor Vehicles.

Where set up.

Proviso.

Provision for expenses.

2. The State Highway Commission is hereby authorized to expend such moneys as may be necessary to install and maintain traffic lights at the places mentioned in section one hereof, said moneys to be withdrawn from those appropriated to the State Highway Commission from the State highway fund.

3. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 68

AN ACT to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

1. Section thirty-two of the act to which this act is amendatory be and the same is hereby amended to read as follows: Section 32 amended.

32. Reinsurance by life companies. No life insurance company of this State may reinsure any of its outstanding risks or policy obligations in any other company, or itself reinsure such risks or obligations of another company except as hereinafter provided. Whenever such company shall propose to enter into a contract of reinsurance, it shall bring its application in the form of a petition to the Commissioner of Banking and Insurance setting forth the terms and conditions of the proposed reinsurance. The commissioner shall thereupon issue an order requiring notice to be given by mail to all the policy holders of such company, of the pendency of such application and the place and time, not less than twenty days from the date of such order, the same will be heard. The contract for such reinsurance shall be utterly invalid and of no force until it shall have been submitted to the Commissioner of Banking and Insurance of this State and by him approved, which he shall only do after due inquiry and following the hearing upon the application aforesaid and upon satisfactory evidence that the interests of the policyholders are fully protected; *provided,* any life insurance com- Proviso.

Reinsurance.

Petition.

Notice to all policy holders.

Contract must be approved.

New Jersey State Library

pany may reinsure individual risks in whole or in part simultaneously with the making of the original contract of insurance without complying with the requirements of this section.

2. This act shall take effect immediately.

Approved March 12, 1935.

CHAPTER 69

AN ACT prohibiting operation on tails of horses.

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

Cutting tails of horses unlawful.

1. Operating upon tails of horses unlawful. Any person who cuts the tissue, tissues, muscle or muscles of the tail of any horse, mare or gelding, or otherwise operates upon it in any manner for the purpose or with the effect of altering the natural carriage of the tail, except when such cutting or operation is necessary for the health or life of said animal, as certified to in writing by a licensed veterinarian; and any person who causes, procures or knowingly permits such cutting or operation to be done, and any person who assists in or is voluntarily present at such cutting or operation, shall be subject to a forfeiture not to exceed one hundred dollars ($100.00) for each such offense.

Penalty.

Showing mutilated horse illegal.

2. Any person who owns or possesses, or shows or exhibits at any horse show or other like exhibition in this State, a horse, mare or gelding the tail of which has been so cut or operated upon shall be guilty of a violation of this section. This requirement shall apply to every animal whether the cutting or operation has been performed within or without the State of New Jersey. The provisions of this action shall not apply with respect to an animal

Time allowance.

the tail of which has been so cut or operated upon within or without this State prior to the first day of January, nineteen hundred and thirty-six, or where the cutting or operation was necessary for the life or health of the horse; *provided,* the owner has procured the required affidavit to establish the fact, which affidavit shall be produced and exhibited to any constable, police officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, upon request, at all reasonable times. If any horse, mare or gelding is offered for entry at any horse show or other exhibit subsequent to January first, nineteen hundred and thirty-six, and the tail of such animal has been cut or operated on as described in this section, the affidavit herein provided for shall be exhibited to the secretary of the association conducting the show as a prerequisite to acceptance of the entry, and such affidavit must be accessible to any constable, police officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals during the period of the show.

Proviso.

Affidavit as to operation.

3. The affidavit provided for by this section must identify the animal by sex, age, markings, sire and dam; also must state the time and place of the cutting or operation and by whom performed. If the cutting or operation was necessary for the health or life of the animal, the affidavit must be made by the veterinarian who pronounced that opinion; in all cases the affidavit must be made by the veterinarian who performed the operation, or if this cannot be obtained, then by some other person present at that time, and if neither the veterinarian nor any person so present can be found, then by some person otherwise cognizant of the facts and whose affidavit shall state why the affidavit of the veterinarian or such other person is not obtained.

What affidavit to show.

If done for health.

Proof.

Approved March 12, 1935.

CHAPTER 70

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

Sec. 9, Art. XVIII, amended.

1. Section nine of article XVIII of the act to which this act is amendatory be and the same hereby is amended so as to read as follows:

Sale and transfer of land, etc.

9. Every municipality may sell or dispose of any lands or buildings or any right or interest therein not needed for public use. Any lands owned by a municipality and which cease to be suitable or convenient for the use for which they were acquired, may be devoted to any other municipal use, or may be sold or disposed of to the United States of America, the State of New Jersey, or any political subdivision of said State, to be devoted to a use similar to that for which the same was acquired by said municipality or for some other suitable public use, but no land may be transferred from the control of any municipal board or body without the consent thereof; *provided, however,* that nothing hereunder shall permit the sale of any park lands or streets; *provided, further, however,* that a municipality may dispose of and convey a portion of park lands or streets in exchange for the other lands contiguous to such park lands or streets in area equal to or greater than the lands conveyed for the purpose of straightening or rendering symmetrical the boundary or boundaries of said park lands or streets.

Use.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 18, 1935.

CHAPTER 71

AN ACT for extending the time for completing certain railroads.

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

1. Whenever the time limited for the completion of any railroad authorized to be constructed within the State under any special or general act has expired, or shall expire before the thirty-first day of December, one thousand nine hundred and thirty-five, such time shall be and the same is hereby extended for the further period of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of route, or in acquisition of right of way or in construction since January first, one thousand eight hundred and eighty-six; *provided, further,* that this act shall not apply to any corporation unless such corporation shall first, and as the condition precedent to the exercise of any power granted by this act, file in the office of the Secretary of State an agreement, to be approved by the Governor and Attorney-General, waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this State now in existence or that may be hereafter passed taxing such corporations as are now authorized to be taxed by the Legislature of the State under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this State, if any there exist, to take the property of such corporations under any existing law of this State, and agreeing further that all laws affecting such corporations shall be

Extension of time granted.

Proviso.

Proviso.

subject to alteration or repeal by the Legislature; *provided, however,* that any railroad company that has heretofore filed an agreement such as above described, under the provisions of any previous act of the Legislature for extending the time for completing certain railroads, shall have the time for the completion of its railroad extended as herein above provided without filing another such agreement under this act; *provided, further,* that any agreement that has heretofore been filed by any corporation under any previous act extending the time for completing certain railroads, shall be as binding as if filed under the provisions of this act.

Proviso.

Proviso.

2. This act shall be deemed a public act and shall take effect immediately.

Approved March 18, 1935.

CHAPTER 72

A SUPPLEMENT to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Deposition may be taken where claimant is found.

1. Whenever any executor, administrator or trustee has filed his or any account, or shall hereafter file his or any account, and application has been made or shall be made for an order of partial distribution or an order of distribution, and it appears, or shall appear, that in addition to the persons who are known to have an interest in such estate any other person or persons, whose names or places of residence are unknown may be entitled

to participate in the distribution of the estate, respecting which an account is made, and it appears that persons interested in such estate, and unknown persons who may be entitled to participate in the partial distribution of the estate or in the distribution of the estate, reside in this State or in the United States or in foreign countries, and that adequate notice of such proceedings cannot be given to such interested or unknown claimants within the time now provided by law of the settlement of an estate, or of notice to file their claims to such estate after the making of an order so to do, and where many of the persons interested in such estate reside in foreign countries and adequate proof of their claim cannot be produced by any person interested in such estate now residing in this State or in the United States, the surrogate or deputy surrogate of the county in which such proceedings are pending may take the necessary testimony or deposition wherever such claimant or claimants may be found; or, the surrogate, orphans' court or ordinary before whom such accounting and application for partial distribution, or for distribution of such estate is pending, may issue a commission annexed to the will, in cases where there is a will, or concerning the administration of an estate, or otherwise, and directed to the judge of any court of law, mayor, recorder or other chief magistrate of any city or town, where such claimant or claimants may be found, or to any consul or vice-consul of the United States, stationed in any foreign State or kingdom, or to any master in chancery of New Jersey, or to any notary public, specially deputized by any such surrogate, orphans' court, or ordinary, authorizing the taking of the depositions of such claimant or claimants under said will, in cases where there is a will, or concerning the administration of an estate, or otherwise, and the deposition or depositions of such claimant or claimants taken under oath or affirmation and duly certified by the person to whom such commission shall be directed, shall have the same operation as if the same had

Taking of deposition.

been taken before the surrogate, court or ordinary who issued such commission.

Notice of settlement.

2. The executor, administrator or trustee shall give such notice of such settlement of his account or any account in all cases where testimony shall be taken, as shall be fixed by the surrogate, court or ordinary in his discretion.

Publication of notice.

3. The notice to be published in the case of any person or persons whose names or places of residence are unknown, and some of such persons reside or are believed to reside out of the United States, or in all cases where testimony shall be taken, shall be published for five consecutive weeks, once in each week, in a newspaper printed and circulating in the county in which such order of publication is made, and the last publication shall appear at least twenty days before the day fixed for the filing of such claim or claims.

Time fixed for filing claims.

4. The surrogate, court or ordinary shall in his discretion fix such time for the filing of claims in such estate, provide the method and manner in which notice shall be given to known and unknown claimants, and extend the time in any case for the doing of anything hereinbefore set forth, or for the performance of any act, or for the giving of any notice as the surrogate, judge or ordinary in his discretion shall deem proper and best for the administration and distribution of such estate.

5. This act shall take effect immediately.

Approved March 18, 1935.

CHAPTER 73

AN ACT to amend the title and body of an act entitled "An act to amend the title and body of an act entitled 'An act providing for the appointment of fire marshals in counties of the third class of this State and defining his powers and duties,' passed March fourteenth, one thousand nine hundred and twenty-four," which amendment was approved March twenty-ninth, one thousand nine hundred and twenty-six.

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

1. The title of the act of which this act is an amendment be and the same hereby is amended so that the same shall read as follows: "An act providing for the appointment of fire marshals in counties of the second, third and fifth class of this State and defining his powers and duties." Title amended. New title.

2. Section one of the act of which this act is an amendment be and the same is hereby amended to read as follows: Section 1 amended.

1. In all counties of the second, third and fifth class of this State there may by a resolution of the board of chosen freeholders of any such county be created the office of fire marshal. The fire marshal shall be named by the board of chosen freeholders and his term of appointment shall be for one year, dating from the fifteenth of January of each year, except in case of the first appointment, which term shall terminate on the fifteenth of January following the appointment. The board of chosen freeholders may fix the salary of such fire marshal; *provided, however,* that the sum fixed shall not exceed one thousand dollars for any one year. Office of fire marshal created. Appointment and term. Salary. Proviso.

2. This act shall take effect immediately.

Approved March 18, 1935.

CHAPTER 74

A SUPPLEMENT to an act entitled "An act concerning auto buses and their operation," approved March seventeenth, one thousand nine hundred and sixteen, as amended by an act entitled "An act to amend the title and body of an act entitled 'An act concerning auto buses, commonly called jitneys, and their operation in cities,' approved March seventeenth, one thousand nine hundred and sixteen," approved March twenty-fourth, one thousand nine hundred and twenty-six.

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

Receivers to carry liability insurance.

1. That receivers appointed by the United States District Court for the District of New Jersey or by the Court of Chancery of this State, or trustees in bankruptcy, who pursuant to an order of such court are operating any auto bus, shall carry such insurance, or make such other provisions as the court appointing such receivers or trustees may by order direct, to indemnify such receivers or trustees against loss from the liability imposed by law for damages on account of bodily injury or death suffered by any person or persons as a result of an accident occurring by reason of the ownership, maintenance or use of such auto buses; but such receivers or trustees shall continue to carry such insurance as is required to be carried by other owners and operators of auto buses under the provisions of the act to which this is a supplement until such court shall have made an order as herein provided, and upon the making of any such order as herein provided, a certified copy of the same shall be filed with the officer or officers with whom insurance policies are required to be filed by the act to which this is a supplement; *provided, however,* that

To continue required insurance.

Proviso.

as a condition precedent to the making of such an order such receivers or trustees in bankruptcy shall deposit with the Commissioner of Banking and Insurance of this State the sum of fifty thousand dollars ($50,000.00) in cash or in stocks, bonds, or bonds and mortgages, approved by said commissioner, which cash, stocks, bonds and bonds and mortgages shall be held by said commissioner as security for the liability imposed by law upon such receivers or trustees in bankruptcy, for personal injury and death resulting from the operation of said auto buses by such receivers or trustees in bankruptcy, and shall be subject to levy under execution issued upon judgments for such bodily injuries or death against such receivers or trustees in bankruptcy; *and provided further,* that said order shall remain in force and effect only so long as there shall remain in the hands of the said commissioner cash, bonds, stocks, or bonds and mortgages aggregating fifty thousand dollars ($50,000.00) and meeting with the approval of said commissioner from time to time; and so long as said deposit shall be maintained as herein provided, and no levy shall be made thereon, the receivers or trustees making the same shall be entitled to collect and receive the interest and dividends thereon, and to withdraw any deposited stocks, bonds and bonds and mortgages upon depositing with said commissioner other like securities; and said deposit, or the balance thereof remaining, shall be returned to the receivers or trustees making the same upon proof satisfactory to said commissioner that all liabilities secured by said deposit have been discharged or adequately provided for. Proviso.

2. This act shall take effect immediately.

Approved March 18, 1935.

CHAPTER 75

AN ACT making appropriation for the support of the State Government and for several public purposes for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-five, and regulating the disbursement thereof.

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

1. The following sums be and they are hereby appropriated out of the State fund for the several purposes herein specified:

C 10. COMMISSION ON REVISION AND CONSOLIDATION OF PUBLIC STATUTES

	Salaries:		
Appropriation.	Compensation for Employees.....		$32,500.00
	Materials and Supplies:		
	Stationery and office supplies.....		500.00
	Miscellaneous:		
	Traveling expenses	$100.00	
	Postage, express and other miscellaneous expenses.	150.00	
			250.00
			$33,250.00

2. This act shall take effect immediately.

Approved March 18, 1935.

CHAPTER 76

AN ACT confirming, validating and legalizing final decrees entered in the Court of Chancery in foreclosure suits against infant defendants without proper and legal proof of the execution of bond or bonds and mortgage or mortgages or in which proof of amount due thereunder was by ex parte affidavits only and also confirming, validating and legalizing sales held by direction of said final decrees and deeds of conveyance delivered as result thereof.

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

Validating ex parte affidavits.

1. All final decrees heretofore entered in the Court of Chancery of this State in suits or actions instituted therein for the purpose of foreclosing a mortgage or mortgages, in which suits or actions there were infant defendants and in which suits or actions there was either no proof of the execution of said mortgage or mortgages and the bond or bonds secured thereby or where proof thereof or of the amount due thereunder was by ex parte affidavits only, shall be good and sufficient in law and in equity for all purposes whatsoever.

Validating title.

2. No sale of any lands, tenements, hereditaments, real estate or of any property whatsoever heretofore made by virtue of any such final decree entered in any suit or action instituted for the purpose of foreclosing a mortgage against an infant defendant or defendants, or any execution or other process issued thereunder, shall be invalidated by reason of any omission or failure to prove the execution of said mortgage and the bond secured thereby or by reason that the proof thereof or of the amount due thereunder was by ex parte affidavit rather than by oral testimony, but the purchaser

or purchasers of such lands, tenements or hereditaments, real estate or other property whatsoever having paid the price therefor and having received his, her or their deed therefor, and his, her or their heirs, successors or assigns shall be deemed to have as good and complete title thereto as if such final decree had been entered upon oral proof of the execution of said bond and mortgage and of the amount due thereunder; *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.

Proviso.

3. This act shall take effect immediately.

Approved March 18, 1935.

CHAPTER 77

AN ACT to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, town, township, village or any other municipality, other than a school district (Revision of 1935).

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

Contents.

Article

I. Authority to issue obligations.
II. Authorization of bonds or notes; general provisions; limitations.
III. Periods of usefulness.
IV. Financing of local improvements.
V. Sale of all bonds.
VI. Provisions applicable to all obligations.
VI-A. Emergency provisions as to funding or refunding of certain indebtedness and renewal or extension of temporary obligations.

VI-B. Tabulation of existing debts and future debt service.
VII. Annual debt statements.
VIII. Supplemental debt statements.
IX. Application of the proceeds of obligations.
X. Validity of proceedings and obligations.
XI. Application and effect of act.

ARTICE I

AUTHORITY TO ISSUE OBLIGATIONS

Section

101. Short title.
102. General authority.
103. Temporary financing authorized; limitations.

Contents.

101. Short title. This act may be cited as "The Local Bond Act."

Short title.

102. General authority. Any county in this State, or any city, borough, town, township, village or any other municipality other than a school district, (hereinafter referred to as "municipality"), in this State, shall have power under this act to incur indebtedness, to borrow money and to issue its negotiable bonds for financing any improvement or property which it may lawfully make or acquire, or for any other purpose for which it is authorized or required by law to make an appropriation, except current expenses and except the payment of bonds (other than those for temporary financing) which have been issued, or the payment of bonds which may hereafter be issued under this act. No county or municipality shall borrow money or issue its obligations for the purposes for which this act authorized bonds to be issued except as provided in this act.

Authority.

103. Temporary financing authorized; limitations. In anticipation of the issuance of bonds, money may be borrowed and negotiable notes issued by any county or municipality. Any instru-

Temporary financing.

ment for such temporary financing shall be designated "bond anticipation note" and shall contain a recital that it is issued in anticipation of the issuance of bonds, and shall describe in general terms the purpose or purposes for the financing of which the note is issued. All notes may be issued for periods of not exceeding one year and may be renewed from time to time for periods of not exceeding one year, but such notes (including renewals) shall mature and be paid not more than two years from the date of the original notes, except as specially provided in section four hundred six.

Limitation.

ARTICLE II

AUTHORIZATION OF BONDS OR NOTES; GENERAL PROVISIONS; LIMITATIONS

Section

Contents.

201. Authorization by county bond resolution or by ordinance.
202. Contents of county bond resolution or ordinance.
203. No deduction applicable to debt statement if certain purposes are combined.
204. Limitation on principal amount of notes and bonds.
205. Supplemental debt statement required to be filed before passage.
206. Limitation on county indebtedness.
207. Limitation on municipal indebtedness.
208. Exceptions to limitations.
209. Passage of county bond resolutions and of ordinances.
210. Publication after final passage.
211. Publications.
212. Approval of county bond resolutions or ordinances.
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215. Subsequent resolutions.
216. Maturities of bonds.
217. Maximum interest rate.
218. No sale below par.
219. Place of payment.
220. Form of obligations.
221. Execution of obligations.
222. Sale of bonds.
223. Sale of notes.
224. Payment of obligations.

Authorized by resolution or ordinance.

201. Authorization by county bond resolution or by ordinance. All bonds or notes, hereinafter referred to in this act as "obligations," shall be authorized by resolution of a county or by ordinance of a municipality finally passed by the recorded affirmative votes of at least two-thirds of all the members of the governing body. Such resolution of a county is hereinafter referred to as "county bond resolution" (whether authorizing bonds or notes), in order to distinguish such resolution from other resolutions.

Form of resolution;

202. Contents of county bond resolution or ordinance. Such county bond resolution or such ordinance shall contain in substance the following:

Purpose;

(a) An authorization of the issuance of the bonds or notes, or both, stating in brief and general terms sufficient for reasonable identification, the purpose or purposes for the financing of which the obligations are to be issued, and a statement of the maximum amount of money to be raised for the purpose, and if for several purposes, the maximum amount of money for each purpose.

Rate;

(b) The rate or rates or maximum rate of interest the obligations shall bear.

Period of usefulness;

(c) A determination of the period of usefulness, within the limitations of article III of this act, of the purpose for the financing of which the obligations are to be issued, or if the obligations are to be issued for several purposes, a determination of the average period of usefulness, taking into consideration the respective amounts of obligations to

be issued for the said several purposes. In the case of obligations to finance local improvements, if they are to be issued to finance a single improvement, there shall be stated the period within which the bonds shall be paid, or if they are to be issued to finance several improvements, the average period, taking into consideration the respective amounts of bonds to be issued for the several improvements. All bonds issued pursuant to such resolution or such ordinance shall mature within the period or average period so determined or stated.

Maturity;

Within debt limit.

(d) A determination that the supplemental debt statement required by this act has been duly made and filed in the office of the clerk and, except in county bond resolutions and ordinances described in section two hundred eight, that such statement shows that the obligations authorized by such resolution or ordinance will be within all debt limitations prescribed by this act and that the gross debt as defined in section seven hundred two is increased by such resolution or ordinance by $..... (stating the amount by which it will be increased by the issuance of the obligations) or is not increased, as the case may be.

Deductions not applicable.

203. No deduction applicable to debt statement if certain purposes are combined. The financing of any two or more authorized purposes may be provided for in any appropriate county bond resolution or ordinance and combined in a single issue of obligations, except that the following classes of purposes shall be not so combined: (a) schools, (b) water, (c) sewers, (d) each income-producing utility and enterprise, (e) all other purposes. If financing for any purpose for which no deduction may be taken shall hereafter be so combined with financing for any purpose for which a deduction may be taken, no deduction shall be taken for either of such purposes in computing net debt.

Limiting principal amount.

204. Limitation on principal amount of notes and bonds. If any budget of a county or municipality shall hereafter contain an appropriation for the reduction of the amount of notes or temporary

bonds previously authorized, the amount of notes or bonds thereafter issued to renew, extend, retire or fund such notes or temporary bonds shall be reduced by the amount of such appropriation. The affidavit of the auditor of the county or municipality as to the existence and amount of any such appropriation shall be conclusive, and after the issuance of any bonds in reliance thereon, the correctness of the matters stated therein or the validity or regularity thereof may not be contested in any suit, action or proceeding relating to the validity of such bonds. Such affidavit of the auditor shall be filed with the governing body prior to the final passage of the county bond resolution or ordinance and shall be inscribed in the minutes.

Affidavit of auditor.

Affidavit filed.

205. Supplemental debt statement required to be filed before passage. Prior to the passage of any such county bond resolution or such ordinance, except an amending resolution or ordinance affecting matters which are not required to be contained in the original county bond resolution or ordinance, the chief financial officer of such county or municipality shall swear to a supplemental debt statement in the form prescribed in article VIII of this act, and shall file such statement in the office of the clerk of the board of chosen freeholders, or of the municipality, as the case may be. Within five calendar days after the final passage of such resolution or ordinance, a complete executed original of the supplemental debt statement so made shall be filed in the office of the State Auditor.

Supplemental debt statement filed.

206. Limitation on county indebtedness. No such county bond resolution shall be finally passed if it appears from such supplemental debt statement that the percentage of the net debt as stated in such supplemental debt statement pursuant to section eight hundred one, subsection five, exceeds four per centum (4%).

Limiting county indebtedness.

207. Limitation on municipal indebtedness. No such ordinance shall be finally passed if it appears from such supplemental debt statement that the percentage of the net debt as stated in such sup-

Limiting municipal indebtedness.

plemental debt statement pursuant to section eight hundred one, subsection five, exceeds seven per centum (7%).

Exceptions to limitations:

208. Exceptions to limitations. Notwithstanding the provisions of sections two hundred six and two hundred seven, county bond resolutions and ordinances may be finally passed if said resolutions or ordinances authorize:

Order of superior governmental authority, etc.;

(a) Obligations for purposes permitted by this act when the expenditure is to be made in order to comply with an order of the State Board of Health or of any other superior governmental authority, or is the result of fire, flood, or other disaster, or of recovery of judgment, unless such judgment is entered upon default or by consent, or

Refinancing;

(b) Notes to renew, extend or retire notes issued or authorized pursuant to this act or notes or temporary bonds issued or authorized pursuant to the act of which this act is a revision, or

Bonds to fund notes;

(c) Bonds to fund notes issued pursuant to this act, or to fund notes or temporary bonds issued or authorized pursuant to the act of which this act is a revision, or

When obligations do not exceed sixty per centum of gross debt, etc.;

(d) Until January first, one thousand nine hundred forty, whenever the percentage of net debt as stated pursuant to section seven hundred six, subsection three, in the special debt statement filed pursuant to section seven hundred one exceeds four per centum (4%) in the case of a county, or seven per centum (7%) in the case of a municipality, obligations in a principal amount which, together with the aggregate principal amount of any other obligations authorized under this subsection after the effective date of this act, does not exceed sixty per centum (60%) of the amount by which the gross debt as stated pursuant to section seven hundred two in the special debt statement filed pursuant to section seven hundred one has been decreased between the last day of the month next preceding the month in which this act takes effect and the date of filing such supplemental debt statement by the payment of outstanding debt or the

reduction of authorizations to incur debt; *provided, however,* that in no event shall there be authorized under this subsection obligations in a principal amount which, together with the aggregate principal amount of all other obligations authorized from time to time under this subsection after the effective date of this act, exceeds an amount equal to two per centum (2%) of the average of the assessed valuations as stated pursuant to section eight hundred one, subsection four, in such supplemental debt statement. Proviso;

(e) An ordinance may be finally passed, if the percentage of net debt as stated in the supplemental debt statement pursuant to section eight hundred one, subsection five, together with the amount of notes or bonds issued, or authorized but not issued, for school purposes and included in the gross debt, whether issued or authorized by the municipality or by a school district constituting a separate corporation, and otherwise authorized to be deducted by the provisions of section seven hundred three, subsection (c), does not exceed eleven per centum (11%) of the average of the assessed valuations as stated in such supplemental debt statement pursuant to section eight hundred one, subsection four. When gross debt does not exceed eleven per centum of the average assessed valuations.

For the purposes of subsections (d) and (e) of this section, the State Auditor is empowered and it shall be his duty to prescribe in such detail as he may deem advisable a form of supplemental debt statement, incorporating therein the provisions of the supplemental debt statement prescribed pursuant to section eight hundred two. Form of supplemental debt statement.

208-a. Down payments on capital improvements. Unless the obligations authorized thereby shall be obligations described in subsection (a), (b) or (c) of section two hundred eight, no such county bond resolution or ordinance shall be finally passed after the first day of April, one thousand nine hundred and thirty-six, unless such county bond resolution or ordinance appropriates to the purpose or purposes for the financing of which the obligations are Payments on capital improvements.

to be issued, a sum, made available by an appropriation in a budget of the county or municipality adopted prior to such final passage, which is not less than a part of the total amount of obligations authorized thereby determined by dividing such total amount by the number of years determined in such county bond resolution or ordinance as the period of usefulness of such purpose or purposes or, if no such determination of the period of usefulness be made, then by the number of years so determined as the period within which the obligations shall be paid; *provided, however,* that such county bond resolution or such ordinance may nevertheless be finally passed if such sum shall not have been appropriated in a budget of the county or municipality adopted prior to such passage, but such sum shall, in addition to any sums which may otherwise be required for the payment of interest on or any maturing principal of such obligations, be included in the budget of such county or municipality next adopted after such final passage.

Proviso.

Resolution introduced in writing.

209. Passage of county bond resolutions and of ordinances. Every such county bond resolution and every such ordinance shall be introduced in writing at a meeting of the governing body and, after having passed a first reading, shall be published at least once, together with notice of the introduction thereof and the time and place when and where it will be further considered for final passage. Such publication shall be at least one week prior to the time so advertised for further consideration, but such further consideration must be at least ten days after the introduction. At the time and place so advertised, which may be another meeting or an adjourned meeting, or at any time and place to which such meeting or further consideration shall from time to time be adjourned, such resolution or ordinance shall be read in full and all persons interested shall be given an opportunity to be heard. After such hearing, the governing body may proceed to amend the same and thereupon finally pass or reject such resolution or

Publication.

Hearing.

Amending resolution.

ordinance with or without amendments; *provided, however,* that if any amendment is adopted substantially altering the matters stated pursuant to section two hundred two, such resolution or ordinance as so amended shall not be finally passed until at least one week thereafter and the resolution or ordinance as amended shall be published at least once, together with notice of the introduction thereof and the time and place when and where such amended resolution or ordinance will be further considered for final passage, at least two days prior to the time so advertised for further consideration. At the time and place so advertised, or at any other time and place to which the further consideration of such amended resolution or ordinance may be adjourned, the amended resolution or ordinance shall be read in full and a similar public hearing thereon held and the governing body may proceed to finally pass such amended resolution or ordinance or again amend it subject to the same limitations.

Proviso.

Public hearing on amended resolution.

210. Publication after final passage. After final passage, such county bond resolution or ordinance shall be again published in full, together with a statement in substantially the following form:

Publication after final passage.

STATEMENT

The county bond resolution (or the ordinance) published herewith has been finally passed and the twenty-day period of limitation within which a suit, action or proceeding questioning the validity of such resolution (or such ordinance) can be commenced as provided in The Local Bond Act, has begun to run from the date of the first publication of this statement.

Form of statement.

.....

Clerk.

211. Publications. Publications required by this article, in the case of a municipality, shall be in a newspaper published and circulating in the munici-

Where published.

pality, if there be one, and if not, in a newspaper published in the county and circulating in the municipality, and in the case of a county, shall be in a newspaper published at the county seat.

Approval of resolutions.

212. Approval of county bond resolutions or ordinances. In any county or in any municipality in which such resolutions or such ordinances require the approval of any officer in order to make them effective, all such resolutions and ordinances shall be so approved or passed over veto before they shall be published after final passage.

Referendum not required.

213. Certain ordinances not subject to referendum. Ordinances authorizing bonds to fund notes or temporary bonds shall not be subject to referendum.

County bond resolution effective.

214. Effective date of county bond resolution or ordinance. All county bond resolutions and all ordinances shall take effect twenty days after the first publication thereof after final passage.

Other resolutions.

215. Subsequent resolutions. All matters not required to be contained in the county bond resolution or the ordinance may be determined by subsequent resolutions passed by the recorded affirmative votes of a majority of the members of the governing body of the county or municipality.

Maturity of bonds limited to:

216. Maturities of bonds. The maturities of all bonds shall be determined by resolution, within the following limitations:

Annual installments;

(a) All bonds other than bonds described in subsections (b) and (c) of this section shall mature in annual installments, the first of which shall be payable not more than one year from the date of the bonds and the last of which shall be made payable within the determined period of usefulness or average period, and no annual installment shall exceed by more than fifty per centum (50%) the amount of the smallest prior installment; *provided, however,* that the first installment of bonds to finance a self-liquidating utility or enterprise within the limitations of sections seven hundred four and seven hundred five, may be made payable not later than the end of the first year's operation

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computed from the estimated date of completion as fixed in the project report submitted to the Board of Public Utility Commissioners.

Local improvement bonds by annual installments;

(b) Local improvement bonds as defined in article four shall mature in annual installments not exceeding the stated number of annual installments in which the governing body shall determine that the special assessments may be paid, the first of which shall be made payable not more than two years from the date of the bonds, and no annual installment shall exceed the amount of the smallest prior installment.

Serial annuity plan.

(c) All bonds issued for the purposes described in subdivision "z" of section three hundred one shall mature in annual installments which may be arranged on a serial annuity plan, that is to say, the installments of principal payable in any one year, plus the amount of interest payable in said year, shall be substantially the same in each year throughout the series; the word substantially being construed to permit a municipality so to arrange the schedule of maturities of bonds that the principal may mature in annual installments of five thousand dollars ($5,000.00) or multiples thereof and that the annual installment of principal and interest payable in any year may be in any amount not more than six thousand dollars ($6,000.00) in excess of the smallest prior annual installment thereof.

Interest rate.

217. Maximum interest rate. All obligations shall bear interest at a rate not exceeding six per centum (6%) per annum, payable at such times as may be stated therein. Bonds of different maturities may bear different rates of interest but if offered at public sale the notice of sale shall state the definite rates of interest which the respective maturities shall bear.

No sale below par

218. No sale below par. No obligations shall be sold for less than their par value and accrued interest.

Payment.

219. Place of payment. All obligations may be made payable within or without the State.

Form of obligations.

220. Form of obligations. All obligations may be issued either in registered or coupon form, and if in coupon form may be made registerable either as to principal only or as to both principal and interest.

Issuing details.

221. Execution of obligations. All obligations shall be executed in the name of the county or municipality by such officials, including a financial officer, as may be designated by resolution, or if none be designated, by the director of the board of chosen freeholders or the mayor, or other executive officer, and by a financial officer, and shall be under the seal of the county or municipality and attested by the clerk. Coupons, if any, attached to an obligation shall be authenticated by the facsimile or manual signature of the financial officer who signs the obligation.

Sale of bonds.

222. Sale of bonds. All bonds shall be sold as provided in article five of this act. If issues of ten thousand dollars ($10,000.00) or less are sold at private sale, such sale shall be made or confirmed by resolution passed by the recorded affirmative vote of at least two-thirds of all the members of the governing body. Such resolution shall set forth the date, maturities, interest rate and price of the bonds and the name of the purchaser.

Sale of notes.

223. Sale of notes. All notes may be sold at private sale by resolution of the governing body or by a financial officer of the county or municipality expressly designated by resolution to sell specific notes. The financial officer making any such sale shall report in writing to the governing body at the next meeting the amount, description, interest rate, and maturities of the notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full on the minutes of such meeting.

Payment of obligations.

224. Payment of obligations. The power and obligation of a county or a municipality to pay any and all obligations issued by it pursuant to this act or under the act of which this act is a revision, shall be unlimited, and the county or municipality shall

have power and be obligated to levy ad valorem taxes upon all the taxable property within the county or municipality for the payment of such obligations and interest thereon, without limitation of rate or amount.

ARTICLE III

PERIODS OF USEFULNESS

Section

301. Specified periods.
302. No bonds or notes for purposes having usefulness of less than five years.
303. Determination of governing body conclusive.

Contents.

301. Specified periods. The governing body shall determine the period of usefulness of any purpose according to the reasonable life, but such period shall in no event be greater than the period of usefulness stated in the following subdivisions, such period being computed from the date of the bonds:

Periods of usefulness.

Purpose	Period of Usefulness
a. Airport improvements	ten years
b. Ambulances when purchased new	five years
c. Bridges of brick, stone, concrete or metal, including retaining walls and approaches	thirty years
d. Buildings, including the original furnishings and equipment therefor, for the periods hereafter prescribed which in the case of new construction shall be computed from the date of the bonds, but in the case of acquisition of	

Buildings.

existing structures shall be computed from the date of construction:

(1) Of fireproof construction, that is, a building of which all walls, floors, partitions, stairs and roof are wholly of incombustible material, except the window frames, top flooring and wooden hand rails on the stairs .....forty years

(2) Of nonfireproof construction, that is a building the outer walls of which are wholly of incombustible material, except the window frames and doors, but which in other respects does not meet the requirements of fireproof construction .....twenty-five years

(3) Of frame construction, that is, a building the outer walls of which are not of incombustible material or which does

not in other respects meet the requirements of the buildings above described.fifteen years

(4) In the case of the construction of additions to or the substantial reconstruction of a building, the period of usefulness shall be determined to be not greater than one-half the period as above defined, of the type of construction of the original building.

e. Cemetery improvements..ten years

f. Dikes, bulkheads, jetties and similar devices to prevent the encroachment of the sea: Dikes, etc.

(1) Of stone or concrete .....fifteen years

(2) Of wood or partly of wood .....ten years

g. Electric light and/or power systems .....twenty years

h. Elimination of grade crossings .....thirty-five years

i. Additional equipment, furnishings and machinery .....five years

ii. Voting machines .....fifteen years

Fire protection.

j. Fire engines and other fire apparatus, when purchased new, but not fire equipment purchased separately ....five years

k. Garbage, refuse or ashes incinerator or disposal plant .....ten years

l. Gas system .....twenty years

m. Golf course improvements .....ten years

Harbors.

n. Harbor improvements or marine terminals, including docks .....forty years

Sewers.

o. House connections to publicly-owned gas, water, or sewer systems from the service main in the street to the curb or property line .....five years

Riparian rights.

p. Acquisition of land and riparian rights for any public purpose, including original dredging, grading, drainage and planting thereof .....forty years

Parks.

q. Park improvements .....fifteen years

r. Playground improvements, including stadia of concrete or other incombustible materials..twenty years

s. Sewer system, whether sanitary or storm water .....forty years

t. Signal systems for fire or police or teletype system and other telephone and telegraph systems..ten years

u. Sidewalks, curbs and gutters of stone, concrete or brick .....ten years

v. Snow removal and street cleaning machinery and trucks, when purchased new .....five years

w. Streets or roads: Highways.

(a) Construction of sand, gravel or water-bound macadam, or surfacing with penetration macadam ..five years

(b) Construction or reconstruction of penetration macadam, or surfacing or resurfacing with bituminous concrete or sheet asphalt, or with bricks or blocks of any material (except granite blocks) on concrete foundation .....ten years

(c) Construction or reconstruction of bituminous concrete or sheet asphalt on concrete foundation less than eight inches thick .....fifteen years

(d) Construction or reconstruction of cement concrete,

not less than eight inches thick, including or not including any class of surface thereon, or surfacing or resurfacing with granite blocks on concrete foundation not less than six inches thick..twenty years

The words "construction" or "reconstruction" in this subdivision shall mean the construction or reconstruction of foundations.

Vehicles.

x. Vehicles other than those specified elsewhere in this section shall be determined to have a period of usefulness of less than five years.

y. Water supply or distribution system (except as provided in subdivision z hereof) .....forty years

Water system.

z. Water supply system, the acquisition of lands, rights in land or water rights, the acquisition, construction or reconstruction of reservoirs, dams, canals, purification plants, aqueducts

or mains not less than thirty inches in diameter, such items being in connection with the acquisition, construction or reconstruction of said system, if the cost of any or all of such items is in excess of three million dollars ($3,000,000.00), whether to a single municipality or to two or more participating municipalities. The cost hereinabove referred to shall be determined by order of the Board of Public Utility Commissioners, which board is hereby authorized and empowered to make such determination. All proceedings before said board under the provisions of this section shall conform, with respect to notice, hearings and service and effective date of orders, to the provisions of an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, nine-

teen hundred and eleven, and its various supplements and amendments; *provided, however,* this subdivision shall apply only to bonds issued to fund notes or temporary bonds now outstanding or renewals thereof, issued for such purpose.fifty years

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aa. Any permanent structure of concrete, stone, or similar durable construction not included in the foregoing.....thirty years

bb. Any purpose not specifically included in any of the foregoing .....fifteen years

Minimum period of usefulness.

302. No bonds or notes for purposes having usefulness of less than five years. No county or municipality shall issue its bonds or notes for any purpose having a period of usefulness of less than five years.

Validity determined by governing body.

303. Determination of governing body conclusive. The determination of the governing body as to the classification as herein stated of the purposes for which obligations are issued and as to the period of usefulness of any improvement, property or purpose or the average period of usefulness of several such purposes, and as to the maturities of any proposed bonds based thereon, by a majority vote of all the members of such body in office, shall be conclusive in any action or proceeding involving the validity of said obligations.

ARTICLE IV

FINANCING OF LOCAL IMPROVEMENTS

Section

401. Definitions.
402. Permanent bonds before confirmation of assessments.
403. Permanent bonds after confirmation of assessments.
404. Obligatory title; local improvement bonds.
405. Local improvement bonds separate from other bonds.
406. Temporary financing.

Contents.

401. Definitions. The words "local improvement" in this act mean an improvement or property, of which part or all the costs has been or is to be specially assessed on property specially benefited. The words "special assessment" mean a special assessment on property specially benefited.

Terms defined.

402. Permanent bonds before confirmation of assessments. Before confirmation of the special assessments and before or after the issuance of notes, a municipality may by ordinance authorize the issuance of bonds to finance a local improvement. Such ordinance, in addition to the other provisions required by this act, shall determine the amount in dollars which the municipality will contribute to payment of the cost of the local improvement. Pursuant to such ordinance the municipality may issue bonds to finance its share of the cost of such improvement, in a principal amount not exceeding the amount of such stated contribution. Pursuant to such ordinance or separate ordinance, the municipality may issue local improvement bonds in a principal amount not exceeding the estimated amount of the special assessments, such estimated amount being the total appropriation for the local improvement less the amount of such stated contribution.

Bonds before confirmation of assessments.

Bonds after confirmation of assessments.

403. Permanent bonds after confirmation of assessments. After confirmation of the special assessments, a municipality may by ordinance authorize and, pursuant thereto, may issue bonds to finance its share or the additional amount of its share of the cost of a local improvement. The municipality's share of the cost of a local improvement shall, for the purpose of this section, be deemed to include the portion of such cost for which any delinquent special assessments shall have been levied and to finance which no bonds have been theretofore issued. If the assessments are payable in a stated number of annual installments, the municipality may by ordinance authorize and, pursuant thereto, may issue local improvement bonds in the amount of the special assessments then confirmed, unpaid and not delinquent.

Title, local improvement bonds.

404. Obligatory title; local improvement bonds. All bonds issued or to be issued to finance that part of the cost of an improvement or property which has been or is to be specially assessed on property specially benefited (sometimes referred to in this act as "local improvement bonds") shall include as part of their designation the word "assessment."

Local improvement bonds kept separate.

405. Local improvement bonds separate from other obligations. No obligations shall be issued for the purpose of financing that part of the cost of an improvement or property which has been or is to be specially assessed on property specially benefited and for other purposes as well.

Temporary financing.

406. Temporary financing. Local improvements may be financed temporarily only under the provisions of section one hundred three, except that bond anticipation notes to finance local improvements may be renewed from year to year for a total period of not over five years from the date of the original notes, in an amount not exceeding the special assessments then confirmed, unpaid and not delinquent, in a total amount, however, not exceeding one-fifth of one per centum (1/5 of 1%) of the average of the assessed valuations as called for in section seven hundred six, subsection two.

ARTICLE V

SALE OF ALL BONDS

Section

501. Public sale.
502. Interest rate or rates.
503. Further requirement; reduction of bonds.
504. Special provisions for two or more issues.
505. Cash premium not to exceed one thousand dollars.
506. Good faith deposit.
507. Publicity of proposals.
508. Rejection of proposals.
509. Sale or delivery in installments.
510. Private sale, if no bids at public sale.
511. Private sale to public funds.

Contents.

Public sale.

501. Public sale. All bonds issued under this act, except issues of ten thousand dollars or less, shall be sold at public sale upon sealed proposals after at least seven days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, published in New York City, and at least seven days' notice published at least once in a newspaper published at the county seat (in the case of county bonds) or in a newspaper published in the county and having a substantial circulation in the municipality (in the case of municipal bonds).

Rate of interest.

502. Interest rate or rates. Such notice of sale shall describe the bonds and set forth in substance the terms and conditions of sale. As to interest to be borne by the bonds, it shall specify a rate or rates or maximum rate, which rate or the maximum rate shall in no event exceed six per centum (6%) per annum. If proposals are invited at more than one interest rate, the notice shall also state that no proposals will be considered for bonds of a rate higher than the lowest rate at which a legally acceptable proposal is received.

Notice of sale.

503. Further requirement; reduction of bonds. The notice of sale shall state in substance that as between proposals at the same interest rate, the bonds will be sold to the bidder offering to pay a sum equal to the par value of the bonds offered and to accept therefor the least amount of bonds, the bonds to be accepted being those first maturing, and that if two or more bidders offer to accept the same least amount, then to the bidder or bidders offering to pay therefor the highest additional price.

Bond issues.

504. Special provisions for two or more issues. In case of a sale of more than one issue such notice of sale may, after describing the separate issues, provide in substance for one of the following methods of sale, namely:

May state combined maturities;

(a) The notice may state the combined maturities of all of said issues and request bids only for such combined maturities as if such combined maturities constituted a single issue, in which event the provisions of this article shall apply as though the combined maturities constituted a single issue; or

Bidders may name single or different rates for each issue.

(b) The notice may state that bidders may name a single rate, or different rates, of interest for the different issues of bonds included in such sale (but if different rates are permitted, the notice may require a single rate for all the bonds of one issue), and that all issues will be awarded to the bidder on whose bid the total loan may be made at the lowest net cost to the county or municipality. Such net cost shall be computed (as to each bid) by adding to the total principal amount of the bonds which the bidder offers to accept, the total interest which will be paid under the terms of the bid, after deducting from such interest the amount of cash premium which shall not exceed one thousand dollars ($1,000.00) as to any one issue.

Cash premium.

505. Cash premium not to exceed one thousand dollars ($1,000.00). The price for which bonds of any one issue shall be sold shall not exceed by more than one thousand dollars ($1,000.00) the par value

of the bonds of such issue offered for sale. In order that the amount bid at such sale shall not exceed such price, a sufficient number of the last maturing bonds shall be of the denomination of one thousand dollars ($1,000.00) or less.

Deposit by bidders.

506. Good faith deposit. The notice of sale shall require all bidders to deposit a certified or cashier's or treasurer's check for two per centum (2%) of the amount of bonds, drawn upon a bank or trust company for said amount, partially to secure the county or municipality from any loss resulting from the failure of the bidder to comply with the terms of his bid, or as liquidated damages for such failure.

Proposals open publicly.

507. Publicity of proposals. All proposals shall be opened publicly at the time and place stated in the notice of sale, and not before, and shall be publicly announced.

May reject bids.

508. Rejection of proposals. All bids received may be rejected, and any bid not complying with the terms of the notice may be rejected.

Sale or delivery in installments.

509. Sale or delivery in installments. An issue may be sold at one time or in installments at different times. In the case of bonds sold in installments the maturities offered for sale (combined with maturities, if any, previously sold), shall be such as to comply with the requirements of the subsection of section two hundred sixteen in accordance with which the maturities of the entire issue were determined. Any unsold part of an issue or installment may be reoffered, or may be offered, and sold, notwithstanding the fact that the maturities, when considered alone, do not comply with the provisions of this act.

As to unsold part of issue.

Private sale.

510. Private sale, if no bids at public sale. If no legally acceptable bid is received for the bonds advertised to be sold at public sale, said bonds or any of them may be sold without further advertisement at private sale within thirty days after the advertised date for public bidding; *provided, however,* that (a) said bonds shall not bear interest at a rate which is higher than the rate or maximum

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Rate:

rate specified in the notice of sale, nor contain substantially different provisions from those specified in said notice, (b) each block of bonds sold shall, considered together with any previous blocks sold, comply with the same provisions of law restricting maturities as apply to the entire issue, and (c) any such sale or sales shall be made or confirmed within said thirty days by resolution of the governing body adopted by a two-thirds vote of all the members thereof. Such resolution shall set forth the date, maturities, interest rate and price, of the bonds, and the name of the purchaser. Unless said bonds shall be sold to a commission, board or other public body as provided in section five hundred eleven, the purchaser of bonds at private sale shall be required to deposit with his bid, a certified or cashier's or treasurer's check drawn upon a bank or trust company in an amount equal to three per centum (3%) of the amount of bonds bid for to be applied in accordance with the provisions of section five hundred six hereof.

Maturities;

Confirmation of sale.

Form of resolution.

Deposit by purchaser.

Private sale to public funds.

511. Private sale to public funds. Notwithstanding any provisions of this or any other act, any bonds may be sold without any previous public offering to, and be purchased by, the sinking fund commission or the insurance or pension fund commissioners of the county or municipality or be sold to any board, commission or officers of the State, authorized by law to purchase such bonds.

ARTICLE VI

PROVISIONS APPLICABLE TO ALL OBLIGATIONS

Section

Contents.

601. Delivery valid notwithstanding change in officers or seal.
602. Items included in cost.
603. Interim obligations.
604. Reissuance and conversions.
605. Certain agreements forbidden.

606. No contract made until debt statement filed and authorization effective.
607. Authorization to constitute appropriation.

Delivery valid.

601. Delivery valid notwithstanding change in officers or seal. The delivery of obligations fully executed by the officers holding office at the time of such execution shall be valid notwithstanding any change in such officers or in the seal occuring after such execution.

Items included in cost:

602. Items included in cost. In determining the cost of an improvement or property to be financed under this act, the following items may be charged as a part of the cost and be financed under this act by the issuance of obligations; *provided,* that no obligations shall be issued to finance such items unless the total amount included under this section be separately stated in the county bond resolution or ordinance:

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Interest on obligations:

(a) Interest on obligations to finance such cost, whether temporary or permanent, until the end of the fiscal year in which such obligations are issued and in any event until six months after the date of acquisition or completion of the improvement or property, being the date when title to property is actually taken, or the date of the final certificate of the architect or engineer, even though the final payment on the contract be deferred or the work be not yet accepted by the governing body;

Engineering, inspection and legal expenses;

(b) Engineering and inspection costs and legal expenses, in which may be included a reasonable proportion of the compensation and expenses of the engineering and legal staffs of the municipality or county;

Issuing.

(c) The cost of issuance of the obligations including printing, advertisements of ordinances, resolutions and notices of sale, and legal expenses.

Interim obligations.

603. Interim obligations. After adoption of a resolution making a contract of sale of bonds or notes, any county or municipality may on receipt of the purchase price, issue interim obligations to

the purchasers pending the preparation of the definitive bonds or notes, which definitive bonds or notes when prepared may be delivered to the holders of such interim obligations.

Reissuance and conversion:

604. Reissuance and conversion. Unmatured obligations which may be issued pursuant to this act or which have been issued pursuant to any other authority of law may, on express authorization by resolution of the governing body and in its discretion, under the signature of the officers in office at the time of adoption of such resolution and under the seal then in use, be reissued under the following conditions:

Changing coupon bonds into registered bonds;

(1) If the ordinance or resolution authorizing the issue of bonds or determining the form thereof has provided that the bonds shall be issued in coupon form but shall be registerable as to both principal and interest, any such bond may be converted into a registered bond by the removal and cancellation of the coupons attached thereto and the execution by an authorized officer of the county or municipality of a conversion certificate written or printed on the back of such bond. Bonds thus converted, when registered to bearer, may, with the consent of the county or municipality and on the written request of the holder thereof, be reconverted at the expense of such holder into a new coupon bond of the same form and tenor as those originally authorized, and such new coupon bond may again be reconverted into a fully registered bond from time to time in the manner herein provided. Such exchange shall be confirmed by resolution of the governing body, which resolution shall set forth the date, maturities, interest rate, denominations and numbers, of the old and new bonds and the name of the holder.

Reconversion;

Exchange confirmed;

Lost or destroyed;

(2) If lost or completely destroyed, any such obligations may be reissued in the form and tenor of the lost or destroyed obligations upon the owner furnishing, to the satisfaction of the governing body, (a) proof of ownership, (b) proof of loss or destruction, (c) a surety bond, and (d) payment

of the cost of preparing and issuing the new bonds.

Defaced: (3) If defaced or partially destroyed, any such obligations may be reissued in the form and tenor of the defaced or partially destroyed obligations, to the bearer (or if registered, to the registered holder) at his expense, on surrender of the defaced or partially destroyed obligations and on such other conditions as the resolution may provide.

Changing form of bond; (4) If issued in a form which the governing body by subsequent resolution adopted by vote of two-thirds of its members shall determine to be contrary to the best interest of the county or municipality, any bond anticipation notes, or any notes or temporary bonds issued under the act of which this act is a revision, may, on surrender and cancellation of the bonds or notes so exchanged, be reissued to and at the expense of the holder in different form, with different recitals and in different denominations, but of like date, maturity, interest rate and dates of interest payments.

May be altered by resolution; (5) If originally issued in registered form, any such obligations may, with the consent of the county or municipality and on the written request of the holder thereof, be reissued at the expense of such holder, in such form and tenor as may be prescribed by resolution of the governing body of such county or municipality; *provided,* the date, maturity and interest rate of the originally issued obligations and of the obligations issued in exchange therefor are identical.

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Certain agreements forbidden: 605. Certain agreements forbidden. In the issuance or sale of obligations the following acts shall be unlawful for the governing body or any member or members thereof or any official:

To pay bonus, fee, etc.; (a) To agree to pay directly or indirectly any bonus, commission, fee, or other compensation or consideration for the issuance or for the sale of obligations hereby authorized, and every such payment may be recovered for the county or municipality in an action at law.

With bidder concerning deposits;

(b) To enter into any agreement with any purchaser or bidder or his representative regarding the deposit or disposition of any moneys received or to be received from such sale and every such agreement shall be void.

Concerning sale;

(c) To enter into any agreement in relation to the sale of obligations which shall contain provisions relating to any other matter, and such sale and any such agreement shall be void.

Service contracts;

(d) To enter into any agreement in the nature of the so-called service contract, that is to say ostensibly for publication of notice of sale, and printing of bonds or notes, and for the providing of a legal opinion or for any of such services, whether or not accompanied by offer to bid for or purchase the obligations, and any such agreement shall be void and any money or compensation paid thereon may be recovered for the county or municipality in an action at law; except, however, agreements made directly with the newspaper, or bond printer or an attorney licensed to practice law in the State in which he has his office.

Exceptions.

When contract effective.

606. No contract made until debt statement filed and authorization effective. The governing body shall not make any contract, the payments under which are to be financed pursuant to the provisions of this act, unless and until the county bond resolution or the ordinance herein provided for shall have taken effect, and until twenty days after the filing of the duplicate supplemental debt statement in the office of the State Auditor pursuant to section two hundred five hereof.

Authorization to constitute appropriation.

607. Authorization to constitute appropriation. The authorization of obligations pursuant to this act shall constitute an appropriation of the proceeds for the purposes stated in the county bond resolution or the ordinance, subject to such regulations as may be prescribed by the State Auditor pursuant to any other law.

ARTICLE VI-A

EMERGENCY PROVISIONS AS TO FUNDING OR REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS AND INDEBTEDNESS AND RENEWAL OR EXTENSION OF TEMPORARY OBLIGATIONS

Section

651. Definitions.
652. General authority.
653. Procedure and limitations.
654. Contents of county bond resolution or ordinance.
655. Maturities and other details of refunding bonds.
656. Effective date of proceedings.
657. The Funding Commission.
658. Consideration by Funding Commission.
659. Filing of information.
660. Special covenants with bondholders.
661. Temporary obligations may be extended.
662. Sale of refunding bonds.
663. Disposition of sinking funds.
664. Debt readjustment.

Contents.

651. Definitions. The following terms, whenever used or referred to in this article, shall have the following meanings, unless a different meaning clearly appears from the context:

Terms defined:

(a) The term "outstanding obligation" shall mean any bond or note due or to become due together with interest past due or accruing thereon, reciting that it is issued by the county or municipality, pursuant to the provisions of any act of the Legislature of the State of New Jersey, including without limitation of the foregoing, this act, the act of which this act is a revision, an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hun-

Outstanding obligation;

dred and three, an act entitled "An act concerning municipal and county finances," approved March twenty-eighth, one thousand nine hundred and seventeen, or any revision thereof, and any act authorizing the issuance thereof approved prior or subsequent to March twenty-second, one thousand nine hundred sixteen, and any act amendatory of or supplemental to the foregoing acts.

Indebtedness.

(b) The term "indebtedness" shall mean any indebtedness of the county or municipality, other than outstanding obligations, including without limitation of the foregoing, contract indebtedness or liability, interfund indebtedness where there is not sufficient cash in the debtor fund to repay the creditor fund, unpaid bills or claims, and any amount unpaid and owing for school, county, State and local district taxes and sinking fund requirements whether due or to become due, for the payment of which taxes have been or shall have been levied in the county or municipality.

Refunding bonds.

(c) The term "refunding bonds" shall mean bonds issued under this article.

Authority.

652. General authority. In addition to the powers granted by this act or by any other act and notwithstanding the limitations of any other article of this act, any county or municipality shall have power under this article, to incur indebtedness, to borrow money and to issue its negotiable bonds for the purpose of paying, funding or refunding outstanding obligations or indebtedness of the county or municipality and any renewals or extensions thereof or any bonds or notes issued to fund or refund the same, and to pay the cost of issuing such bonds, including printing, advertising, accounting, financial and legal expenses.

Procedure.

653. Procedure and limitations. All refunding bonds shall be authorized in the case of a county by a county bond resolution, and in the case of a municipality by an ordinance, finally passed in the method or mode of procedure prescribed by this act on or before the thirty-first day of December, one thousand nine hundred thirty-eight. No supple-

mental debt statement need be made or filed prior to the introduction or final passage of any county bond resolution or ordinance authorizing refunding bonds. The powers granted by this article shall not be affected by any limitations of indebtedness or by the requirements of any other law, except as expressly provided in this article, but any refunding bonds shall be included in any annual or supplemental debt statement thereafter made or filed in determining the power of a county or municipality issuing such refunding bonds to become otherwise indebted; *provided, however,* that, for the purpose of determining the deductions applicable to any such annual or supplemental debt statement refunding bonds shall be deemed to have been issued in the same amount or amounts for the same purpose or purposes as the outstanding obligations paid, funded or refunded thereby, but no deduction shall be applicable for any issue of refunding bonds if any of the outstanding obligations paid, funded or refunded by such issue of refunding bonds shall have been issued for a purpose for which no deduction can be taken under this act, or if any indebtedness was paid, funded or refunded by such issue of refunding bonds. The powers granted by this article shall not be affected by the invalidity of or any irregularity in any proceedings for incurring the indebtedness or issuing the outstanding obligations to be paid, funded or refunded by refunding bonds.

Limitations.

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Validity.

654. Contents of county bond resolution or ordinance. Any county bond resolution or ordinance authorizing refunding bonds shall contain in substance the following:

Form of resolution:

(a) An authorization of the issuance of the refunding bonds, stating in brief and general terms sufficient for reasonable identification the outstanding obligations and/or indebtedness to be paid, funded or refunded by the issuance thereof and separately stating the amount of the cost of issuing the refunding bonds included in the authorized principal amount thereof.

Purpose;

Principal amount;

(b) The principal amount of refunding bonds authorized by such county bond resolution or ordinance.

Rate;

(c) The maximum interest rate or rates which shall be borne by such refunding bonds.

Maturity;

(d) The maturity date or dates of such refunding bonds.

Sundry items.

Any matter relating to refunding bonds not hereinabove required by this section to be stated in a county bond resolution or ordinance may be performed or determined by any resolution or resolutions of the governing body of the county or municipality, or the performance or determination thereof may be delegated by any such resolution or resolutions to any financial officer of the county or municipality, and the delivery of such refunding bonds shall be conclusive as to such performance or determination.

Issuing details.

655. Maturities and other details of refunding bonds. Refunding bonds may be issued in one or more series, and shall recite that they are issued pursuant to this article, and shall bear such date or dates, mature at such time or times, not exceeding forty years from their date, bear interest at such rate or rates, payable at such time or times, be in such denomination, in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable at such place or places and be subject to such terms of redemption with or without premium, as may be determined by county bond resolution or ordinance or subsequent resolution or resolutions subject to the terms and provisions of this article.

Resolution effective.

656. Effective date of proceedings. No county bond resolution or ordinance authorizing refunding bonds or any resolution determining or authorizing any matters or acts in connection with refunding bonds shall take effect unless and until there shall be endorsed upon a certified copy thereof as adopted the consent of the Funding Commission established by section six hundred fifty-seven.

Funding Commission created

657. The Funding Commission. There is hereby created and established a commission to be known as "The Funding Commission," composed of the Attorney-General, the State Tax Commissioner and the State Auditor. Each member of the commission may from time to time designate assistants to exercise his powers and discharge his duties under this article. The members of the commission shall serve without compensation. The commission may adopt a common seal and designate or employ a secretary and other assistants and fix their compensation. Any act of the majority of the members of the commission shall be the act of the commission. Any certifications, endorsements, or consents of the commission may be made by a majority of the members thereof or may be made by the secretary pursuant to its direction and on its behalf. After the issuance of refunding bonds any certification or endorsement of consent, whether made by the members of the commission or the secretary, shall be conclusive, and after the issuance of any refunding bonds in reliance thereon, the validity or regularity thereof may not be contested in any suit, action or proceeding relating to the validity of such refunding bonds. The commission is hereby empowered to examine into any estimates, computations or calculations made in connection with any issue of refunding bonds and to require the production of any and all such papers, documents, witnesses and information and make or cause to be made such audits and such other investigation and do all such other acts and things in connection with the consideration of any issue as it may deem advisable, and to make rules and regulations for the transaction of its business.

Assistants.

No compensation.

Seal.

Majority rule.

Validity of issue not contestable.

Commission empowered to investigate.

Consideration by commission before giving consent.

658. Consideration by Funding Commission. In considering any resolution or ordinance in connection with the issuance of any refunding bonds, presented to it for the endorsement of its consent thereon, the Funding Commission shall have regard to the probable capacity of the county or municipality to pay at their maturity the refunding

bonds proposed to be issued and all other indebtedness then outstanding, taking into consideration both the assessed and the true value of taxable property, and to the equitable distribution of the burden of interest and debt redemption charges in connection with the refunding bonds and other indebtedness theretofore or which may necessarily thereafter be incurred. If the Funding Commission shall refuse to endorse its consent upon any such resolution or ordinance, it shall make and certify to the county or municipality a statement of its reasons for so refusing.

Refusal.

Information filed with State Auditor.

659. Filing of information. A certified copy of any county bond resolution or ordinance authorizing refunding bonds shall be filed before final passage thereof with the State Auditor, together with a complete statement signed by the chief financial officer of the county or municipality as to the outstanding obligations and indebtedness proposed to be funded or refunded by the issuance of the refunding bonds, in such form as may be prescribed by the State Auditor.

Covenants with bondholders.

660. Special covenants with bondholders. To the end that the principal of and interest on refunding bonds may be further secured and thereby a more favorable sale or exchange effected, the county bond resolution or the ordinance authorizing refunding bonds may contain provisions which shall be a part of the contract with the holders of such refunding bonds as to the establishment of, and the making of appropriations for, reserve or sinking funds for the retirement of any refunding bonds, and the amount, source, securing, regulation and disposition thereof. The county bond resolution or the ordinance authorizing refunding bonds may also contain provisions which shall likewise be a part of the contract with the holders of such refunding bonds, but which shall be subject to amendment or abrogation at the will of the Legislature after ten (10) years from the effective date of such resolution or ordinance, as to the performance by

the county or municipality of all or any specified provisions of any law relating to the preparation, adoption, and administration of budgets and the levying of taxes in counties and municipalities as the same may have been enacted at the regular session of the Legislature of one thousand nine hundred and thirty-five, and, further, as to the waiving or limiting of the right of the governing body of the county or municipality to reduce or to apply to the State Auditor for a reduction of the amount of any appropriation required to be made or any taxes required to be levied pursuant to any such law.

Obligations extended.

661. Temporary obligations may be extended. Notwithstanding any limitations contained in this act, any temporary notes or bonds issued pursuant to the act of which this act is a revision and outstanding when this act takes effect may from time to time be renewed or extended with the consent of the holders thereof, to not later than June first, one thousand nine hundred and thirty-seven. Upon any such renewal, the bond anticipation notes so issued may be exchanged for the temporary notes or bonds, and shall mature not later than June first, one thousand nine hundred and thirty-seven. Any county or municipality effecting such renewal or extension shall forthwith file with the State Auditor a statement thereof in such form as the said State Auditor shall prescribe.

Maturity.

Statement filed.

Sale.

662. Sale of refunding bonds. All refunding bonds shall be sold in accordance with the provisions of article V of this act; *provided, however,* that refunding bonds may be exchanged without previous public offering for the outstanding obligations to be funded or refunded thereby upon authorization by resolution adopted by vote of two-thirds of the members of the governing body of the county or municipality; *provided, further, however,* that refunding bonds may be sold at public sale at such price or prices, computed in the manner or mode of procedure described by "Acme Tables of Bond Value" (published by Financial

Proviso.

Proviso.

Publishing Company, Boston, Massachusetts), as will yield to the purchasers income at a rate not exceeding six per centum (6%) per annum to the maturity dates of the several bonds so sold and delivered on the money paid therefor to the county or municipality; *and provided further, however,* that refunding bonds of any authorized issue or of any authorized maturity may be sold and delivered as hereinabove provided from time to time and in such blocks as may be deemed advisable. The officer delivering any refunding bonds in exchange for outstanding obligations shall report the amounts and numbers of the refunding bonds so delivered and the outstanding obligations so received, and the report shall be entered in the minutes of the governing body of the county or municipality and a copy of such report shall be filed within five days with the State Auditor.

Proviso.

Use of sinking fund.

663. Disposition of sinking funds. If outstanding obligations issued prior to March twenty-second, one thousand nine hundred and sixteen for the payment of which contributions have been made to a sinking fund are funded or refunded by the issuance of refunding bonds, and there are bonds or notes of the county or municipality issuing such refunding bonds in such sinking fund, then and in such case bonds or notes of the county or municipality held in such sinking fund in principal amount not less than the accumulation in such sinking fund to the credit of the outstanding obligations so funded or refunded shall be taken from the sinking fund and cancelled.

Debt readjustment.

664. Debt readjustment. Any county or municipality may file a petition with any United States Court under any law of the United States for the purpose of effecting a readjustment of its debt, only, however, after first securing the written approval of the Funding Commission, but no plan of readjustment shall be approved or put into temporary effect or finally confirmed without the written approval of the Funding Commission.

ARTICLE VI-B

TABULATION OF EXISTING DEBTS AND FUTURE DEBT SERVICE

Statement concerning existing debt and future debt service.

675. Tabulation of existing debts and future debt service. Within forty-five days after the effective date of this act the chief executive and the financial officer of each local government, shall prepare or cause to be prepared and certify to the State Auditor a complete tabulation of all existing debts of the local government and of the future service on such existing debts. Such tabulation shall be in such form as the State Auditor may prescribe and shall show, among other things:

Form of statement:

Contents of statement;

(a) The several existing debts, listed separately, and for each the date the debt was incurred, the purpose for which it was incurred, the manner in which it was incurred, the amount of debt incurred, the terms of payment, the interest rate, the payments made to date, the amount of principal outstanding as of the close of business on December 31, 1934, payments made between December 31, 1934, and the date of tabulation, the future dates when principal and interest become due, and the amount, listed separately, of principal and interest due on each date until the existing debt is extinguished. Payments of principal or interest past due but remaining unpaid as of December 31, 1934, and outstanding valid claims for salaries, wages, supplies, material, equipment and other purposes as of the said date shall be listed separately.

As to sinking fund;

(b) The amounts in any sinking fund at the close of business December 31, 1934, the form in which such amounts are held, the amount in the sinking fund dedicated or held for any specific purpose, the par and estimated market value, as of December 31, 1934, of any securities in the sinking fund; payments into and from the sinking fund required by existing law, during the year 1935 and thereafter, together with the respective dates at which they

are due and payable, and the purpose for which each such payment is to be made.

Other information.

(c) Any statements or explanations that will throw light on the facts shown in the tabulation and aid in understanding such tabulation.

ARTICLE VII

ANNUAL DEBT STATEMENTS

Contents.

Section

701. General provision.
702. Gross debt.
703. Deductions.
704. Self-liquidating purpose defined.
705. Limitations prescribed.
706. Other provisions of debt statement.
707. Bonds and notes issued under certain sections not to be excluded from gross debt.

Annual debt statement filed.

701. General provision. The chief financial officer of each county and of each municipality shall make and file during the first month of each fiscal year, in the case of a county in the office of the clerk of the board of chosen freeholders, or in the case of a municipality in the office of its clerk, and in the office of the State Auditor, a statement of the debt condition of the county or municipality as of the last day of the next preceding fiscal year, estimating the amount of any item which may be indefinite or unascertainable. Such statement shall be known as the annual debt statement. All such debt statements shall be under oath and shall be a public record open to public inspection. The State Auditor is empowered and it shall be his duty to prescribe in such detail as he may deem advisable the form of annual debt statement required by this act.

Form of statement.

Special debt statement.

A special debt statement as of the last day of the month next preceding the month in which this act takes effect shall be filed within thirty days from the effective date of this act in the same form as herein provided for annual debt statements, and

such special statement for the purposes of this act during the balance of the fiscal year in which this act takes effect shall have the effect of an annual debt statement filed as of the last day of the next preceding fiscal year.

Gross debt.

702. Gross debt. Said annual debt statement shall set forth in the form prescribed all notes and bonds issued, or authorized but not issued, pursuant to this or any other act, (excepting tax anticipation, tax revenue and tax title notes or bonds), and in the case of a municipality, all notes and bonds for school purposes issued or authorized but not issued by a school district constituting a separate corporation for the payment of which taxes may be levied upon taxable property within the territorial limits of the municipality. For the purpose of this section the notes or bonds of a school district which includes the territory of more than one municipality shall be apportioned among such municipalities in the proportion that the average of the assessed valuations of each municipality bears to the average of the assessed valuations of all municipalities, such average of the assessed valuations being computed as called for by section seven hundred six, subsection two.

Deductions:

703. Deductions. Such annual debt statement shall also set forth in the form prescribed the deductions applicable thereto, as follows:

Sinking funds;

(a) Funds in hand and sinking funds applicable to the payment of any part of the gross debt not otherwise deductible, including the proceeds of any bonds or notes held to pay any part of the gross debt and the estimated proceeds of any bonds or notes which have been authorized, when such estimated proceeds are to be held for that purpose, and any accounts receivable from other public authorities applicable only to the payment of any part of the gross debt not otherwise deductible;

Self-liquidating issues;

(b) Notes or bonds issued, or authorized but not issued, for purposes hereinafter defined as "self-liquidating" within the limitations hereinafter prescribed, stating separately indebtedness for water

systems, sewer systems and each other self-liquidating purpose;

Certain school issues.

(c) Notes or bonds issued, or authorized but not issued, for school purposes and included in the gross debt, whether issued or authorized by the municipality or by a school district constituting a separate corporation, to an amount not exceeding six per centum (6%) of the average of the assessed valuations as set forth in such statement pursuant to section seven hundred six, subsection two.

Self-liquidating purpose defined.

704. Self-liquidating purpose defined. Any publicly owned and operated utility or enterprise shall be deemed to be a self-liquidating purpose if the accrued income from fees, rents or other charges not over six months in arrears is sufficient to pay operating and maintenance costs, exclusive of depreciation and obsolescence, and interest and debt retirement charges payable or accruing in a fiscal year, without recourse to general taxation or special assessments on property specially benefited;

Proviso.

provided, however, that there may be included in such accrued income fees, rents and other charges collected from other departments or utilities of the county or municipality at a rate not in excess of the fees, rents or other charges to other consumers, customers or users, or, if there be no other consumers, customers or users properly comparable, then not in excess of the comparable fees, rents and other charges of privately owned or operated utilities or enterprises.

Limiting self-liquidating issues.

705. Limitations prescribed. Bonds or notes for the financing of such utilities or enterprises shall be deductible if such utility or enterprise shall have been self-liquidating within the fiscal year covered by such annual debt statement. Any water supply or distribution system, or any sewerage system, shall be deemed to be self-liquidating during the period of construction or acquisition and until it shall have been in operation for at least one fiscal year;

Proviso.

provided, that the State Board of Public Utility Commissioners shall have determined by order that the income will be sufficient to make the

utility or enterprise self-liquidating within the definition of this act, on the basis of a project report prepared by the engineers; the said Board of Public Utility Commissioners is hereby authorized and empowered to make such determination and all proceedings before said board under the provisions of this section shall conform with respect to notice, hearings and service and effective date of orders, to the provisions of an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, nineteen hundred eleven, and its various supplements and amendments; and the schedule of fees, rents or charges set up in the project report shall not be reduced during the first year of operation. To the extent that any such utility or enterprise shall not be self-liquidating within the above limitations, the amount of the deficit in the income of such utility or enterprise applicable to interest and debt retirement shall be capitalized at five per centum (5%) and the capital sum so determined shall not be deductible from the gross debt.

Debt statement to show:

706. Other provisions of debt statement. The annual debt statement shall also set forth:

Net debt;

(1) The net debt of the county or municipality, as the case may be, as determined by subtracting the deductions set forth pursuant to sections seven hundred three and seven hundred five from the gross debt set forth pursuant to section seven hundred two.

Average assessed valuation;

(2) The three next preceding assessed valuations of the taxable real property (including improvements) of the county or municipality as the case may be, and the average thereof.

Percentage of net debt to valuation.

(3) The percentage that the net debt as computed under subsection one bears to the average of the assessed valuations computed under subsection two.

Certain bonds not excluded from gross debt.

707. Bonds and notes issued under certain sections not to be excluded from gross debt. Notwith-

standing the provisions of section two hundred eight, any bonds or notes issued or authorized but not issued pursuant to said section shall be included in any annual debt statement and in any supplemental debt statement thereafter filed in connection with the authorization of bonds or notes for other purposes.

ARTICLE VIII

SUPPLEMENTAL DEBT STATEMENTS

Contents.

Section
801. Statement.
802. Form of statement prescribed.
803. Statement conclusive.

Supplemental debt statement to show:

801. Statement. The supplemental debt statement required to be made and filed as provided in section two hundred five shall be computed as provided for the annual debt statement in article VII and shall set forth:

Net debt;

(1) The net debt of the county or municipality as stated in the annual debt statement last filed or a revision thereof; the amount by which such net debt has been increased by the authorization of additional debt or decreased by payment of outstanding debt or reduction of the authorization to incur debt and not by change in any other parts of the debt statement.

Increase in net debt;

Amount of pending issues and purposes;

(2) The amount and purposes separately itemized of bonds or notes about to be authorized together with any deduction which may be made on account of each such item.

Net amount;

(3) The net debt of the county or municipality as determined by adding the net amounts stated pursuant to subsections one and two.

Average assessed valuation;

(4) The three next preceding assessed valuations of the taxable real property (including improvements) of the county or municipality as the case may be, and the average thereof, as stated in the annual debt statement last filed.

(5) The percentage that the net debt as computed under subsection three bears to the average of the assessed valuations as computed under subsection four. Percentage to assessed valuation.

802. Form of statement prescribed. The State Auditor is empowered and it shall be his duty to prescribe in such detail as he may deem advisable the form of supplemental debt statement required by this act. Form of supplemental debt statement.

803. Statement conclusive. Any special, annual, or supplemental debt statement filed pursuant to this act shall be presumed to be accurate, and after the issuance of any obligations in reliance thereon the correctness and sufficiency of such debt statement shall not be contested in any suit, action or proceeding relating to the validity of such obligations. Statement conclusive.

Article IX

APPLICATION OF THE PROCEEDS OF OBLIGATIONS

901. The proceeds of the sale of any obligations issued under this act shall be applied only to the purposes for which such obligations are authorized, except that if for any reason any part of such proceeds are not necessary for such purposes, the said part shall be transferred to any reserve or sinking fund for the retirement of debt. Use of proceeds.

Article X

VALIDITY OF PROCEEDINGS AND OBLIGATIONS

Section

1001. Validity of obligations not dependent on preliminary proceedings.
1002. Effect of publication of statement.
1003. Validity of obligations after delivery. Contents.

1001. Validity of obligations not dependent on preliminary proceedings. It is the intent of this act that the power to issue obligations under this Validity of obligations.

act and the validity of the obligations so issued shall not be affected by or dependent in any way on the validity of, or the regularity of any proceedings for the issuance of any bonds or notes to be renewed, extended, retired, funded or refunded by the issuance of such obligations, and shall be independent of the power to make improvements or acquire property and shall not be dependent on or affected by the validity or regularity of any improvements or the acquisition of any property (or the authorization thereof) for the financing of which such obligations are issued or to be issued.

Effect of publication of statement.

1002. Effect of publication of statement. When twenty days have elapsed after the publication after final passage of a county bond resolution or an ordinance authorizing the issuance of notes or bonds as provided in article II of this act, (a) any recitals or statements of fact contained in any such resolution or ordinance, or in the preambles or recitals connected therewith, shall be deemed to be true for the purpose of determining the validity of the obligations referred to therein, and the county or municipality and all others interested shall forever thereafter be estopped from denying the same; and (b) such county bond resolution or such ordinance shall be conclusively presumed to have been duly and regularly passed or adopted by the county or municipality, as the case may be, and to comply with the provisions of this and every other law; and (c) the validity of any such ordinance or resolution shall not thereafter be questioned by either a party-plaintiff or a party-defendant except in a suit, action or proceeding commenced prior to the expiration of such twenty days.

Validity after delivery.

1003. Validity of obligations after delivery. Unless a suit, action or proceeding questioning the authorization, sale, execution or otherwise questioning the validity of the obligations to be issued thereunder be begun prior to the delivery of such obligations, any such obligations reciting that they are issued pursuant to such county bond resolution or such ordinance and this act shall, after their

issuance, be conclusively presumed to be fully authorized by all the laws of this State and to have been sold, executed, and delivered by the county or municipality in conformity therewith and the validity of such obligations shall not be questioned by either a party-plaintiff or a party-defendant or by the county or municipality or any taxpayer thereof or any other interested party in any court, anything herein or in other statutes to the contrary notwithstanding.

ARTICLE XI

APPLICATION AND EFFECT OF ACT

Section

1101. Application of act; qualifications.
1102. Act a revision.
1103. Certain acts not repealed.
1104. Certain acts not affected.
1105. Severability of provisions.
1106. Date of taking effect.

Contents.

1101. Application of act; qualifications. This act shall apply to all obligations issued after it shall take effect for purposes for which obligations may be issued hereunder, subject to the following qualifications.

Application of act.

Qualifications:

(a) Obligations issued for temporary financing which shall be outstanding at the time this act takes effect and which shall have been theretofore issued in pursuance of the act of which this act is a revision, may be renewed by the issuance of notes or may be funded by the issuance of permanent bonds, as provided by this act.

As to outstanding temporary financing;

(b) Notes or bonds for temporary financing which shall have been duly authorized pursuant to the act of which this act is a revision, by a resolution of a county or by ordinance of a municipality which resolution or ordinance shall have taken effect prior to the time this act takes effect, may be hereafter issued under this act without passage

As to authorized temporary financing;

of a county bond resolution or of a further ordinance under this act; *provided, however,* that unless contracts of sale shall have been made, such temporary obligations shall be subject to the provisions of this act relating to the maturities and sale of temporary obligations.

Proviso;

As to permanent financing;

(c) Permanent bonds, which have been duly authorized pursuant to the act of which this act is a revision or any other act by a resolution of a county or by an ordinance of a municipality which resolution or ordinance shall have taken effect prior to the time this act takes effect, may be issued under this act in pursuance of the provisions of such resolution or ordinance and no further county bond resolution or ordinance shall be necessary, notwithstanding that the terms or mode of procedure for passage or adoption of such resolution or ordinance do not conform to the provisions of this act.

As to previous contracts;

(d) This act shall not invalidate any contracts of sale lawfully made before it takes effect and obligations may be issued in pursuance of such contracts. Nor is this act intended to prevent the completion of exchanges of funding or refunding bonds heretofore authorized by ordinance or resolution of any governing body under any act heretofore in effect, but any exchanges so authorized may be carried out in accordance with the terms of such ordinance or resolution within the time limited by such ordinance or resolution or the act under which such exchange is authorized.

As to funding and refunding bonds;

As to school bonds;

(e) This act shall not affect or apply to the incurring of indebtedness or the issuance of notes or bonds for school purposes, except as other laws may provide for the issuance of such notes or bonds pursuant to this act.

Construing.

(f) This act shall not be construed to prevent the authorization and issuance of bonds, and other obligations prior to July first, one thousand nine hundred and thirty-six, pursuant to an act entitled "An act to authorize and regulate the funding, refunding and/or extension of outstanding bonds,

notes or other obligations by any county, city, borough, town, township, village, or other municipality,'' approved December eighteenth, one thousand nine hundred and thirty-four, constituting chapter two hundred and sixty-eight of the laws of one thousand nine hundred and thirty-four, by any municipality which has prior to May first, one thousand nine hundred and thirty-five, made a temporary or permanent agreement therefor with the holders of at least fifty per centum (50%) of the outstanding bonds, notes and other obligations of the municipality.

Act a revision.

1102. Act a revision. This act shall be considered as a revision of an act entitled ''An act to authorize and regulate the issuance of bonds and other obligations and the incurring indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission, or any municipality governed by a board of commissioners,'' approved March twenty-second, one thousand nine hundred sixteen, constituting chapter two hundred fifty-two of the pamphlet laws of one thousand nine hundred and sixteen, and the acts amendatory thereof and supplemental thereto, and the said acts and all acts and parts of acts, general or special, to the extent that they relate to the subject matter of this act, are hereby superseded and repealed.

Certain acts not repealed.

1103. Certain acts not repealed. This act shall not be construed to amend or repeal any of the provisions of the following acts but said acts shall continue to be in full force and effect, and any proceedings taken or to be taken thereunder shall continue to be taken or be taken, notwithstanding the provisions of this act.

Chap. 195, P. L. 1933;

(a) An act entitled ''An act to authorize two or more municipalities in this State by means of a commission to acquire, either by purchase or condemnation, and operate privately owned water works now or hereafter supplying water therein, and in other municipalities, if any, in which water is supplied by the same water works, together with

the franchises, rights, and any or all other appurtenant property of the owner or owners, of such works, and to enlarge and extend the same," passed March twenty-third, nineteen hundred twenty-three, constituting chapter one hundred ninety-five of the laws of nineteen hundred twenty-three, and the acts amendatory thereof and supplemental thereto.

Chap. 428, P. L. 1933;

(b) An act entitled "An act concerning the acceptance of grants and the borrowing of money by counties, municipalities and school districts, from the United States of America, through the Federal Emergency Administrator of Public Works, or other Federal agency heretofore or hereafter created," approved December fourth, nineteen hundred thirty-three, constituting chapter four hundred twenty-eight of the laws of nineteen hundred thirty-three.

Chap. 60, P. L. 1934;

(c) An act entitled "An act concerning the issuance of bonds by municipalities to pay, fund or refund certain bonds or other indebtedness," approved April fourth, one thousand nine hundred thirty-four, constituting chapter sixty of the pamphlet laws of one thousand nine hundred thirty-four.

Chap. 233, P. L. 1934.

(d) An act entitled "An act relating to the funding or refunding of outstanding bonds or notes by municipalities," approved June eleventh, one thousand nine hundred thirty-four, constituting chapter two hundred thirty-three of the pamphlet laws of one thousand nine hundred thirty-four.

Chap. 340, P. L. 1931 not affected.

1104. Certain act not affected. Nothing contained in this act shall be deemed to supersede, abrogate or repeal in any way an act entitled "An act concerning municipal finances," approved April twenty-eighth, nineteen hundred thirty-one, constituting chapter three hundred forty of the pamphlet laws of nineteen hundred thirty-one, or any of the acts amendatory thereof or supplemental thereto, or any revision thereof, heretofore or hereafter enacted, but said acts shall continue in full force and effect, and any proceedings taken or to be

taken thereunder shall continue to be taken or be taken, notwithstanding the provisions of this act.

Severability of provisions. Constitutionality.

1105. Severability of provisions. The powers granted and the duties imposed by this act shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of this act shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

1106. Date of taking effect. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 78

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Hold over provision.

1. The terms of office of the Commissioners appointed pursuant to the provisions of the act to which this act is a supplement, and the acts amendatory thereof, shall continue until their successors are appointed and qualified.

2. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 79

AN ACT to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

Section 24 amended.

1. Section twenty-four of the act to which this act is amendatory be and the same is hereby amended to read as follows:

24. Valuation of life policies.

Valuation of life insurance policies.

Method of valuating.

The Commissioner of Banking and Insurance shall annually make or cause to be made valuations of all outstanding policies of every life insurance company doing business in this State. All valuations made by him or by his authority shall be upon the net premium basis, or such modification thereof as hereinafter expressly provided, and all policies issued prior to January first, one thousand nine hundred and one, shall be valued according to the actuaries' table of mortality, with compound interest at the rate of four per centum per annum, except in cases where any life insurance company may elect or shall have elected to have such policies or any class thereof valued according to the American experience table of mortality, with compound interest at the rate of either three or three and one-half per centum per annum; and all policies issued on or after said first day of January, one thousand nine hundred and one, shall be valued according to the American experience table of mortality, with compound interest at the rate of three and one-half per centum per annum, except in cases where any life insurance company may elect or shall have elected to have such policies or

any class thereof valued according to the American experience table of mortality with compound interest at the rate of three per centum per annum; and except in cases where any life insurance company with the approval of the Commissioner of Banking and Insurance may elect or shall have elected to have its ordinary policies or any class thereof valued according to the American Men Ultimate Table of Mortality, with compound interest at a rate which is not less than three per centum nor more than three and one-half per centum per annum; *provided, however,* that the legal minimum standard for the valuation of group term insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be the American Men Ultimate Table of Mortality with interest at three and one-half per centum per annum. The Commissioner of Banking and Insurance may vary the standards of interest and mortality in the case of annuities and industrial policies and of invalid lives and other extra hazards. When the actual premium charged for an insurance policy is less than the net premium for such insurance, computed according to the table of mortality and rate of interest prescribed herein, the value of such policy shall be increased by the value of an annuity, the amount of which shall equal the difference between such premiums, and the term of which in years shall equal the number of future annual payments receivable on such insurance after the date of valuation.

Proviso.

Variable standards of interest.

Policies issued by companies doing business in this State may provide for not more than one year preliminary term insurance by incorporating in the provision thereof specifying the premium consideration to be received a clause plainly showing that the first year's insurance or part thereof under such policies is term insurance, purchased by the whole or a part of the premium to be received during the first policy year.

Policy may provide for preliminary term insurance.

If the premium charged for such preliminary term insurance under any limited payment life or

Reserves.

endowment policy now in force, or hereafter to be issued, exceeds that charged at the same time for like insurance under a twenty payment life preliminary term policy of the same company, issued at the same age, the reserve thereon at the end of any year, including the first, shall not be less than the reserve on a twenty payment life preliminary term policy, issued in the same year and at the same age, together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a pure endowment at the end of twenty years from the date of the policy or at the end of the premium payment period; if earlier, equal to the difference between the value at the end of such time of such twenty payment life preliminary term policy and the full reserve at such time of a corresponding limited payment life or endowment policy, issued at the same age, which does not provide for preliminary term insurance.

Reserve to equal that of similar policy.

After twenty years from date of such limited payment life or endowment policy, or after the end of the premium payment period, if earlier, the reserve held shall be equal to that of a similar policy, issued at the same age, which does not provide for preliminary term insurance.

Policy valued according to its terms.

If the premium charged for such preliminary term insurance under any policy issued prior to the first day of January, one thousand nine hundred and twenty, does not exceed that charged at the same time for like insurance under a twenty payment life preliminary term policy of the same company, issued at the same age, such policy may be valued according to its terms, on the mortality and interest bases herein provided.

Reserve increased where premium is greater.

If the premium charged for such preliminary term insurance under any policy, issued on or after the first day of January, one thousand nine hundred and twenty, is in excess of one hundred and fifty per centum of the net premium therefor, computed according to the table of mortality and the rate of interest adopted by the company, as herein provided, and is less than that charged at the same

time for like insurance under a twenty payment life preliminary term policy of the same company, issued at the same age, the reserve on such policy at the end of any year, after the first, shall be increased by an amount which shall be equivalent to the accumulation of a net level premium beginning with the second year of the policy sufficient to provide for a pure endowment at the end of the twentieth year, equal to the difference at such time between the value of such preliminary term policy and the full reserve of a similar policy, issued at the same age, which does not provide for preliminary term insurance. Thereafter the reserve held shall be equal to that of a similar policy, issued at the same age, which does not provide for preliminary term insurance.

Reserve liability created.

When the reserves or any part thereof of any life insurance company of this State shall have been computed in accordance with the foregoing provisions of this section on the basis of a higher rate of interest than three per centum per annum, and as so computed, shall exceed five hundred million dollars, such company shall thereupon and thereafter set aside as a part of the reserve liability on the policies of such company at the close of each year a sum equal to six per centum of the increase for such year over the year preceding in such company's reserves or part thereof so computed; *provided*, the aggregate of the sums so set aside shall not at any time exceed five per centum of such reserves. No part of the sums so set aside shall be used by such company for any purpose except upon resolution by its board of directors and upon the approval in writing of the Commissioner of Banking and Insurance of this State, and such approval shall be given by the commissioner upon proof made to him of the happening of either of the contingencies hereinafter set forth in subsections (a) and (b) of this paragraph and upon the terms therein respectively stated, as follows:

Proviso.

Use of funds set aside.

Reserve may be reduced.

(a) In the event that the gross incurred mortality losses of such company during any calendar

year have been at a rate in excess of one hundred and ten per centum of its average rate during the preceding five years, the sums set aside as above provided may be reduced as of the end of such calendar year by an amount equal to the excess of the actual mortality losses for such calendar year over the amount of such losses had they occurred at the rate of one hundred and ten per centum of such average rate for such preceding five years.

Reserve may be reduced according to depreciation of assets.

(b) In the event that the aggregate of depreciation of assets owned by such company and of losses upon realization thereof during any calendar year has been in excess of twenty-five per centum of the surplus of such company as of the end of the year preceding, the sums set aside as above provided may be reduced as of the end of such calendar year by an amount equal to the excess of such depreciation and losses over such twenty-five per centum of the surplus of such company at the end of such preceding year.

Commissioner may accept valuations of other insurance departments.

The Commissioner of Banking and Insurance may accept the valuation of the department of insurance of any other State or country when made upon a specified basis or bases, according to which the reserves would be at least as large as if they had been computed upon the basis or bases herein prescribed, if the insurance officer of such State or country accepts as sufficient and valid for all legal purposes the certificate of valuation of the Commissioner of Banking and Insurance of this State, when such certificate states the valuation to have been made in a specified manner according to which the reserves would be at least as large as if they had been computed in the manner prescribed by the law of such State or country; or if the insurance officer of such State or country, by express requirement of law, shall have made yearly for not less than thirty years past valuations of the policies of all companies issuing or delivering policies therein.

Maintaining standard of valuation.

A life insurance company shall not abandon the standard of valuation adopted for any outstanding

policies without the written consent of the Commissioner of Banking and Insurance, if the reserve, calculated by the proposed standard, is less than the reserve calculated by the standard which is to be abandoned.

2. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 80

AN ACT to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

1. Section eight of the act to which this act is amendatory be and the same is hereby amended to read as follows:

Deposit of securities.

8. Deposit of securities. No company organized under this act, other than a mutual company organized to make insurance solely against loss or damage to property belonging to the insured member, shall be authorized to transact any business of insurance until it shall have deposited with the Commissioner of Banking and Insurance of this State the sum of fifty thousand dollars ($50,000.00) in public stocks or bonds of this State or of the United States or of the States of New York, Ohio, Massachusetts or Pennsylvania, or of any of the counties, cities, boroughs, towns or township of this State, the market value of which stocks or bonds shall not be less than par. The said commissioner may, from time to time, after such company shall have commenced business, require it to make further deposits of securities of the type

herein named up to the sum of one hundred thousand dollars ($100,000.00).

Section 10 amended.

2. Section ten of the act to which this act is amendatory be and the same is hereby amended to read as follows:

Deposit for benefit of policyholders.

10. Deposit for benefit of policyholders. The Commissioner of Banking and Insurance shall hold the securities deposited as aforesaid, for the benefit and security of all the policyholders of the company depositing the same, but shall, so long as the company shall continue solvent and comply with all the requisites of the laws of this State applicable to it, permit the company to collect the interest or dividends on the securities so deposited, and, from time to time, with his assent, to withdraw any of such securities, on depositing with said commissioner other like securities, the par value of which shall be equal to the par value of such as may be withdrawn.

Section 11 amended.

3. Section eleven of the act to which this act is amendatory be and the same is hereby amended to read as follows:

Surrender of deposits.

11. Surrender of deposits. Whenever any insurance company of this State shall voluntarily dissolve or a receiver thereof shall be appointed by the Court of Chancery or other court of competent jurisdiction, or shall have heretofore or hereafter become legally merged into another corporation, the Commissioner of Banking and Insurance shall thereupon deliver to such receiver or the directors or trustees on dissolution, or to the corporation into which merged, the securities deposited as aforesaid, and upon such delivery the said commissioner shall be relieved of all further responsibility or obligation in regard to the securities so deposited; *provided,* that said deposited securities shall not be delivered to the directors or trustees on dissolution until all proceedings in such voluntary dissolution shall have been first approved by the commissioner.

Proviso.

4. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 81

AN ACT to amend an act entitled "An act relating to assessment insurance," approved March seventeenth, one thousand eight hundred and ninety-three.

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

1. Section one of the act to which this act is amendatory be and the same is hereby amended to read as follows: Section 1 amended.

1. Any corporation or association organized under the laws of any other State of the United States for the purpose of furnishing life, sickness or accident insurance upon the assessment plan, or that is carrying on the business of life, sickness or accident insurance upon the assessment plan, may be authorized by the Commissioner of Banking and Insurance to transact business in this State when it shall have deposited with him a certified copy of its charter or articles of incorporation; a statement under oath, of its president and secretary, in the form required by the Commissioner of Banking and Insurance, of its business for the year ending December thirty-first last preceding; a certificate under oath of its president and secretary that it is paying, and for the twelve months then next preceding has paid, the maximum amount named in its policies or certificates in full, and that it does not issue policies or certificates of life insurance upon lives of persons more than sixty-five years of age, nor upon any life in which the beneficiary named has no interest; a copy of the application for membership or insurance and of the by-laws, also a copy of the form of policy or certificate of membership, and of each form thereof if more than one form is used; a certificate from the insurance commissioner or other like officer When authorized to transact business.

charged with the duty of executing the insurance laws of the State where said corporation or association is organized, certifying that it is legally entitled to do business; evidence satisfactory to the Commissioner of Banking and Insurance that the corporation or association has accumulated and maintains a reserve or emergency fund not less than the proceeds of one death assessment or periodical call on all policy or certificate holders thereof, and at least equal to the amount of its maximum policy or certificate; that such accumulation is permitted by the law of its incorporation, and is a trust for the benefit of policy or certificate holders only, and is securely invested; *provided,* that no such company not authorized on the first day of May, one thousand nine hundred and thirty-five, to transact the business of assessment life insurance in this State shall be admitted to transact such business after such date.

Proviso.

2. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 82

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State,' approved one thousand nine hundred and two," which said supplement was approved April fifteenth, one thousand nine hundred and seven.

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

Section 2-a amended.

1. Section two-a of the act to which this act is amendatory be and the same is hereby amended to read as follows:

2-a. Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees written under a policy issued to the employer, the premium for which is to be paid by the employer or by the employer and employees jointly, and insuring all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer; *provided, however,* that when the premium is to be paid by the employer and employees jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured. For the purposes of this act the members of any labor union or association who are actively engaged in the same occupation shall be considered employees of such union or association. No policy of group life insurance shall be issued or delivered in this State unless it shall contain in substance the following provisions:

Group life insurance defined.

Proviso.

Group policy to show:

First. A provision that the policy shall be incontestable after two years from its date except for nonpayment of premiums and for violation of its express conditions, if any, relating to military or naval service in time of war.

Incontestable;

Second. A provision that the policy, the application of the employer and the individual applications, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made in such applications by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties.

Entire contract;

Third. A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

Adjustment of premiums;

Fourth. A provision that the company will issue to the employer for delivery to the employee whose life is insured under such policy, an individual

Individual certificate;

certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provisions to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without evidence of insurability, upon application made to the company, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, within thirty-one days after such termination, a policy of life insurance effective at the end of a period of thirty-one days after such termination during which period the coverage provided by the group insurance policy shall remain in force, in any one of the level premium forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the time of such termination.

New employees added.

Fifth. A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class.

Act effective.

2. This act shall take effect July first, one thousand nine hundred thirty-five.

Approved March 20, 1935.

CHAPTER 83

AN ACT to amend an act entitled "An act to provide for the incorporation and regulation of life insurance companies on the assessment plan," approved April twenty-second, one thousand eight hundred and ninety-seven.

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

1. Section one of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 1 amended.

1. Nine or more persons may become a corporation for the purpose of transacting the business of life insurance upon the assessment plan, by filing in the department of banking and insurance a declaration in writing, signed by each of them and duly acknowledged, setting forth their intention to form a corporation for the transaction of life insurance upon the assessment plan, the name of the proposed corporation, which shall not be one in use by another corporation of the State or so nearly similar thereto as to lead to uncertainty or confusion, the place where its principal office shall be located within the State, the mode in which its corporate powers are to be exercised and of electing directors or trustees who are to have and exercise the general control and management of its affairs and of its funds, but every such corporation shall have a board of not less than five directors or trustees, who shall be elected by and from the members at such time and place and for such period not exceeding three years, as may be provided for in the by-laws, and a majority of whom shall be residents of this State; such declaration shall have endorsed thereon or annexed thereto, and as a part thereof, the sworn statement of three of such persons that at least three hundred persons eligible

Incorporating.

Name.

Office.

Exercise of corporate powers.

Directors.

Membership.

under the proposed laws of the corporation to membership therein have in good faith made application in writing for membership; the Commissioner of Banking and Insurance shall thereupon file such declaration, with the certificate of the Attorney-General that the same is in accordance with this act and not inconsistent with the constitution or laws of this State, and deliver to the corporation a certified copy of the papers so filed, which certified copy shall be filed in the office of the clerk of the county where the office of the corporation is to be located, and upon such filing being made it shall be deemed to be incorporated under this act; such corporation shall not commence the business of insurance until at least three hundred persons have subscribed in writing to be insured therein in the aggregate amount of at least three hundred thousand dollars, and have each paid in two per centum on the amount of the insurance severally subscribed for in cash, and the same is deposited in bank to the credit of the mortuary fund, to be held in trust for the benefit of the beneficiaries, and the Commissioner of Banking and Insurance shall have certified that it has complied with the provisions of this act and is authorized to transact business; *provided,* that no such corporations shall be incorporated after the first day of May, one thousand nine hundred and thirty-five, to transact the business of life insurance on the assessment plan.

Filing papers.

Minimum amount to commence business.

Proviso.

2. Section ten of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Section 10 amended.

10. All corporations, associations, companies or organizations, desiring to transact the business of life insurance upon any other plan than that defined in this act, shall comply with all the provisions of the general insurance laws.

Doing business otherwise.

3. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 84

AN ACT to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

1. Section twenty-one of the act to which this act is amendatory be and the same is hereby amended to read as follows: Section 21 amended.

21. Whenever it shall appear to the satisfaction of the Commissioner of Banking and Insurance, as the result of examination as provided for by this act, that any mutual insurance company of this State shall have a net surplus, after providing for reinsurance, and all claims for losses and other actual liabilities, of not less than the amount represented by outstanding scrip issued by said company, said commissioner shall upon the request of such company issue a certificate of the amount of such net surplus, and such company, upon vote therefor of a majority of all the directors thereof, may create a capital stock for any portion of the amount of such scrip in exchange for said scrip, and may issue certificates of such stock; *provided,* that the amount of capital so created and the surplus thereafter remaining shall not be less than the amount of capital and surplus required by the provisions of section six of this act, as a condition for the commencement of business, to be paid in in cash to a stock insurance company organized to transact the same kind or kinds of insurance. Such capital stock shall be divided into shares of such amount as the board of directors may determine, and the holders of such stock shall be nonassess- Issuing stock certificates. Proviso. Stock non-assessable.

able, and shall have the same rights and powers in respect to such company as pertain to stockholders in corporations organized under "An act concerning corporations" (Revision of 1896), not inconsistent with the powers conferred on the directors of such company by its charter or certificate of incorporation, and such company may issue policies that are not mutual, participating or assessable and may, by by-laws, determine the relative voting powers of stockholders and holders of mutual policies, provide that no policyholders, other than holders of mutual policies, shall be members of such company, or entitled to vote at its meetings.

2. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 85

AN ACT to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

Section 3 amended.

1. Section three of the act to which this act is amendatory be and the same is hereby amended to read as follows:

Certificate of intention.

3. Certificate of incorporation. Such persons shall sign a certificate stating their intention to form a corporation under this act, and setting forth:

Name.

First. The name of said company, which shall contain the words "insurance company" except that any company which may be formed for any

or all of the purposes specified in subdivisions fourth to fourteenth, both inclusive, of section one of this act may adopt a name containing the words "insurance company," or "indemnity company," or "casualty company," or "surety company," or "guaranty company;" provided, the name shall not too closely resemble the name of any existing corporation as to be likely to mislead the public, and shall be approved by the Commissioner of Banking and Insurance.

Second. The place where the principal office of the said company is to be located and its general business conducted, which shall be within this State; Office.

Third. The kind or kinds of insurance proposed to be transacted by said company, stating the subdivisions of section one of this act authorizing the same; Types of insurance.

Fourth. If formed under the first, second, third, fourth, fifth, sixth or eleventh subdivisions of section one, whether the company is to be a stock company or a mutual company; Stock or mutual company.

Fifth. If a stock company, the amount of its capital stock, which shall not be less than two hundred thousand dollars ($200,000.00), the number of shares into which it is divided, and the par value of each share; Capitalization.

Sixth. The period, if any, limited for the duration of the company: Period of existence.

The certificate of incorporation may contain such other particulars as may be necessary to explain and make manifest or limit the objects and purposes of the corporation, and such other provisions not inconsistent with this act, or the constitution or laws of this State, which the corporators may choose to insert for the conduct of the affairs of the company, the regulation of its business, or for defining, regulating and limiting the powers of the directors or stockholders.

2. Section six of the act to which this act is amendatory be and the same is hereby amended to read as follows: Section 6 amended.

Capital required to commence business.

6. Capital required. No stock insurance company organized under this act shall be entitled to commence business unless it has a capital stock of at least two hundred thousand dollars, actually paid in cash, with an additional capital stock of one hundred thousand dollars, actually paid in cash, for every kind of insurance more than one which it is authorized to transact as specified in section two of this act, and in addition thereto a surplus actually paid in cash equal to one-half of such capital stock, except that a company shall not be entitled to commence the kind of business specified in subdivision VII of section one of this act, unless it has a capital stock of at least two hundred and fifty thousand dollars actually paid in cash, with an additional capital stock of one hundred thousand dollars, actually paid in cash, for every other kind of insurance which it is authorized to transact, and in addition thereto a surplus actually paid in cash equal to one-half of such capital stock.

Minimum required for mutual company.

No mutual insurance company organized under this act shall be entitled to commence business until bona fide engagements have been entered into for insurance with said company and premiums on which amounting to at least fifty thousand dollars shall have been paid into said company in cash for each kind of insurance it is authorized to transact as specified in section two of this act; *provided, however,* that for the purposes of this paragraph of this section workmen's compensation or employers' liability insurance, as comprised in subdivision V of section one of this act, shall be considered one kind of insurance separate and distinct from the other classes of insurance also comprised in the same subdivision.

Proviso.

Maximum premium.

The maximum premium shall be expressed in the policy of a mutual company organized under this act; and in a company other than a life insurance company it may be solely a cash premium or may be a cash premium and an additional contingent premium, which contingent premium shall not be less than the cash premium, but no such company

shall issue any insurance policy for a cash premium and without an additional contingent premium until and unless it possesses a surplus above all liabilities of at least two hundred thousand dollars.

Temporary capital stock.

A mutual life insurance company may be organized with a temporary capital stock of not less than two hundred thousand dollars, which shall be invested in the same manner as is provided for the investment of its other funds, and in such case the amount of premiums required to be engaged and collected before commencing business shall be ten thousand dollars. The holders of said stock shall elect such number of the directors of the company as shall constitute a bare majority of the entire board and the rest of the directors shall be elected by the policyholders in such manner and with such representation as may be provided in its certificate of incorporation; and after the retirement of such capital stock all the directors shall be so elected by the policyholders. Out of the net surplus of the company the holders of the temporary capital stock may receive a dividend of not more than ten per centum per annum, which may be cumulative. Such capital stock shall not be a liability of the company, except that it shall be retired when the surplus of the company becomes sufficient to pay the same at its par value and leave a surplus of not less than the amount of the temporary capital so retired.

Dividend.

Mutual company may borrow

A mutual company organized under this act may borrow or assume a liability for the repayment of a sum of money sufficient to defray the reasonable expenses of its organization or to enable it to comply with any requirement of the law or as a guaranty fund upon agreement, which shall first be submitted to and approved by the Commissioner of Banking and Insurance that such loan or advance, with interest at a rate not exceeding six per centum per annum, shall be repaid only out of the surplus, earnings or profits of such corporation with the approval of the said commissioner whenever in his judgment the financial condition of the company shall warrant, but such approval shall

not be withheld if after such repayment shall be made the company shall have and be in possession of a surplus equal to ten per centum or more of its gross annual premiums on policies outstanding and in force. Any such loan or advance shall not form a part of the legal liabilities of the company, but until repaid all statements published by such company or filed with the said commissioner shall show the amount thereof then remaining unpaid.

Statement to show amount unpaid.

Section 59 amended.

3. Section fifty-nine of the act to which this act is amendatory be and the same is hereby amended to read as follows:

Requirements, before being admitted—file charter, etc.;

59. No such company shall be admitted until: First. It shall file in the Department of Banking and Insurance a certified copy of its charter, or deed of settlement or certificate of organization, and a statement of its financial condition and business, in such form and detail as the Commissioner of Banking and Insurance may require, signed and sworn to by its president and secretary or other proper officer;

Proof of condition and methods;

Second. It shall satisfy the Commissioner of Banking and Insurance that it is fully and legally organized under the laws of its State or county to do the business it proposes to transact; that its condition or methods of operation are not such as would render its operation hazardous to the public or its policyholders in this State; that it has, if a stock company, a fully paid-up, well invested and unimpaired capital and surplus of not less than the amount required by this act to be possessed by a stock insurance company of this State transacting the same class or classes of insurance, or if a mutual company, that it has net cash assets of that amount;

Designation attorney;

Third. It shall, by a duly executed instrument filed in the Department of Banking and Insurance, constitute the Commissioner of Banking and Insurance and his successor in office its true and lawful attorney, upon whom all original process in any action or legal proceeding against it may be served, and therein shall agree that any original process

against it which may be served upon said commissioner shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this State; the serving of such process shall be made by leaving a copy of the same in the office of the Commissioner of Banking and Insurance with a service fee of two dollars to be taxed in the plaintiff's cost of suit, such service upon said commissioner shall be deemed sufficient service upon the company;

Fourth. It shall obtain from the Commissioner of Banking and Insurance a certificate that it has complied with all the requirements of this act applicable to it, and is authorized to transact business in this State, which certificate shall expire on the first day of May of the following year, and shall be renewed each year before the first day of May; *provided,* that all such certificates outstanding and in force at the date of the passage of this act shall continue in full force and effect until the first day of May, one thousand nine hundred and twenty-nine, unless sooner revoked by said commissioner in accordance with the act to which this act is amendatory.

Certificate of compliance.

Proviso.

4. This act shall take effect immediately.

Approved March 20, 1935.

CHAPTER 86

AN ACT vesting all the right, title and interest of the personal property of which Hattie Hudson died seized, and which is about to be transferred to the treasurer to the City of Atlantic City, in Mabel O'Laughlin.

Preamble. WHEREAS, Hattie Hudson, late of the city of Atlantic City, county of Atlantic and State of New Jersey, departed this life on the eleventh day of June, one thousand nine hundred and twenty-eight, owning personal property now represented by approximately four thousand seven hundred fifty-eight dollars and nineteen cents ($4,758.19) in cash, fifteen shares of Consolidated Copper Mines Company, ten shares of Moon Motor Car Corporation; and

Preamble. WHEREAS, The said Hattie Hudson left no person or persons capable of inheriting the surplus of her estate including said personal property; and

Preamble. WHEREAS, The request and proper notice of intention to apply for the passage of this act has been given and duly published; now, therefore,

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

Title vested. 1. All the estate, right, title and interest of every kind and character of which it is alleged that the city treasurer of the city of Atlantic City and/or the city of Atlantic City is seized in and to certain personal property heretofore belonging to Hattie Hudson, and more particularly described in the first preamble to this act, are hereby vested in Mabel O'Laughlin; such title so as aforesaid vested under the provisions of this act is validated and confirmed.

2. This act shall be deemed a private act and shall take effect immediately.

Approved March 21, 1935.

CHAPTER 87

AN ACT to provide for the refunding of moneys erroneously paid as taxes pursuant to the provisions of chapter eighty-five of the laws of one thousand nine hundred and thirty-three, approved April fifth, one thousand nine hundred and thirty-three, as amended and supplemented.

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

Refund of taxes.

1. Whenever, before September first, one thousand nine hundred and thirty-five, the State Tax Commissioner shall determine with respect to moneys received by the State of New Jersey, pursuant to the provisions of chapter eighty-five of the laws of one thousand nine hundred and thirty-three, that any moneys have been erroneously paid when in fact no liability for the payment of the same existed, the State Tax Commissioner shall certify such determination to the treasurer of the State of New Jersey who shall thereupon refund to the person or persons entitled to the same such moneys so erroneously paid.

2. This act shall take effect immediately.

Approved March 22, 1935.

New Jersey State Library

CHAPTER 88

A 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," approved March twelfth, one thousand eight hundred and eighty.

Preamble. WHEREAS, A serious public emergency, affecting and threatening the welfare, comfort and safety of the people of the State and resulting from the abnormal disruption in economic and financial processes, the abnormal credit and currency situation in the State and Nation, the abnormal deflation of real property values and the curtailment of incomes by unemployment and other adverse conditions, exists; and

Preamble WHEREAS, In the public interest, the necessity for legislative intervention by the enactment of the provisions herein prescribed, and their application until July first, nineteen hundred and thirty-eight, is hereby declared as a matter of legislative determination; therefore

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

Foreclosure of mortage. 1. In all cases where a bond and mortgage has or may hereafter be given for the same debt, all proceedings to collect said debt shall be, first, to foreclose the said mortgage, and if at the sale of the mortgaged premises under said foreclosure proceedings the said premises should not sell for a sum sufficient to satisfy said debt, interest and costs, then and in such cases it shall be lawful to proceed on the bond for the deficiency, and that all suits on said bond shall be commenced within three months from the date of the confirmation of

Suit for deficiency.

the sale of said mortgaged premises and judgment shall be rendered and execution issued only for the balance of debt and costs of suit; *provided, however,* that no action shall be instituted against any party answerable on the bond unless such party is joined in the proceedings to foreclose the said mortgage; *and provided, further,* that the obligor or obligors in said bond may file an answer in the suit on said bond disputing the amount of such deficiency, in which event both parties may introduce in evidence at the trial, testimony of the fair market value of the mortgaged premises at the time of the sale under said foreclosure proceedings, and the court, sitting with or without a jury, shall determine the amount of said deficiency by deducting from said debt the amount found to be the fair market value of said premises; *and further provided,* that if all parties to the action shall so agree the courts may accept as the fair market value of said mortgaged premises the value fixed by three appraisers to be named by agreement of all parties to the action, which said agreement shall be evidenced by a stipulation to be filed in the action.

Proviso.

Proviso.

Proviso.

2. That if after the foreclosure and sale of any mortgaged premises the person who is entitled to the debt shall recover a judgment in a suit on said bond for any balance of debt such recovery shall open the foreclosure and sale of said 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 decree was granted, with interest to be computed from the date of said decree and all costs of proceedings on the bonds, but such redemption shall not restore or revive any liens against or interest in the mortgaged premises found by the final decree in said foreclosure proceedings to be subordinate to the bond and mortgage under foreclosure, and all reasonable expenses which the purchaser may have incurred in the meantime for taxes, assessments, other prior liens, necessary repairs upon said prem-

Recovery of judgment opens foreclosure.

Liens not restored.

ises and interest on same, after deducting from the amount thereof such income as said holder may have derived from the possession of said premises either as rent or otherwise; *provided,* that a suit for redemption is brought within six months after the entry of such judgment for the balance of the debt; *and provided, further,* that where a suit has been brought on said bond for a deficiency as provided in section two of this act; and where the party or parties liable on said bond, or otherwise, for such deficiency, shall have answered disputing the amount of such deficiency, as provided in said section two, then the effect of any such answer shall be to terminate any right to redeem from foreclosure sale, and recovery of judgment on the bond shall not open the foreclosure and sale of said premises.

Proviso.

Proviso.

Constitutionality.

3. Should any part of this act, for any reason, be considered by any court and be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

4. This act shall take effect immediately.

Approved March 22, 1935.

CHAPTER 89

AN ACT to repeal an act entitled "A supplement to an act entitled 'An act to tax the transfer of property, of resident and nonresident decedents, by devise, bequest, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases,' approved April twentieth, one thousand nine hundred and nine," approved March thirteenth, one thousand nine hundred and twenty-five, and the amendment thereof, approved May seventh, one thousand nine hundred and thirty-four.

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

Sundry acts repealed.

1. An act entitled "A supplement to an act entitled 'An act to tax the transfer of property, of resident and nonresident decedents, by devise, bequest, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases,' approved April twentieth, one thousand nine hundred and nine," which supplement was approved March thirteenth, one thousand nine hundred and twenty-five, and designated as chapter one hundred and two, laws of one thousand nine hundred and twenty-five, and an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to tax the transfer of property, of resident and nonresident decedents, by devise, bequest, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases," approved April twentieth, one thousand nine hundred and nine,' approved March fifteenth [sic], one thousand nine hundred and twenty-five," which amendment was approved May seventh, one thousand nine hundred and thirty-four, and designated as chapter one hundred and

sixty-four, laws of one thousand nine hundred and thirty-four, be and the same are hereby repealed.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 90

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend chapter two hundred and twenty-eight of the laws of nineteen hundred and nine, being an act entitled "An act to tax the transfer of property, of resident and nonresident decedents, by devise, bequest, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases," approved April twentieth, nineteen hundred and nine,' approved April twenty-seventh, nineteen hundred and thirty-one," which amendment was approved June twenty-second, nineteen hundred and thirty-four.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory is hereby amended to read as follows:

Transfer tax on decedents' property.

1. A tax shall be and is hereby imposed upon the transfer of any property, real or personal, of the value of five hundred dollars ($500.00) or over, or of any interest therein or income therefrom, in trust or otherwise, to persons or corporations, except as hereinafter provided, in the following cases:

Resident of State.

First. When the transfer is by will or by intestate laws of this State from any person dying seized or possessed of the property while a resident of the State.

Second. When the transfer is by will or intestate laws of real property within this State or of goods, wares and merchandise within this State, and the decedent was nonresident of the State at the time of his death. Nonresident.

Third. When the transfer is of property made by a resident, or is of real property within this State, or of goods, wares and merchandise within this State, made by a nonresident, by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within two years prior to the death of the grantor, vendor or donor, of a material part of his estate, or in the nature of a final disposition or distribution thereof and without an adequate valuable consideration, shall in the absence of proof to the contrary, be deemed to have been made in contemplation of death within the meaning of this section. Transfer of property to take effect after death. Transfer in contemplation of death.

Fourth. When any person or corporation comes into the possession or enjoyment, by a transfer from a resident or from a nonresident decedent, when such nonresident decedent's property consists of real property within this State or of goods, wares and merchandise within this State, of an estate in expectancy of any kind or character which is contingent or defeasible, transferred by an instrument taking effect after the passage of this act, or of any property transferred pursuant to a power of appointment contained in any instrument taking effect after the passage of this act. Estate in expectancy.

Fifth. Whenever property, real or personal, is held in the joint names of two or more persons, or is deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the surviving joint tenant or joint tenants, person or persons, to the immediate ownership or possession Property held jointly.

and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or joint tenants, person or persons, by such deceased joint tenant or joint depositor by will, excepting therefrom such part thereof as may be proved to the satisfaction of the State Tax Commissioner by the surviving joint tenant or joint tenants, person or persons, to have originally belonged to him or them and never to have belonged to the decedent; *provided, however,* that in case of a nonresident decedent this paragraph shall apply only to real property within this State or goods, wares and merchandise within this State.

Proviso.

Tax payable to commissioner.

All taxes imposed by this act shall be at the respective rates hereinafter specified upon the clear market value of such property to be paid to the State Tax Commissioner and deposited with the Treasurer of the State, when and as collected, for the use of said State, and all administrators, executors, trustees, grantees, donees or vendees, shall be personally liable for any and all such taxes until the same shall have been paid as hereinafter directed, for which an action of debt shall lie in the name of the State of New Jersey. In determining the clear market value of such property the following deductions and no others shall be allowed: Debts of the decedent owing at the date of death; *provided, however,* that in the case of a resident decedent there shall not be allowed a debt of said resident decedent owing for or secured by property outside of this State except when the property for which the debt is owing or for which it is secured is subject to the tax imposed by this act, or except when the foreign debt exceeds the value of the property securing it or for which it was contracted, when the excess may be deducted, a reasonable sum for funeral expenses and last illness, such

Liability of executors, etc.

Deductions:

Debts;

Proviso;

Expenses;

proportion of the State, county and municipal taxes for the current fiscal year upon the property as the elapsed portion of the said year bears to a full calendar year, the ordinary expenses of administration, including the ordinary fees allowed executors and administrators and the ordinary fees of their attorneys, and transfer taxes paid or payable to other States or territories or the District of Columbia or foreign governments on any property the transfer of which is taxable hereunder; *provided, further, however,* the amount due or paid the Government of the United States as a Federal estate tax shall not be considered as an expense of administration and shall not be allowed as a deduction.

Fees;

Other transfer taxes;

Proviso.

The following property shall be exempt from taxation under this act, viz.:

Exemptions:

(a) Property passing to or for the use of the State of New Jersey, or to or for the use of a municipal corporation within the State of New Jersey, or other political subdivision thereof, for exclusively public purposes;

Public use;

(b) Property passing to a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under any trust deed or agreement heretofore or hereafter executed by a resident or nonresident decedent, to the extent that the trust fund results from the proceeds of contracts of insurance heretofore or hereafter in force, insuring the life of such decedent and paid or payable, at or after the death of such decedent, to the trustee or trustees under such trust deed or agreement;

Insurance;

(c) Property passing to a trustee or trustees of any trust deed or agreement heretofore or hereafter executed, by virtue of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent and the proceeds of which are paid or payable at or after the death of such decedent to such trustee or trustees for the benefit of a beneficiary or beneficiaries having any present or future, vested, contingent or

Trust funds;

defeasible interest under such trust deed or agreement;

Educational institutions;

(d) Property passing, since the first day of July, one thousand nine hundred and twenty-four, to or for the use of any institution solely educational for whose benefit there may have been or may hereafter be appropriations made by the Legislature of this State;

War risk insurance;

(e) That part of the estate of any decedent who has heretofore died, or may hereafter die, received, either heretofore or hereafter, by the legal representative of such decedent, whether directly from the United States or through any intervening estate or estates, by reason of any war risk insurance certificate or policy, either term or converted, or any adjusted service certificate, issued by the United States; *provided, however,* that nothing contained in this paragraph (e) shall entitle any person to a refund of any tax heretofore paid on the transfer of property of the nature aforementioned; *and provided further,* that the exemption provided for in this paragraph (e) shall not extend to that part of the estate of any decedent composed of property of the nature aforementioned, when such property was received by the decedent before death.

Proviso;

Proviso.

Rate for churches, libraries, etc.

Property passing to churches, hospitals and orphan asylums, public libraries, bible and tract societies, religious, benevolent and charitable institutions and organizations, wheresoever incorporated or located, organized and operated exclusively for religious, benevolent or charitable purposes and no part of the net earnings of which inures to the benefit of any private stockholder or other individual or person, and property passing in trust for an exclusively religious, benevolent or charitable use or purpose, shall be taxed at the rate of five per centum on any amount in excess of five thousand dollars ($5,000).

Schedule for certain relatives.

Property passing to a brother or sister of a decedent, wife or widow of a son of a decedent, or the husband of a daughter of a decedent, shall be taxed at the rate of five per centum on any amount up to three hundred thousand dollars ($300,000);

Six per centum on any amount in excess of three hundred thousand dollars ($300,000), up to seven hundred thousand dollars ($700,000);

Seven per centum on any amount in excess of seven hundred thousand dollars ($700,000) up to nine hundred thousand dollars ($900,000);

Nine per centum on any amount in excess of nine hundred thousand dollars ($900,000), up to one million one hundred thousand dollars ($1,100,000);

Eleven per centum on any amount in excess of one million one hundred thousand dollars ($1,100,000), up to one million four hundred thousand dollars ($1,400,000);

Thirteen per centum on any amount in excess of one million four hundred thousand dollars ($1,400,000), up to one million seven hundred thousand dollars ($1,700,000);

Fourteen per centum on any amount in excess of one million seven hundred thousand dollars ($1,700,000), up to two million two hundred thousand dollars ($2,200,000).

Sixteen per centum on any amount in excess of two million two hundred thousand dollars ($2,000,000).

Schedule for certain other relatives.

Property passing to a father, mother, grandparent, husband, wife, child or children of a decedent, or to any child or children adopted by the decedent in conformity with the laws of this State, or of any of the United States, or of any foreign kingdom, or nation, or the issue of any child or legally adopted child of a decedent, shall be taxed at the rate of one per centum on any amount in excess of five thousand dollars ($5,000), up to fifty thousand dollars ($50,000);

Two per centum on any amount in excess of fifty thousand dollars ($50,000), up to one hundred thousand dollars ($100,000);

Three per centum on any amount in excess of one hundred thousand dollars ($100,000), up to one hundred and fifty thousand dollars ($150,000);

Four per centum on any amount in excess of one hundred and fifty thousand dollars ($150,000), up to two hundred thousand dollars ($200,000);

Five per centum on any amount in excess of two hundred thousand dollars ($200,000), up to three hundred thousand dollars ($300,000);

Six per centum on any amount in excess of three hundred thousand dollars ($300,000), up to five hundred thousand dollars ($500,000);

Seven per centum on any amount in excess of five hundred thousand dollars ($500,000), up to seven hundred thousand dollars ($700,000);

Eight per centum on any amount in excess of seven hundred thousand dollars ($700,000), up to nine hundred thousand dollars ($900,000);

Nine per centum on any amount in excess of nine hundred thousand dollars ($900,000), up to one million one hundred thousand dollars ($1,100,000);

Ten per centum on any amount in excess of one million one hundred thousand dollars ($1,100,000), up to one million four hundred thousand dollars ($1,400,000);

Eleven per centum on any amount in excess of one million four hundred thousand dollars ($1,400,000), up to one million seven hundred thousand dollars ($1,700,000);

Twelve per centum on any amount in excess of one million seven hundred thousand dollars ($1,700,000), up to two million two hundred thousand dollars ($2,200,000);

Thirteen per centum on any amount in excess of two million two hundred thousand dollars ($2,200,000), up to two million seven hundred thousand dollars ($2,700,000);

Fourteen per centum on any amount in excess of two million seven hundred thousand dollars ($2,700,000), up to three million two hundred thousand dollars ($3,200,000);

Fifteen per centum on any amount in excess of three million two hundred thousand dollars ($3,200,000), up to three million seven hundred thousand dollars ($3,700,000);

Sixteen per centum on any amount in excess of three million seven hundred thousand dollars ($3,700,000);

Property passing to every other transferee, distributee, or beneficiary not hereinbefore classified shall be taxed at the rate of eight per centum on any amount up to nine hundred thousand dollars ($900,000);

Ten per centum on any amount in excess of nine hundred thousand dollars ($900,000), up to one million one hundred thousand dollars ($1,100,000);

Twelve per centum on any amount in excess of one million one hundred thousand dollars ($1,100,000), up to one million four hundred thousand dollars ($1,400,000);

Fourteen per centum on any amount in excess of one million four hundred thousand dollars ($1,400,000), up to one million seven hundred thousand dollars ($1,700,000);

Sixteen per centum on any amount in excess of one million seven hundred thousand dollars ($1,700,000).

Legitimacy.

For every purpose of this act all persons, including the decedent, shall be deemed to have been born in lawful wedlock, and this provision shall apply to the estate of every decedent whether said decedent has heretofore died, or may hereafter die; *provided, however,* that it shall not entitle any person to a refund of any tax heretofore paid.

Proviso.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 91

AN ACT concerning the State Highway Commission.

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

Expenditures of appropriation.

1. Any monies appropriated to the State Highway Commission for construction and maintenance of roads may be expended by such commission for roads on grounds under the control of the Department of Institutions and Agencies or of the State Board of Education or for State parkways, or roads in State reservations, or at the State Camp at Sea Girt.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 92

A SUPPLEMENT to an act entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware river and the improvement of the facilities for transportation across the said river; authorizing the New Jersey Interstate Bridge Commission, on behalf of the State of New Jersey for these purposes, to enter into an agreement with the Commonwealth of Pennsylvania creating the Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation," approved June thirtieth, one thousand nine hundred and thirty-one.

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

Empowered to extend facilities.

1. In addition to the power or authority heretofore conferred upon the Delaware River Joint Commission, and to the end that there may be actual physical contact and connection between the transportation owned by said commission and the rail and transportation facilities owned, leased or operated by others, the said commission shall have the power or authority to extend its transportation facilities either over, upon or under the surface in the city of Camden, New Jersey, from the vicinity of Haddon avenue and Carman street to such other point or points as the Board of Public Utility Commissioners of the State of New Jersey may approve.

May extend into other counties.

2. The Delaware River Joint Commission shall have the right, authority and power to further extend its transportation facilities to such point or points in the counties of Camden, Gloucester, Salem, Cumberland, Cape May, Atlantic, Ocean and Burlington as the Board of Public Utility Commissioners of the State of New Jersey may approve.

Operation.

3. The Delaware River Joint Commission shall have the right, authority and power to operate cars and trains over the facilities owned or leased by it or upon facilities owned or leased by others, or to lease the right of operation, and to enter into agreements with others for the operation of cars or trains over such facilities.

May lease other facilities.

4. The Delaware River Joint Commission shall have the right and power to enter into contracts, agreements and/or leases with other transportation companies for the operation of cars or trains owned by said commission over the transportation facilities owned, leased or operated by other transportation companies.

May extend facilities to Philadelphia.

5. The Delaware River Joint Commission shall have the power or authority to extend its transportation facilities either over, upon or under the surface in the city of Philadelphia, Pennsylvania, from the vicinity of Eighth and Race streets to such other point or points in the city of Philadelphia as said city may deem expedient and proper in the interests of the traveling public.

May accept aid.

6. The Delaware River Joint Commission shall have the power and authority to apply for, and accept, privileges and grants from boards, bodies or agencies, Federal or State, or both, to carry out the foregoing.

Agreement altered.

7. The said agreement entered into by the State of New Jersey and the Commonwealth of Pennsylvania, dated July first, one thousand nine hundred and thirty-one, is hereby altered, changed and amended in accordance with the foregoing, but in all other respects to remain unchanged.

8. The exercise of these powers or authority by the Delaware River Joint Commission shall be the carrying out and the fulfillment of an essential governmental function. Powers a governmental function.

9. This act shall take effect immediately upon the enactment of the law of reciprocal legislation by the Commonwealth of Pennsylvania. Act effective.

Approved March 25, 1935.

CHAPTER 93

AN ACT to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession" (Revision of 1903), approved April fourteenth, one thousand nine hundred and three.

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

1. Section six of the act to which this act is amendatory is hereby amended to read as follows: Section 6 amended.

6. It shall be unlawful for any person hunting or gunning after geese, duck or brant or other game birds to place any boat, sink-box, seaweed, or other vessel or construction in which such person may lie in wait to kill said geese, duck, brant or other game birds, at a distance of more than one hundred feet from ice, marsh or meadow, bar or bank, not covered with water; and it shall be unlawful for any person or persons, with intent to capture or kill geese, duck, brant or other game birds to hunt after or pursue the same in any manner except between sunrise and sunset, under a penalty of twenty dollars for each offense. Use of "blinds" in hunting game birds. Hours of hunting.

Section 8 amended.

2. Section eight of the act to which this act is amendatory is hereby amended to read as follows:

Open season.

8. It shall be unlawful to capture, kill, injure, destroy or have in possession any quail, rabbit, hare, gray, black or fox squirrel, raccoon, English or ring-neck pheasant, ruffed grouse, prairie chicken, wild turkey, Hungarian partridge, reed bird, wild swans, wood duck, wild geese, brant, wild ducks, rails or marsh hens, gallinules, coot (commonly known as crow duck), upland plover, black-bellied plover, golden plover, greater or lesser yellowlegs, willets, sandpipers, dowitchers or robin snipe, brown backs, curlews, turnstones or calico backs, godwits or marlin, tattlers, Wilson snipe or jacksnipe, woodcock or any other birds commonly known as shore birds, surf snipe or bay snipe, except and unless an open season is prescribed therefor, and then only during the respective open seasons fixed by this section.

Open season to conform to Federal regulations.

The open season for wild geese, brant, wild ducks (except wood duck), coot, Wilson snipe or jacksnipe, gallinules, sora, marsh hen or mudhen and other rails (other than coot) and woodcock, shall be the same as the open season fixed for such birds by the regulations of the United States Bureau of Biological Survey, made under the provisions of an act of Congress relating to migratory birds.

Open seasons for certain game.

The open season for quail, rabbit, hare, gray, black or fox squirrel, English or ring-neck pheasant, ruffed grouse, prairie chicken, wild turkey, or Hungarian partridge shall be from November tenth to December fifteenth, both days inclusive.

Raccoons.

The open season for raccoon shall be from November first to December thirty-first, both days inclusive except during the open season for deer.

Other game.

The birds and animals for which an open season is prescribed by this section may be possessed during the respective open seasons therefor and for the additional period of ten days immediately succeeding such open seasons.

Any person violating any of the provisions of this section shall be liable to a penalty of twenty dollars for each bird or animal or part thereof unlawfully captured, killed, injured, destroyed or had in possession. Penalty.

3. Section nine of the act to which this act is amendatory is hereby amended to read as follows: Section 9 amended.

9. It shall be unlawful to capture, kill, injure, destroy or have in possession in any one day more than ten quail, two male English or ring-neck pheasants, three Hungarian partridge, three ruffed grouse, six gray squirrels, or six rabbits; it shall also be unlawful for any person to capture, kill, injure, destroy or have in possession during the open season therefor more than thirty English or ring-neck pheasants, or more than fifteen raccoons, under a penalty of twenty dollars for each bird, squirrel, raccoon, or rabbit captured, killed, injured, destroyed or had in possession in excess of the number permitted by this section; *provided,* that nothing in this section contained shall apply to any proprietor of a hotel, restaurant or cafe having in possession at his or her hotel, restaurant or cafe at any time any game raised on licensed game preserves tagged or marked in accordance with law, or to any rabbit during the open season permitted by law, and for a period of ten days immediately succeeding such open season. Bag limits. Proviso.

9A. It shall be unlawful to capture, kill, injure, destroy or have in possession in any one day, any wild ducks, geese, brant, sora, woodcock, coots (commonly known as crow duck), rails (including marsh hens and gallinules), Wilson snipe or jacksnipe, except and in accordance with the bag limits fixed for such birds by the regulations of the United States Bureau of Biological Survey, made under the provisions of an act of Congress relating to migratory birds, under a penalty of twenty dollars for each offense. Bag limits to conform to Federal regulations.

4. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 94

AN ACT validating the sales of certain lands, tenements, hereditaments or real estate made under any decree, judgment or order of any court of this State, or of any execution or process issued thereon.

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

Validating sale of land etc.

1. No sale of any lands, tenements, hereditaments or real estate heretofore made by virtue of any decree or order or judgment of any court of this State or any execution or other process issued thereon shall be invalidated or impaired by reason of having failed to have designated any married woman as a party to any foreclosure of mortgage or other proceedings as required by section nine of chapter one hundred and fifty-eight of the laws of one thousand nine hundred and two entitled "An act respecting the Court of Chancery" (Revision of 1902); *provided, however,* that a subpœna or subpœnas or other process shall have been issued and duly served and it shall have appeared by the affidavit of complainant or his solicitor, annexed to the bill of complaint and filed therewith, as required by the said act; and it having been further stated in the bill of complaint that the Christian name was fictitious and that she was the wife of the said defendant husband, then the purchaser or purchasers of such lands, tenements, hereditaments or real estate who has or have paid or who shall pay the price therefor and who has or have received or shall receive his, her or their deed or deeds therefor and his, her or their heirs, successors and assigns shall be deemed to have as good and complete title therefor as if the said married woman had been designated in said bill of complaint by the name of her husband with "Mrs." affixed thereto.

Proviso.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 95

A SUPPLEMENT to an act entitled "An act concerning trust companies" (Revision 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

May extend time for completion of affairs.

1. Whenever the three-year limitation of time within which a trust company for the purpose of winding up its affairs, as prescribed by section twenty-eight of the act to which this act is a supplement, has expired or shall expire, and such trust company shall desire to continue its corporate existence for the purpose of winding up its affairs for a further period of time, it shall be lawful for the Chancellor, upon notice to the Commissioner of Banking and Insurance, to order a continuance of the corporate existence of any such trust company for the purpose aforesaid, for a further period not exceeding three years from the expiration of the three-year limitation of time prescribed in the act to which this act is a supplement, and upon the making of any such order the Chancellor shall cause a copy of the same to be mailed to the Commissioner of Banking and Insurance.

Corporate continuance.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 96

A SUPPLEMENT to an act entitled "An act concerning banks and banking" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

May extend time for completion of affairs.

1. Whenever the three-year limitation of time within which a bank for the purpose of winding up its affairs, as prescribed by section thirty-three of the act to which this act is a supplement, has expired or shall expire, and such bank shall desire to continue its corporate existence for the purpose of winding up its affairs for a further period of time, it shall be lawful for the Chancellor, upon notice to the Commissioner of Banking and Insurance, to order a continuance of the corporate existence of any such bank for the purpose aforesaid, for a further period not exceeding three years from the expiration of the three-year limitation of time prescribed in the act to which this act is a supplement, and upon the making of any such order the Chancellor shall cause a copy of the same to be mailed to the Commissioner of Banking and Insurance.

Corporate continuance.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 97

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State,' approved April third, one thousand nine hundred and two," which said supplement was approved April fifteenth, one thousand nine hundred and seven.

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

1. Section six of the act to which this act is amendatory be and the same is hereby amended to read as follows: Section 6 amended.

6. This act shall not apply to annuities or to corporations or associations operating on the assessment or fraternal plan; the first, second, sixth, eighth, ninth, eleventh and twelfth provisions of section one of this act shall not apply to industrial policies; the sixth, seventh and eighth provisions of section one of this act shall not apply to any provisions included in life insurance policies, for the payment of a larger amount of insurance if death is caused by accident or for the waiver of premiums, and/or for the granting of other benefits, in the event that the insured becomes disabled from any cause; and in every case where a contract provides for both insurance and annuities, the provisions of this act as to contents of policies shall apply only to that part of the contract which provides for insurance, but every contract containing a provision for a deferred annuity upon the life of the insured only (unless paid for by a single premium) shall provide that in the event of the nonpayment of any premium after three full years' premiums shall have been paid, the annuity shall Application of act. Deferred annuities.

automatically become converted into a paid-up annuity for such a proportion of the original annuity as the number of completed year's premiums paid, bears to the total number of premiums required under the contract.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 98

AN ACT to amend an act entitled "An act to enable adjoining municipalities, other than cities, lying in the same county to consolidate and form a city," approved May twentieth, one thousand nine hundred and twenty-three.

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

Section 10 amended.

1. Section ten of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows:

Vesting rights and obligations in successor city.

10. Any city which may be formed or incorporated under the provisions of this act shall take, hold, possess, and enjoy and become absolutely vested with all the rights and property of the municipalities of which it is the successor, and shall be responsible for and liable to all contracts, debts and obligations of such municipalities; *provided, however,* that the lands and property of any municipality to which the said city thus becomes the successor shall be and remain liable for the debts and obligations of the municipality thus superseded, and that as to such debts and obligations the said city shall be held liable only to the extent that the same can be enforced at law or equity upon the lands and property of the said superseded municipality; *and provided further,* that if any municipal-

Proviso.

Proviso.

ity shall be the owner of its utilities such as water, sewerage, electricity and gas and shall have outstanding any debts or obligations against such utilities, said debts or obligations so outstanding, shall, in the event of consolidation, be and become the debts and obligations of the new city; *and provided further,* that all taxes and assessments at any time levied or imposed by any municipality thus superseded, remaining outstanding and unpaid and all other moneys due and owing to any such municipality, and all money in the treasury of any such municipality when said new city government goes into effect shall be collected by said new city government and shall be applied to the purposes for which such moneys were raised or are owing, and if not raised or owing for any specific purpose shall be applied in the reduction or payment of the bonded or other indebtedness, if any of such superseded municipality; *and provided further*, that the lands and property of one municipality thus superseded shall not be taxed or assessed for the debts or obligations of any other municipality thus superseded by the new city, but that the lands and property of each municipality thus superseded shall be taxed and assessed for the debts and obligations of its government thus superseded until the same shall be fully paid and satisfied; *provided, however,* that in the event that any municipality shall be the owner of its utilities such as water, sewerage, electricity and gas and shall have outstanding any debts or obligations against such utilities, such debts or obligations so outstanding shall, in the event of consolidation, be and become the debts and obligations of the new city.

Proviso.

Proviso.

Proviso.

Approved March 25, 1935.

CHAPTER 99

AN ACT concerning the taxation of street railway and traction companies which have substituted, or shall hereafter substitute, auto buses for street railway cars.

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

Payment of certain taxes on buses.

1. When any street railway company or traction company of this State shall have substituted auto buses for street railway cars over all of its lines of street railway, such company, during the year following that in which such substitution is completed, and during each succeeding year, shall pay the taxes required by the laws of this State to be paid by persons, firms and corporations owning and operating auto buses, commonly called jitneys, and shall not pay the taxes required by the laws of this State to be paid by street railway and traction companies operating street railway cars.

Application of act.

2. This act shall take effect immediately and shall apply to taxes of such companies for the year one thousand nine hundred and thirty-five and each succeeding year.

Approved March 25, 1935.

CHAPTER 100

AN ACT to amend an act entitled "An act to authorize county clerks or registers of deeds in such counties as may have the same to record honorable discharges of soldiers, sailors, marines and nurses who have served or may hereafter serve in the army, navy or marine corps of the United States during any war, providing means therefor and for furnishing certified copies thereof," approved April sixth, one thousand nine hundred and thirty-one.

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

1. Section one of the act of which this is an amendment be and the same is hereby amended to read as follows: Section 1 amended.

1. The county clerk of any county of this State, or the register of deeds thereof in such counties as may have the same, shall record, when delivered to him for that purpose, in large and bound books of good paper to be provided for that purpose, and carefully preserved and indexed, and to be called and backed "Honorable Discharges of Veterans," the honorable discharge, or such certificate in lieu of an honorable discharge as issued by the proper governmental agency of the Federal Government, of any soldier, sailor, marine or nurse who has or may hereafter serve in the army, navy or marine corps of the United States; without cost. Honorable discharge papers recorded.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 101

AN ACT relating to and providing for the establishment, regulation and control of police and police departments in cities of this State containing a population of less than twelve thousand inhabitants.

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

Scope of act.

1. All cities of this State having within their territorial limits a population of less than twelve thousand inhabitants shall be governed by the provisions of this act, and the governing bodies thereof shall have the powers herein set forth.

May establish police departments.

2. The governing body of every city of the class defined in section one of this act shall have the power to make, enforce, amend or repeal ordinances to establish, maintain, regulate and control a police department and to prescribe and establish rules and regulations respecting such department for the better government and discipline thereof, and in establishing such police department the governing body shall designate some appropriate authority to supervise, regulate and control the same, and the authority so designated shall have full power and authority to appoint, suspend, try and remove all policemen, clerks and other employees of such police department, including the power to appoint, suspend, try and remove the chief of police and such captains or sergeants or police as may be provided for by the ordinance establishing such police department and such authority may be vested either in the mayor, the governing body as a whole, or some appropriate committee appointed from the members of such governing body; *provided, however,* that such authority, at the option of the governing body, may be delegated to the mayor, the governing body and an appropriate committee appointed from

Proviso.

the governing body jointly, with concurrent powers or with such distribution of powers as said governing body may, in its discretion, prescribe by the ordinance under which such police department is established.

Preference shown to existing police.

3. Where a police department is newly created under this act in any such municipality, the members of a police department in existence prior to the passage of this act shall have a preferential right to appointment in the newly created department and to retain in the new department the same rank as near as possible as held by them in the old department. In the event that the newly created department has less members or officers than the old department, appointments to the membership in the new department and to rank therein shall depend upon the length of service in the old department, the members and officers serving longest in the old department to have priority.

Seniority.

Governing body defined.

4. The term "governing body" where used in this act shall be construed to mean the board or body exercising general legislative power in such city, whether designated as "board of aldermen," "common council," "improvement commission," or otherwise.

Repealer.

5. All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

6. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 102

A SUPPLEMENT to an act entitled "An act concerning county and municipal finances," approved February twenty-fifth, one thousand nine hundred and thirty-three.

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

Sale of municipal water plant.

1. In any municipality which has heretofore owned a water distribution system which has been operated at a loss, and the governing body of such municipality has determined that it is to the best interests of said municipality to sell such system to a commission furnishing water to residents of such municipality, even though the price at which such system may be sold is less than the cost to such municipality of the construction of such system, and where the sale of such system results in a deficit, such municipality may by resolution direct that at least one-twentieth of the amount of such deficit shall be included in the budget or tax ordinance or tax levy for the year succeeding that in which such sale is made and each year thereafter.

Amortization of deficit.

Application to and action by State Auditor.

2. In each case, where a municipality is desirous of distributing such deficit as herein described, application for permission so to do shall be made by the governing body of such municipality to the State Auditor. If such application shall be approved, the State Auditor shall endorse on the same the word "approved" and append his signature thereto and return the same to the governing body of the municipality so applying. If such State Auditor shall disapprove of the same, he shall endorse on the said application the word "disapproved" and shall sign his name thereto and return the same to the governing body of such municipality, and each application shall be disposed of by

the State Auditor within ten days from the date of the receipt thereof by him.

Construing.

3. This act shall take effect immediately and as its object is to give a measure of relief to municipalities during the present period of economic depression it shall be liberally construed to accomplish said purpose.

Approved March 25, 1935.

CHAPTER 103

A FURTHER SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Coercion of employee a misdemeanor.

1. Whenever an agreement for the performance of personal service requires that workmen engaged in its performance shall be paid the prevailing 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 pay back, return, donate, contribute or give any part or all of said 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, and any person who directly or indirectly aids, requests or authorizes any person to violate any of the provisions of this act shall be guilty of a violation of the provisions of this act.

"Person" defined.

2. As used in this act the term "person" shall include any firm, partnership, association, corporation, or group of persons.

Violation.

3. The violation of the provisions of this act shall constitute a misdemeanor.

4. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 104

AN ACT relating to birth certificates of children born illegitimately.

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

Illegitimacy not shown.

1. No official in this State shall issue a birth certificate revealing or disclosing illegitimacy; *provided,* that a certificate may be issued disclosing such information in response to court process or subpœna or in response to the request of the illegitimate, his or her guardian or legal counsel.

Proviso.

Amending birth certificate.

2. When a child born out of the bonds of matrimony has been legitimated by the marriage of its natural parents as prescribed by law and there shall be submitted to the State Registrar or any local registrar proof of the marriage of the parents, the State Registrar and any local registrar of vital statistics shall be authorized to accept from the father and mother of the child a correction or amendment to the original birth record giving the child the father's surname and adding to the record the information concerning the father, now required by law upon birth certificates. After the acceptance of such a correction or amendment no information regarding the illegitimacy shall be disclosed.

Information not disclosed.

3. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 105

AN ACT relating to birth certificates of adopted children.

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

Certificate in lieu of birth certificate.

1. When a request is made for a birth certificate of any person born in New Jersey who has been adopted pursuant to provisions of the laws of any State of the United States, and there is submitted, with such request, a certified copy of the decree of the court in such adoption proceedings, the State Registrar and any local registrar of vital statistics may, upon special request therefor, issue, in lieu of a certified copy of the original birth record, a certificate showing only (a) the name of the adopted person as changed by the decree of adoption, if changed; (b) the date and place of birth; and (c) the names of the adopting parent or parents. Such special certificate shall be accepted by all school and motor vehicle authorities and employers as evidence of the child's age.

Use of certificate.

Use restricted.

2. Each certificate issued under the authority of this act shall have written, stamped or printed on the face thereof, the qualification "Issued for school, employment or automobile driver's license; invalid for other use."

3. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 106

AN ACT to repeal certain acts and parts of acts.

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

Sundry acts repealed.

1. The following acts be and the same are hereby repealed:

(1933, c. 188, p. 413.)

1. "Supplement to an act entitled 'An act to provide for the legitimation of bastard children,' approved April sixth, one thousand nine hundred and fifteen," which supplement was approved June fifth, one thousand nine hundred and thirty-three.

(1934, c. 105, p. 295.)

Repealer.

2. "An act relating to birth certificates of illegitimacies," approved April thirtieth, one thousand nine hundred and thirty-four.

3. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 107

A SUPPLEMENT to an act entitled "An act to enable villages, boroughs, towns and townships which have no municipal hospitals to assist in maintaining hospitals located in such municipalities or any other municipality in the same or adjoining counties," approved March fourteenth, one thousand nine hundred and twenty-seven.

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

May make appropriation to hospital.

1. It shall and may be lawful for any village, borough, town or township of this State which has no hospital located therein maintained by such mu-

nicipality to make an annual appropriation of a sum of money not exceeding an amount equal to one-tenth of one per centum (1/10 of 1%) of the total assessed valuation of real and personal property of such municipality in the same manner that other appropriations for other municipal purposes are made, which sum so appropriated shall be included in the annual tax levy of such municipality and collected in the same manner and at the same time as other municipal taxes and shall be applied for the purposes and in the manner set forth in the act to which this act is a supplement, or may be paid directly to any hospital, now duly incorporated under the laws of this State and located in such municipality or in any other municipality in the same or an adjoining county, for the purpose of assisting in the maintenance of any such hospital furnishing hospital service to the residents of such municipality, in order that such hospital may be maintained and render service to such residents of the municipality who are not able to pay the full cost of their maintenance, care and treatment in such hospital. Purpose.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 108

AN ACT to amend an act entitled "An act to provide for the protection, welfare and relief of aged persons in need, and residents in the State of New Jersey, and providing for the administration therefor and dedicating certain income of the State therefor, and prescribing penalties for the violation thereof," approved April twenty-fourth, one thousand nine hundred and thirty-one, as amended by chapter two hundred and sixty-two, laws of one thousand nine hundred and thirty-two, approved June fourteenth, one thousand nine hundred and thirty-two.

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

Section 14 amended.

1. Section fourteen of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Dedicating funds to old age relief.

14. For the payment of the State's share of old age relief as herein provided, there is hereby further dedicated all moneys hereafter received by the State Treasurer pursuant to the aforesaid inheritance tax after deducting therefrom annually, (1) the amount annually determined and stated by the Governor as aforesaid, and (2) the sum of twelve million dollars per annum which is hereby reserved for the general treasury funds of the State. The surplus, if any, then remaining and thus dedicated shall constitute a separate fund which shall be invested and reinvested from time to time by the State House Commission in the following securities:

Deductions.

Surplus invested.

Investments recognized.

Bonds of the United States of America or of this State.

Bonds and notes of any county or municipality of this State, including school districts.

No investment of such funds shall be made in the securities of any county where the net debt of such county exceeds four per centum of the assessed valuation of all the real and personal property therein; and no investment shall be made in the securities of any municipality or school district where the gross debt of any such municipality or school district shall exceed thirty per centum of the assessed valuation of all the real and personal property therein. In ascertaining the total indebtedness of any county, municipality or school district credit shall be allowed only for such moneys or property as shall be in the sinking fund. The custody of said fund and the income thereof shall be intrusted to the State Treasurer. The income from said fund shall be available for and devoted to the payment of the State old age relief as provided in this act and shall, to the extent thereof, be used for the payment of such relief in lieu of the moneys to be annually determined and stated by the Governor as aforesaid. For this purpose the Governor shall include in his budget message such a statement of income and the same shall be deducted from mandatory appropriation by the Legislature as aforesaid; *provided, however,* that if the income from the said fund hereby created shall be sufficient to wholly defray the State's share of old age relief then such income shall be used for that purpose in the first instance and any excess thereof shall become a part of the corpus of said fund.

Limiting investments.

Income used.

Proviso.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 109

A SUPPLEMENT to "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898).

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

Cancellation of judgment on bail bonds.

1. Where judgment shall have been entered upon a forfeited recognizance or bail bond in a criminal case in any court and it shall appear to the court that the person accused or indicted has surrendered or has been returned to the custody of the court in which such person was accused or indicted, or the proper officers thereof, said court shall have power in its discretion to approve a compromise and settlement of such judgment and order said judgment to be cancelled of record.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 110

AN ACT to amend an act entitled "An act authorizing municipalities, counties and the boards of education of any school district in this State to extend the maturity of any of its bonds, or other obligations, either temporary or permanent, by agreement with the holders thereof," approved June fifth, one thousand nine hundred and thirty-three.

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

1. Amend section two of the act to which this is an amendment so that it shall read as follows: Section 2 amended.

2. Any municipality, county, or board of education of any school district of this State shall have the power to enter into an agreement with the holder or holders of any obligations of said municipality, county, or school district maturing in the years 1933, 1934, 1935, 1936, and 1937 extending the time for the payment of the principal of said obligations for a period not exceeding three years from the date of the original maturity. May extend maturity of obligations.

Said agreement may provide for the payment of any interest on said obligation not exceeding six per centum (6%) per annum, notwithstanding the rate of interest provided on said bonds. Interest rate.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 111

AN ACT to fix and establish a new boundary line between the township of Walpack and the township of Stillwater, in the county of Sussex.

Preamble. WHEREAS, Doubt and difficulty has arisen respecting the location of the boundary line between the township of Walpack and the township of Stillwater, in the county of Sussex; and

Preamble. WHEREAS, In order that all doubt and difficulty may be removed and the interest of the people of both townships be better served by an accurate boundary line to be established by an act of the Legislature; **therefore,**

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

Boundary established. 1. The boundary line between the township of Walpack and the township of Sparta, in the county of Sussex, be and the same is hereby fixed, established and defined as follows:

Description. Beginning at an old stone heap on the top of the Kittatinny Mountains in the East and West Jersey line; said stone heap is a corner of Hampton township, Sandyston township, Stillwater township and Walpack township; and runs thence (1) in a southwesterly direction to a stone heap, being the fifth corner of Lot No. 11 in the Division of Daniel Harker, recorded in Book B of Divisions, pages 410 et cetera, in the Sussex County Surrogate's Office, at Newton, New Jersey; being also a corner to one of the lots described in a deed of conveyance from Hugh McDanolds and wife to Garret R. Pittenger, dated May 18, 1895 and recorded in Sussex County Clerk's Office, at Newton, New Jersey, in Deed Book B-9, pages 390 et cetera; thence (2) still in a southwesterly direction to a stone heap at the fourth corner of a tract of sixty-five and eighty-

six hundredths acres, more or less, being the second tract described in a deed of conveyance from Mary E. Warner et al. to Lester Van Horn, dated August 28, 1913 and recorded in Sussex County Clerk's Office, at Newton, New Jersey in Deed Book E-11, pages 280 et cetera; thence (3) still in a southwesterly direction to a large rock, being the second corner of a tract of one hundred and thirty-one acres more or less, being the first tract described in a deed of conveyance from Mary E. Warner et al. to Lester Van Horn, dated August 28, 1913, and recorded in Sussex County Clerk's Office, at Newton, New Jersey in Deed Book E-11, pages 280 et cetera; thence (4) still in a southwesterly direction to a heap of stones, being the twenty-eighth corner of a tract of one thousand one hundred and eighty-two and seventy hundredths acres, described in a deed of conveyance from The Browning Land Company to Ervin W. Cummings, dated July 22, 1927, and recorded in Sussex County Clerk's Office, at Newton, New Jersey in Deed Book 301, pages 464 et cetera; thence running the remaining courses, in a reverse direction along the lines of the deed last referred to above (5) South sixty-two degrees fifteen minutes west, thirty chains and seventy-six links to a heap of stones; thence (6) south twenty-seven degrees west, eight chains to a heap of stones, corner of Andrew Ogden's land; thence (7) south fifty-five degrees forty-five minutes west, thirty chains to heap of stones, corner of now or formerly Austin Colgate's land and land of Andrew Ogden; thence (8) south fifty-nine degrees fifteen minutes west, twenty-seven chains to a heap of stones on a rock; thence (9) south fifty-eight degrees forty-five minutes west, sixteen chains and eighty links to a high heap of stones; thence (10) south fifty-eight degrees thirty minutes west, eighty-three chains to a high set stone; thence (11) south sixty-one degrees fifteen minutes west, twenty-eight chains to a white oak stump with stones on the top; thence (12) south sixty-five degrees west, approximately

forty chains to a point in the division line between Sussex and Warren counties.

2. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 112

AN ACT validating the change of the channel of Cooper river, in Camden county, New Jersey, and the sale and exchange of property, public and private, in connection therewith, and in connection with the laying out and opening of a new State highway in Camden, New Jersey, known as Bridge boulevard (located between Twelfth street on the north and the city line on the south), pursuant to agreements, oral or otherwise, heretofore made by and between the Board of Commerce and Navigation, the State Highway Commission, the city of Camden, New Jersey, and the owners of abutting properties, and also validating all deeds and conveyances heretofore or hereafter made in the premises pursuant to said agreements and making such deeds and the record thereof admissible in evidence.

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

Agreement validated.

1. That the change in the channel of Cooper river, in the county of Camden, New Jersey, and the sale and exchange of property, public and private, in connection therewith, and in connection with the laying out and opening of a new State highway in Camden, New Jersey, known as Bridge boulevard (located between Twelfth street on the north and the city line on the south), pursuant to

agreements, oral or otherwise, heretofore made by and between the Board of Commerce and Navigation, the State Highway Commission, the city of Camden, New Jersey, and the owners of abutting properties, and all agreements and conveyances heretofore or hereafter made and delivered, in connection with the aforesaid change of said channel and the laying out of said new State highway and for carrying out said agreements, be and the same are hereby validated, notwithstanding the lack of previous legislative or other proper authority.

Deeds, etc., admitted in evidence.

2. That all such deeds and conveyances 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.

3. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 113

A SUPPLEMENT to an act entitled "An act concerning boards of street and water commissioners in cities of the first class in this State and providing for pensions for such employees as may contribute towards the creation of a fund for providing such pensions," approved April fourteenth, one thousand nine hundred and fifteen.

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

Automatically become members.

1. On and after July first, one thousand nine hundred and thirty-five, every person who may be employed, and who is eligible or who may become eligible to membership in a pension association created and existing under the provisions of the act to which this act is a supplement, shall automatically become a member of such association imme-

diately upon the establishment of his eligibility; persons now employed or who may be employed prior to July first, one thousand nine hundred and thirty-five, may elect to become members of the pension associations aforesaid.

May elect to become member.

Amounts deducted.

2. The city treasurers or other disbursing officers of cities of the first class shall retain for the funds hereunder the amount of four per centum (4%) of all salaries and wages due and payable to employees who are now or may become members of the pension associations mentioned herein, and the said treasurers or other disbursing officers shall in addition retain out of the salaries and wages aforesaid all lawful membership assessments.

Act not to apply.

3. The terms of this act shall not serve to involuntarily enroll any employee, eligible to membership, who is already entitled, by virtue of qualifying prior military service, to pension benefits established by law for world war veterans.

Refund upon transfer, etc

4. If any person now a member, or hereafter becoming a member, of such pension association, after having paid into such pension fund for a period of over one year, shall resign from the employ of the city, or be transferred from the board of street and water commissioners, or its successor, he shall be entitled to a refund of the sum he has paid into said fund less the value to him of the insurance benefits he has enjoyed during the period of his membership in such fund, such value being established from time to time by the board of trustees in accordance with current actuarial rates and tables; *provided, however,* that if any employee of such board of street and water commissioners, or its successor, member of the pension association formed in accordance with this act, shall be suspended, dropped or discharged from such employment after having paid into such pension fund for a period of over one year, and whose suspension or discharge shall continue for a period longer than two years he shall be entitled to receive from such pension fund the amount of money which such employee shall have paid into the pension fund less

Amount of refund.

Proviso.

deductions for insurance benefits as hereinbefore provided, but such person shall not thereafter be eligible for a pension under this act unless upon a re-employment by the city he shall pay to such pension fund the amount of any rebate made to him. The obligation to refund payments made to the pension association shall not apply to any employee suspended or discharged for causes which bar him from eligibility to reappointment under the civil service rules.

Refund not applicable to discharged, etc., employees.

5. Nothing in this act shall be deemed to repeal or amend the provisions of an act entitled "An act to amend an act entitled 'An act concerning the employment of persons by the State of New Jersey or of any county or municipality thereof,' approved April fourteenth, one thousand nine hundred thirty," which was approved April twenty-seventh, one thousand nine hundred thirty-one.

Construing.

6. All acts and parts of acts inconsistent with this act shall be and the same are hereby repealed.

Repealer.

Approved March 25, 1935.

CHAPTER 114

A SUPPLEMENT to an act entitled "An act to provide for the selection, location, appropriation and management of certain lands along the Palisades of the Hudson river for an interstate park, and thereby to preserve the scenery of the Palisades," approved March twenty-second, one thousand nine hundred.

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

1. It shall be the duty of the Commissioners of the Palisades Interstate Park to preserve, care for and protect all the lands, parks and parkways under the jurisdiction of such commissioners.

Care of park property.

Rules and regulations established.

2. No person shall (1) injure, deface, disturb, or befoul any part of the park nor any building, sign, equipment or other property found therein, nor remove, injure or destroy any tree, flower, shrub, rock or other mineral found therein; or (2) deposit in any part of the park any garbage, sewerage, refuse, waste or other obnoxious material, otherwise than in receptacles or pits provided by the commissioners for such purpose; or (3) (a) drive or propel or cause to be driven or propelled along or over any road within the park any vehicle at a greater rate of speed than twenty (20) miles per hour, or (b) around curves at a greater rate of speed than fifteen (15) miles per hour, or (c) between points so marked at a greater rate of speed than ten (10) miles per hour; or (4) (a) operate, or cause to be operated, a commercial vehicle on the Henry Hudson drive, or (b) if an operator of any commercial vehicle, in driving off any ferry boat landing in the park, drive otherwise than to the right of the road and stop, permitting all pleasure vehicles to pass ahead of said commercial vehicle, or (c) move out of his place in any line of traffic at any time established by the commissioners on any of the park roads, or (d) ride a bicycle on the Henry Hudson drive or on either of the two ferry approach drives, or (e) park or store any motor car, motorcycle, bicycle, wagon or other vehicle within the park except in places designated by the commissioners for such purpose, or (f) park or operate any vehicle in the park, after dark, without lights, or (g) park any vehicle in the park after midnight, during the hours of darkness, in areas other than those designated by the commissioners for such purpose; or (5) (a) maintain any camp or camps in the park for any period except at such places as may from time to time be designated by the commissioners for camping, or (b) camp at any place in the park without obtaining a permit from the commissioners for such purpose; or (6) (a) light any fire or fires at any time in any part of the park except on or between the shore path and

the river, or in places designated by the commissioners for such purpose, or (b) leave a fire until same has been completely extinguished; or (7) (a) sell or offer for sale within the park any property or privilege whatsoever, or (b) if a person to whom property of the park has been entrusted by the commissioners for personal use, hire, lease or let out the same to any other person, without a permit from the commissioners, or (c) take photographs or moving pictures within the park for the purpose of selling the negatives thereof or prints therefrom without a permit from the commissioners, or (d) operate a bus, taxicab or other vehicle for the transportation of passengers or property for hire within the park without a permit from the commissioners or (e) if a person operating a boat or airplane for hire, land or receive passengers at any of the docks or lands owned or controlled by the commissioners, without a permit from the commissioners; or (8) except employees or officers of the commissioners, carry firearms of any description within the park, or carry any airgun, sling shot, bow and arrow, or any other device whereby a missile may be thrown, without a permit from the commissioners; or (9) hunt, pursue with dogs, trap or in any other way molest any of the wild birds and beasts found within the confines of the park, without a permit from the commissioners; or (10) (a) gamble in the park, or (b) bring into the park or have in his possession while there any implement or device commonly used or intended to be used for gambling purposes; or (11) erect or post any sign or notice at any place in the park without a permit from the commissioners; or (12) herd, graze or drive any live stock of any kind in or through the park or let such live stock run at large in the park, without a permit from the commissioners; or (13) (a) bring into, have or keep in the park any cat or other animal destructive of bird life, or (b) bring into, have or keep in the park any dog or any other pet or domesticated animal unless the same is in leash or in cage, without a permit from the commissioners; or

(14) (a) run or walk on any of the park drives except to cross the same at points designated by the commissioners for that purpose, or (b) climb the cliffs at points other than those designated by the commissioners for that purpose; or (15) (a) use loud, boisterous or indecent language or (b) interfere with any officer of the park in the performance of his duty, or (c) be indecently dressed or exposed within the confines of the park, or (d) conduct himself in such a manner as to endanger the life, limb or property of other visitors to the park; or (16) possess within the park any narcotic drug or intoxicating liquor other than liquor on sale under State license; or (17) (a) bathe, dive or swim in or off any property of the park, except at points designated by the commissioners for that purpose, or (b) change his clothing or disrobe except in the bath houses provided by the commissioners for that purpose, or (c) propel, land or store any canoe, boat or any other vessel in or near any waters within or off the park property, except at points designated by the commissioners for that purpose; or (18) fish or crab off any docks or property of the park except at points designated by the commissioners for that purpose.

Penalty for violation.

3. Every person who shall violate any of the provisions of this act as hereinbefore set forth shall be liable to a penalty for each offense of a fine of not more than fifty dollars ($50.00) or imprisonment in the county jail for a term of not more than thirty (30) days, or both.

Court of jurisdiction.

4. The court or judges before whom any proceedings for the recovery of any penalty under this act shall be brought and the proceedings and processes by which such actions shall be enforced shall be those provided for in "An act to establish a police court in that part of the Palisades Interstate Park lying in the State of New Jersey, and to provide for a judge thereof," approved April twenty-first, one thousand nine hundred and thirty, and any amendments or supplements thereto.

5. The said commissioners may appoint such patrolmen as they may deem necessary for the purpose of keeping order and enforcing the laws and the provisions of this act. The patrolmen so appointed shall be provided with uniforms by the said commissioners and shall have within the limits of the property of the Palisades Interstate Park and all the lands, parks and parkways under the jurisdiction of such commissioners all the powers, duties and liabilities of police officers in cities in the making of arrests and the execution of criminal process and the enforcement of all the laws of the State and the provisions of this act as hereinbefore set forth. Said commissioners may appoint said patrolmen to hold office at the pleasure of the commissioners or for such term as the commissioners may determine. Such patrolmen shall receive such compensation as from time to time may be fixed and determined by the said commissioners of the Palisades Interstate Park.

May appoint patrolmen.

Powers and duties.

Term.

Compensation.

6. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealer.

7. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 115

AN ACT to amend an act entitled "An act concerning marriages" (Revision of 1910), approved April eleventh, one thousand nine hundred and ten.

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

1. Section two of the act of which this act is an amendment is hereby amended to read as follows:

Section 2 amended.

2. The Chief Justice and each justice of the Supreme Court, the Chancellor and each Vice-

Who may perform marriage ceremony.

Chancellor, each Circuit Court judge, and each judge of the court of common pleas, recorder and police justice and mayor of this State, and every minister of every religion, and judges of the criminal judicial district courts in counties wherein such courts are or may be established, and judges of the juvenile and domestic relation courts in counties in which such courts are or may be established, are hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society, institution or organization in this State may join together in marriage such persons as are members of the said society, institution or organization, or when one of such persons is a member of such society, institution or organization, according to the rules and customs of the society, institution or organization to which they or either of them belong.

Repealer.

2. All acts or parts of acts inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 116

AN ACT to establish a system of land boundary descriptions.

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

Establishing official survey base.

1. The official survey base for New Jersey shall be a system of plane co-ordinates to be known as the New Jersey System of Plane Co-ordinates, said system being defined as a transverse Mercator projection of Clark's spheriod of 1866, having a central meridian 74° 40′ west from Greenwich on which meridian the scale is set at one part in 40,000 too small. All co-ordinates of the system are expressed

in feet, the x co-ordinate being measured easterly along the grid and the y co-ordinate being measured northerly along the grid, the origin of the co-ordinates being on the meridian 74° 40′ west from Greenwich at the intersection of the parallel 38° 50′ north latitude, such origin being given the co-ordinates x=2,000,000 feet; y=0 feet. The precise position of said system shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first and second-order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927, and whose plane co-ordinates have been computed on the system defined. How indicated.

2. Any triangulation and/or traverse station established as described in section one of this act may be used in establishing a connection between a property survey and the above mentioned system of rectangular co-ordinates. Use stations in property surveys.

3. No survey of lands hereinafter made shall have endorsed thereon any legend or other statement indicating that it is based upon the New Jersey System of Plane Co-ordinates unless the co-ordinates have been established on that system as herein defined. Use prohibited until established.

4. Nothing in this act contained shall be interpreted as requiring any purchaser or mortgagee to rely on a description based wholly upon the aforesaid system. Interpretation of act.

5. This act is to take effect immediately.

Approved March 25, 1935.

CHAPTER 117

AN ACT to amend an act entitled "An act concerning contagious and infectious diseases among cattle; regulating the importation of cattle into this State, and providing measures to check the spread of diseases among cattle in this State; creating the Commission on Tuberculosis Among Animals, prescribing its powers and duties and fixing penalties for violations of this act," approved April twenty-fourth, one thousand nine hundred and eleven, as amended by an act approved March first, one thousand nine hundred and eighteen, and to repeal the supplement approved March thirty-first, one thousand nine hundred and seventeen.

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

Par. 2, Sec. 5, amended.

1. Paragraph five of section two of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Tuberculin test.

5. (a) Whenever the Department of Health of the State of New Jersey or the owner or owners of any dairy or breeding animals shall request the Department of Agriculture to cause an inspection to be made of any such animals as may be supposed to be diseased with tuberculosis, the Department of Agriculture may designate a veterinarian to make such inspection, and if deemed advisable by the Department of Agriculture to conduct a tuberculin test of said animal or animals in accordance with the methods prescribed by the Department of Agriculture. If the owner or owners of such animal or animals shall agree to comply with and carry out the regulations of the Department of Agriculture relating to the removal from the herd

Expense borne by department.

and quarantine of condemned animals, the disinfection of the premises and the introduction into the herd of other animals, the expense of such inspection and tests shall be borne by the Department of Agriculture.

Slaughter of condemned animals.

(b) Whenever such an inspection or test shall result in the condemnation of any animals examined or tested, such animal or animals shall not be again presented for tuberculin test, but shall be held in quarantine by the owner or owners thereof until notified by the Department of Agriculture to slaughter said animal or animals, and upon receipt of said notice said owner or owners shall immediately slaughter or cause such animal or animals to be slaughtered in the presence of a duly authorized Federal, State or municipal inspector. If the owner or owners of any animal or animals so condemned shall, before the slaughter of said animal or animals, agree to accept the net proceeds from the sale of the meat, hide and other marketable parts of said animal or animals, provided the same shall have passed inspection by a Federal, State or municipal health inspector, then said owner or owners shall have no further claim against the State on account of said slaughter, or the owner or owners of said animal or animals so condemned may agree that the value of said animal or animals be determined by appraisement by the Department of Agriculture as hereinafter provided.

Proceeds of sale of hides, etc.

Valuation of condemned animals.

(c) The veterinarian making an official tuberculin test, or any duly authorized agent of the Department of Agriculture, is hereby authorized and empowered to make an agreement with the owner or owners as to the valuation of the animal or animals condemned. Immediately before commencing the test, if it is deemed advisable by the Department of Agriculture, an appraisement may be made by the owner and a duly authorized agent or representative of the Department of Agriculture on the market value of the animals as of the day of appraisement, and in case the animals so appraised re-act to such official tuberculin test the amount of

the appraisement as agreed upon prior to the tuberculin testing shall be official and shall be accepted by the owner and the State Department of Agriculture.

Board of appraisers.

In all cases where no agreement can be reached, there shall be appointed three competent and disinterested freeholders, one appointed by the Department of Agriculture, one by the owner or owners, and the third by the first two at the expense of the owner or owners, who shall ascertain and decide upon the appraised value of each animal condemned, and shall sign a certificate of such value in the presence of a witness who shall attest the same, and such valuation shall in each case be made upon the market value of said animal for breeding, dairy or beef purposes on the day of appraisement.

No indemnity unless slaughtered in 30 days.

No indemnity shall be paid for re-acting animals unless slaughtered within thirty days of date of appraisal at such time and place as the Department of Agriculture shall designate, which must be done under the supervision of a Federal, State or municipal inspector, approved by the Department of Agriculture, and the carcass examined and judged as to fitness for food. The salvage is the net amount received from the sale of the animal or animals, and a report of such sale shall be made on blanks furnished for that purpose by the Department of Agriculture, signed by the purchaser or his agent, and in no case shall the owner or owners receive compensation from the State if said statement prove false. Delivery and slaughtering charges may be deducted, but any charges for holding the animal pending slaughter shall not be deducted and any such charges will not be paid by the State. In the case of a bovine animal so killed to prevent the spread of tuberculosis the owner shall be entitled to receive the net proceeds of the sale of the animal, and in addition thereto shall be paid an indemnity equal to fifty per centum (50%) of the appraised value of the animal, but not to exceed the sum of one hundred and fifty dollars ($150.00), for a regis-

Salvage report.

Delivery and slaughter charges deducted.

Limiting amount received.

tered animal, and not exceeding the sum of seventy-five dollars ($75.00) for any other bovine animal.

Amount received not to exceed appraisal.

The total amount receivable by the owner from the net proceeds of the sale of the animal, plus indemnity from the Federal Government, and indemnity from the State shall not however exceed the appraised value of the animal.

Payment.

Upon presentation of said appraisement certificate to the State Comptroller, with the approval of the Department of Agriculture endorsed thereon, the owner or owners shall be entitled to have and receive from the State Treasury the sum fixed by this act; *provided, however,* that there shall in no case be paid a sum in excess of one hundred and fifty dollars ($150.00) for a registered animal, and seventy-five dollars ($75.00) for any other bovine. In the case of registered animals the owner or owners shall furnish the certificate of registration to the Department of Agriculture for approval.

Proviso.

Indemnity paid, proviso.

An indemnity may be paid; *provided,* the animal or animals had been within the State for at least six months prior to the time of being condemned; *and provided, further,* that the animal or animals at the time of entry into the State of New Jersey was accompanied by a tuberculin test chart and other credentials showing that the herd from which the animal or animals originated had passed a negative tuberculin test in accordance with the regulations of the accredited herd agreement under co-operative State and Federal supervision, and that such test included the animal or animals in question, and that the animal or animals in addition had passed a satisfactory test negatively within thirty days of the date of shipment of said animal or animals from the point where the animal or animals were so tested under co-operative State and Federal supervision, in a manner satisfactory to the requirements of the New Jersey Department of Agriculture.

Proviso.

Condemned animals, owned six months.

In all cases it is provided that the animal or animals so condemned and appraised shall have been owned at least six months in this State prior

to the condemnation thereof; proof of ownership shall be furnished by the owner to the Department of Agriculture upon request made therefor; *and provided, further,* that no compensation shall be made for steers, nonregistered or grade bulls, nor for animals considered by the Department of Agriculture to be of no value.

Proviso.

Par. 8, Sec 3, amended.

2. Paragraph eight of section three of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Imported cattle certified.

8. (a) The importation of neat cattle, except those specified in paragraph nine, into this State is hereby prohibited unless such cattle shall have passed a tuberculin test within thirty days immediately prior to their importation and said cattle so imported shall be accompanied by the certificate prescribed in paragraph eleven, in possession of the attendant or drover bringing such cattle into this State; or if such importation is by common carrier then said certificate shall be in the possession of the agent of the common carrier having charge of such importation.

Certificate shown upon request.

(b) All such attendants, drovers or agents shall be required to show said certificate or certificates upon request of any official or agent of the Department of Agriculture and to satisfy said officer or agent of the Department of Agriculture that the provisions of this act are being complied with.

Par. 9, Sec. 3, amended.

3. Paragraph nine of section three of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Permission obtained before importing cattle for slaughter.

9. The importation into this State of neat cattle for immediate slaughter, except when consigned to a public stockyard having State or Federal inspection, is hereby prohibited unless permission for such importation, in writing, is obtained from the chief of the Bureau of Animal Industry at the time shipment is made. When said cattle shall have reached their destination is shall be the duty of the owner or custodian thereof to immediately notify the chief, Bureau of Animal Industry, at the State House, Trenton, either by telegraph or telephone,

Held in quarantine until inspected.

of their arrival and to hold them in quarantine, separated from other cattle and stock, at said point of destination, until inspected and released by a member or agent of the Department of Agriculture.

Par. 10, Sec. 3, amended.

4. Paragraph ten of section three of the act which this act is amendatory be and the same is hereby amended to read as follows:

Making tuberculin test.

10. All tuberculin tests shall be made according to the standards, established by the Department of Agriculture and executed by a veterinarian in good standing recognized by the Department; in the case of tests made outside of the State the certificates of tests of the veterinarians shall be certified by the authorities of the State in which such test is made, having similar jurisdiction with the Department of Agriculture of this State; *provided, however,* that the Department may refuse to accept such certificate if in their judgment such veterinarian is not competent.

Proviso.

Par. 11, Sec. 3, amended.

5. Paragraph eleven of section three of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Certificate to show:

11. The certificate of test must contain the following information:

Number and route;

(a) The number of cattle to be brought in, the lines and route over which they are to travel.

Description;

(b) The tag number, gender, breed, approximate age, color and markings of the animal.

Consignor and consignee;

(c) The name and address of the person from whom the cattle were consigned, and the name and address of the consignee.

Date of test;

(d) The date of the test, and the kind of test made.

Signature of veterinarian.

(e) The signature of the veterinarian making the test with a complete record of the same made in accordance with the method prescribed by the Department of Agriculture, and such other information as may be deemed advisable.

Par. 12, Sec. 3, repealed.

6. Paragraph twelve of section three of the act of which this act is amendatory be and the same is hereby repealed.

Par. 13, Sec. 3, amended.

7. Paragraph thirteen of section three of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Identification tags.

13. All neat cattle, except those specified in amended paragraph nine, imported into this State, shall bear a tag number or other mark of identification, said tag or mark to be furnished or designated by the Department of Agriculture, and no two or more of such tags or marks used in the same shipment shall bear the same number. No railroad, steamboat or ferry company or other common carrier shall transport neat cattle from any point outside of the State of New Jersey to any point within the State of New Jersey unless such cattle are accompanied by a permit for animals brought in for immediate slaughter or certificate of test as prescribed in paragraphs eight, nine and eleven of this act. No bridge company shall permit any neat cattle to pass over any bridge owned, operated or controlled by it from any point without the State of New Jersey to any point within this State, unless such cattle are accompanied by such permit or certificate of test.

Transporting prohibited.

Crossing bridges.

Chap. 260, P. L. 1917, repealed.

8. An act entitled "A supplement to an act entitled 'An act concerning contagious and infectious diseases among cattle; regulating the importation of cattle into this State, and providing measures to check the spread of diseases among cattle in this State; creating the Commission on Tuberculosis Among Animals, prescribing its powers and duties, and fixing penalties for violations of this act,' approved April twenty-fourth, one thousand nine hundred and eleven," approved March thirty-first, one thousand nine hundred and seventeen (P. L. 1917, Chap. 260), be and the same is hereby repealed.

9. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 118

AN ACT to amend an act entitled "An act to provide for the establishment and maintenance of a fund for the retirement upon pension of certain employees of the boards of education in school districts in first-class counties in this State," approved April sixteenth, one thousand nine hundred and twenty-nine.

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

1. Section eight of the act to which this act is amendatory be and the same is hereby amended so that the same shall read as follows: Section 8 amended.

8. All pensions created under this act shall be exempt from execution, attachment or any other legal process whatever. Such pension fund shall be created and sustained as follows, viz.: Exempt from executions. How created:

a. There shall be deducted from every payment of salary of such employees three per centum of the amount thereof; *providing,* such employees entered such service on or before the age of thirty-five years; if over such age then such percentage shall be increased to such an amount as shall be determined by the board of trustees to correspond to the risk arising by the additional age of such employees. Deductions from salary. Proviso.

b. All moneys given or donated to such fund by any person or corporation in any manner or form whatsoever. Donations.

c. An amount equal to four per centum of the total annual salaries paid to such employees shall be paid yearly into the fund by the board of education of each school district in any first-class county in which such pension fund shall be established and maintained. Amount paid by Board of Education.

d. Provision for the annual payment of such amount as provided for in section (c) shall be made Provision made in annual appropriation.

by the said board of education in the annual appropriation for the support and maintenance of the public schools in such school district.

Deficits met.

e. In case in any year there shall not be sufficient money in said pension fund created in any first-class county as aforesaid to provide for the payment of pensions hereinafter provided for, then the board of education of each school district in each first-class county in which such pension fund shall be established and maintained shall appropriate in the same way and manner as for all other expenses of said board of education, a proportionate sum sufficient to meet the requirements of said fund for the time being. The proportion of the total amount so required to be appropriated by the board of education of each of such school districts shall be based upon the number of employees of the board of education of such district who are members of such pension fund.

Base for appropriation.

May assess and collect 3% of salary.

The board of trustees of any such corporation may assess and collect from each and every employee of such boards of education in counties wherein such pension fund shall be established and maintained who shall become members of said pension fund, the said three per centum of his or her annual salary, to be paid monthly or semi-monthly to the treasurer of the corporation, and such assessment and collection shall be in manner and form as may be provided in the by-laws of the corporation, and whenever any employee shall die or his employment be terminated all payments made by such employee to said pension fund shall be returned to said employee or his legal representative without interest. The board of trustees are hereby empowered, in their judgment, to make it a condition of membership that each member shall sign an order on the custodian of school moneys, or other disbursing officer, directing the retention of the amount of the assessment levied hereunder, to be paid over directly to the association by retention from his salary or wages, and the custodian of school moneys or other disbursing

Refund.

Conditions of membership.

officer is hereby directed to make such retention and payments; *provided, however,* that such retention and payments shall only become operative in the event of the same being authorized by the by-laws of said corporation. Proviso.

2. Section eleven of the act to which this act is amendatory be and the same is hereby amended so that the same shall read as follows: Section 11 amended.

11. Persons employed by any such board of education at the time of the passage of this act shall be permitted to take advantage of the provisions hereof by making application to the board of trustees and paying into said fund such percentage of his or her salary as provided for in section eight, paragraph (a), of this act from the date of the incorporation of such pension association, together with interest at three per centum per annum or such other legal rate as shall be determined, from time to time, by the board of trustees; and all persons coming into the employ of any such board as permanent employees subsequent to the passage of this act shall become members of such pension fund at the date of said employment or appointment, and any such employee shall be required to pay into such fund such percentage of his or her salary as provided for in section eight, paragraph (a), of this act. Who may become members, conditions. Subsequent employees.

3. Section fourteen of the act of which this act is amendatory be and the same is hereby repealed. Section 14 repealed.

4. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 119

AN ACT relative to past due taxes and assessments in any municipality of this State, except municipalities in counties of the first class.

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

Adjustment of delinquent taxes.

1. It shall be lawful for the governing body of any municipality of this State, excepting municipalities in counties of the first class, to make such abatement, revision, alteration, adjustment and settlement of past due taxes and assessments, both of principal, and any or all interest and penalties thereon, as such governing body shall deem equitable and just, and to be for the best interest of such municipality; *provided,* such abatement, revision, alteration, adjustment and settlement shall be approved by the State Tax Commissioner; *and provided also, however,* that this act shall apply only to the abatement, revision, alteration, adjustment and settlement of past due taxes and assessments, both of principal and any interest and penalties thereon, as may be due to such municipality from any corporation now under the jurisdiction of receivers or trustees appointed by any district court of the United States, by virtue of the bankruptcy laws of the United States of America.

Proviso.

Proviso.

Collector to accept amount stated.

2. It shall be the duty of the collector of such municipality, upon receiving a certified statement of the amount which the governing body shall have agreed to accept in full satisfaction of such unpaid taxes and assessments, or either, to accept such sum so agreed to be accepted, in full satisfaction of such taxes and assessments, and to give a receipt for the amount paid in satisfaction thereof to the person paying the same; which receipt, accompanied by said statement, shall be sufficient evidence of the payment and satisfaction of such taxes and

Receipt, evidence of payment.

assessments, and upon presentation thereof, with the bill annexed, to the clerk of the county, he shall satisfy the tax or assessment record in the office relating to unpaid taxes and assessments, or either or both of them, so far as relates to the payment of the said tax or assessment.

Reduction void unless paid in 90 days.

3. In case a reduction of any tax, taxes, assessment or assessments be made by the governing body upon any application presented to it under this act, such reduction shall be null and void unless the unpaid tax and assessment, or either, as reduced, be paid within ninety days thereafter.

Act inoperative.

4. This act shall be deemed a public act, and take effect immediately, and it shall be inoperative and of no effect after January second, one thousand nine hundred and thirty-six.

Repealer.

5. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

6. This act shall take effect immediately.

Approved March 25, 1935.

CHAPTER 120

A SUPPLEMENT to an act entitled "An act providing for the appointment of a commission to examine into the subject of the acquisition and preservation of the old Ryerson House and burial ground, so called, located in the borough of Ringwood, county of Passaic, and to define its powers and duties," approved March twenty-second, one thousand nine hundred and thirty-four.

Preamble.

WHEREAS, The commission appointed in pursuance of the act to which this act is a supplement has found it impossible to complete to its full satisfaction, within the term specified in the said act, the duties and labors entrusted to it; and

Preamble. WHEREAS, Those duties and labors have been performed efficiently and at no cost of any kind to the State; and

Preamble. WHEREAS, The commission has requested that further time be granted to complete its labors at its own expense; therefore

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

Commission continued. 1. The commission, heretofore appointed in accordance with the act to which this is a supplement, consisting of Hiram Calkins and Charlotte C. Aycrigg of Ridgewood, and Martin J. Hogencamp of Paterson, is hereby reappointed for the period of one year, without compensation, for the purpose of continuing its examination into the subject of the acquisition and preservation of the old Ryerson House, so called, as provided in the act to which this act is a supplement.

Powers limited. 2. The powers and duties of the commission shall be limited to the examination and inquiry expressed in the title.

3. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 121

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to provide for a State budget system and its operation,' approved April twentieth, one thousand nine hundred and thirty-one," which amendatory act was approved June twenty-sixth, one thousand nine hundred and thirty-three.

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

Section 2 amended. 1. Section two of the act of which this act is amendatory be and the same is hereby amended to read as follows:

2. Section four of the act of which this act is amendatory be and the same is hereby amended to read as follows: Section 4 amended.

4. On or before October fifteenth in each year, each department of the State government, board, commission, officer or other State agency, hereinafter called spending agency, other than those agencies specifically provided for in section eighteen of the act to which this act is an amendment and which section becomes section sixteen thereof under the provisions of this act, shall file with the State Budget Commissioner a request for appropriation or permission to spend, as the case may be, which shall specify and itemize all expenditures of every name and nature proposed to be made by such spending agency from the free treasury funds or from dedicated funds during the next ensuing fiscal year. Said request shall be made by the officer, hereinafter called request officer, who shall be designated by each spending agency for that purpose; *provided, however,* that the professional licensing and examining boards or commissions, consisting of the State Board of Architects, the State Board of Optometrists, the State Board of Embalmers and Funeral Directors, the State Board of Registration and Examination in Dentistry, the State Board of Examiners of Nurses, the State Board of Medical Examiners, the State Board of Public Accountants, the Board of Pharmacy of the State of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Veterinary Medical Examiners and the Board of Commissioners of Pilotage shall be self-sustaining and that there shall be granted permissions to spend for each of such boards or commissions the full revenues which shall be collected by each of them. In the case of the judiciary the request officer shall be the clerk of the Court of Errors and Appeals, under the direction of the Chancellor and the Chief Justice of the Supreme Court, and in the case of the Legislature the request officers shall be the clerk of the House of Assembly and the secretary of the

Requests for appropriations.

Request officer.

Proviso—commissions may spend funds collected.

Request officer for certain cases.

Request shown in detail: Senate respectively. Said request shall be made on forms to be furnished by the State Budget Commissioner, subject to such rules and regulations as he shall prescribe from time to time, and shall show in detail:

Purpose and itemized amount; (a) The several purposes and itemized amounts for which appropriations or permissions to spend are requested, without deductions for estimated revenues or dedicated funds allocated to such spending agency;

Comparative statement; (b) A statement exhibiting, for the last preceding fiscal year, the amounts of the annual and supplemental appropriations, transfers of appropriations, allotments from the State emergency fund, and dedicated funds received, if any, and of all expenditures made thereunder, and the unexpended balance, if any, and the extent to which the same is obligated or encumbered;

Estimated revenues; (c) A statement exhibiting for the next ensuing fiscal year all estimated revenues, the estimate of revenues for the current year, and the actual receipts for the last completed fiscal year.

Relative to projected expenditures. In case an appropriation is requested for a project which is not or cannot be completed within the next ensuing fiscal year, the request shall set forth, in detail, a complete description of the whole project and the estimated and detailed cost thereof and shall show separately the part of the project which has been completed, if any, and the actual cost thereof, the part remaining to be completed, and the estimated cost thereof, and the part proposed to be completed within the ensuing fiscal year and the estimated cost thereof.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 122

A SUPPLEMENT to an act entitled "An act concerning auto buses and their operation," approved March seventeenth, one thousand nine hundred and sixteen, as amended by chapter one hundred and forty-four of the laws of one thousand nine hundred and twenty-six.

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

Bus drivers exempt from municipal fees.

1. No driver of any auto bus, as defined by the act to which this is a supplement and the amendments and supplements thereof, who shall be authorized under the provisions of the motor vehicle act of this State to drive a motor vehicle and who shall have paid the fee prescribed by the said act, shall be required to pay any further fees or charges for municipal drivers' permits or licenses which may be deemed necessary for municipal registration, regulation and control.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 123

AN ACT to amend an act entitled "An act concerning trust companies" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section 1 amended.

1. Section one of the act to which this act is an amendment is hereby amended to read as follows:

Incorporation: 1. Organization, Name, Capital. Seven or more persons of full age may become a trust company on the terms and conditions and subject to the liabilities prescribed in this act. The name of every trust company formed under this act shall contain the word "trust," but shall not be that of any other existing corporation of this State; except that any trust company incorporated for the purpose of succeeding any other trust company may assume the name of the trust company which it is intended to succeed. The capital stock of any trust company heretofore or hereafter organized shall not be less than one hundred thousand dollars, and shall be divided into shares of such par value as may be specified in the certificate of incorporation, to be not less than five dollars ($5.00) per share, all of which shall be paid in cash before the company shall be authorized to transact any other business than such as relates to its formation and organization, and such payment shall be certified to the Commissioner of Banking and Insurance under oath by the president and treasurer or secretary of the trust company. Hereafter no corporation shall be organized for the purpose of carrying on a trust company business in the State of New Jersey except under this act, and no company hereafter organized under any other act shall use the word "trust" as part of its name.

Name;

Exception;

Capital stock.

Payment certified.

Act controlling.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 124

A SUPPLEMENT to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates" (Revision 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

May probate photostatic copy of will.

1. Whenever the written will of a resident decedent has been admitted to probate in another State, under the laws of which it cannot be removed therefrom, and it is desired to probate such will in this State, a photostatic copy thereof, duly authenticated according to the acts of Congress, may be admitted to probate in the proper court in this State, under the same procedure and in the same manner as that required for the probate of the original will of a resident decedent, which said photostatic copy shall thereafter be filed and remain with the register of the prerogative court, in the same manner as required by an act to which this act is a supplement for original wills probated and permanently filed in this State; the record of such will and the probate proceedings had thereon in this State, or a certified copy of said record, shall be received in evidence in all courts of this State; *provided, however,* that nothing herein contained shall permit the admission to probate of any will not executed in the manner and form as required by the laws of this State.

As evidence.

Proviso.

Photostatic copy made of proven will.

2. Whenever the written will of a resident decedent has been admitted to probate in another State, under the laws of which it can be removed to this State for probate but cannot remain in this State for permanent filing, and it is desired to probate such will in this State, the same may be ad-

mitted to probate in the proper court in this State, under the same procedure and in the same manner as that required for the probate of the original will of a resident decedent where said will is permanently filed in this State, upon condition that a photostatic copy thereof, duly authenticated according to the acts of Congress, shall be filed therewith, which photostatic copy shall thereafter be filed and remain with the register of the prerogative court, in the same manner as required by an act to which this act is a supplement for original wills probated and permanently filed in this State; the record of such will and the probate proceedings had thereon in this State, or a certified copy of said record, shall be received in evidence in all courts of this State; *provided, however,* that nothing herein contained shall permit the admission to probate of any will not executed in the manner and form as required by the laws of this State.

As evidence.

Proviso.

Will not permanently filed.

3. Whenever the written will of a resident decedent has been admitted to probate in the proper court of this State, it must be filed and remain with the register of the prerogative court, as heretofore provided by the act to which this act is a supplement, except in those cases where the will is on file in a court or public office of another State, under the laws of which it cannot be removed therefrom or, if permitted to be removed to this State for probate, cannot remain in this State for permanent filing.

"State" defined.

4. For the purposes of this act, the word "State" shall be construed to include any State or territory of the United States, the District of Columbia and any foreign state or kingdom.

5. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 125

AN ACT to amend an act entitled "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand eight hundred and ninety-six.

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

1. Section sixty-eight of the act of which this act is amendatory be and the same hereby is amended to read as follows: Section 68 amended.

68. (a) All the real and personal property of a corporation for which a receiver shall be appointed under the provisions of this act, wheresoever situated, and all its franchises, rights, privileges, credits and effects shall, upon the appointment of a receiver or trustee, or receivers or trustees, forthwith vest in him or them, and the corporation shall be divested of the title thereto. Title vested in receiver.

(b) All the real and personal property of an insolvent foreign corporation, and all its franchises, rights, privileges, credits and effects, within the State shall, upon the appointment of a receiver or receivers, or trustee or trustees by the Court of Chancery of New Jersey, or other court of competent jurisdiction of this State, forthwith vest in him or them, and the corporation shall be divested of the title thereto. Property of insolvent foreign corporation to rest in receiver.

(c) All trustees or receivers heretofore appointed by the said court for an insolvent foreign corporation, unless otherwise expressly provided in the order of appointment, be and they are hereby vested with title to all the real and personal property, and all the franchises, rights, privileges, credits and effects of said insolvent foreign corporation, situated within the State, and are empowered, subject to the control of said court, to pledge, sell, assign, transfer, convey and otherwise May sell, transfer, etc., property.

deal with said real and personal property, franchises, rights, privileges, credits and effects.

Conveyances, bills of sale, etc., validated.

(d) All deeds of conveyance, bills of sale and other documents or instruments of transfer of title to real or personal property, rights or effects, heretofore made and delivered by all the trustees or receivers heretofore appointed by said court for an insolvent foreign corporation, or which may hereafter be delivered by said trustees or receivers, subject to the control of said court, and all proceedings heretofore taken, and now pending, by said trustees or receivers, are hereby validated and confirmed to the same extent as if the title to said real and personal property, rights and effects were vested in the said trustees or receivers at the time of their appointment.

Constitutionality.

(e) Each subsection of this act is remedial, and shall be considered as separate and independent, and if any subsection or provision of this act shall be declared unconstitutional, the remaining subsections or portions of this act shall not be affected thereby.

Repealer.

(f) All acts or parts of acts inconsistent with the provisions hereof are repealed.

(g) This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 126

AN ACT to supplement and amend an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, management and support thereof,' approved October nineteenth, one thousand nine hundred and three," which supplement was approved April twenty-first, one thousand nine hundred and nine.

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

1. Section three of the act to which this is an amendment and supplement shall be and the same hereby is amended and supplemented so as to read as follows: Section 3 amended.

3. Nothing herein contained shall be held to limit the right of any school board to reduce the number of supervising principals, principals or teachers employed in any school district when such reduction shall be due to a natural diminution of the number of pupils in said school district; *provided, however,* that the dismissals resulting from such reduction shall not be by reason of residence, age, sex, marriage, race, religion, or political affiliation, but when principals, supervising principals or teachers under tenure are dismissed by reason of such reduction those principals, supervising principals or teachers having the least number of years of service to their credit shall be dismissed in preference to those having longer terms of service, and should any supervising principal, principal or teacher under tenure be dismissed as a result of such reduction such supervising principal, principal or teacher shall be and remain upon a preferred eligible list in the order of years of service for re-employment whenever vacancies occur and shall be re-employed by the body causing dismissal in such

Reducing number of teachers, etc.

Proviso.

Seniority considered.

Preferred list established.

order when and if a vacancy in a position for which such supervising principal, principal or teacher shall be qualified and that such re-employment shall give full recognition to previous years of service; *and provided, further,* that the services of any principal or teacher may be terminated, without charge or trial, who is not the holder of a proper teacher's certificate in full force and effect.

Proviso.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 127

AN ACT to amend an act entitled "An act to secure the payment of laborers, mechanics, merchants, traders and persons employed upon or furnishing materials toward the performing of any work in cities, towns, townships and other municipalities of this State."

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

Section 15 amended.

1. Section fifteen of the act of which this act is amendatory be and the same is hereby amended so that it shall read as follows:

How lien discharged:

15. The lien created by the provisions of this article may be discharged by:

Filing certificate of discharge;

a. Filing in the office of the clerk of the county in which the building is situate, a certificate of the claimant or his successor in interest, duly acknowledged or proved, stating that the lien is discharged;

Lapse of time;

b. The lapse of sixty 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 suit to enforce the lien claim or the filing of answer within the time fixed by law or such further time as may be granted by the Court of Chancery asserting such lien in a suit brought by another claimant;

c. Satisfaction of a decree rendered in an action to enforce the lien or claim; or Satisfaction of decree;

d. The final decree of the Court of Chancery in an action to enforce the lien to which the claimant was a party. Final decree

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 128

AN ACT to amend an act entitled "An act to license and regulate the business of transient merchants or itinerant vendors in this State," approved April thirteenth, nineteen hundred and thirty-one.

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

1. Section seven of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 7 amended.

7. Nothing in this act contained shall apply to or require the obtaining of a license by any charitable or religious society that shall conduct sales of goods, wares, merchandise or bankrupt stock when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious object for which such charitable or religious society exists; and nothing in this act contained shall apply to or require the obtaining of a license by any art, antique or historical society that shall conduct an exhibition and sale of art objects, pictures, paintings, prints, historical articles and furniture generally known and designated as antiques and kindred objects; and nothing in this act contained shall apply to or require the obtaining of a license by any agricultural show, fair or garden society selling or closing out certain of their exhibits; *providing,* that such society be an incor- License not required. Construing. Proviso.

porated association not for pecuniary profit of this State prior to the enactment of this act or if incorporated subsequent to the enactment of this act then such society shall have a bona fide membership of at least one hundred persons.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 129

AN ACT to ratify, confirm, validate and make legal and effectual certain affidavits, acknowledgments, proofs of deeds, mortgages and other papers, and certificates thereof.

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

Validating acts of certain women notaries.

1. All affidavits, acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any woman as a notary public in and for this State, whose first commission was obtained while the said woman was single and unmarried, but who became married before the said commission expired and who obtained a new commission in her single name although married at the time, and the record of such affidavits, deeds, mortgages and other writings are hereby ratified, confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the said commission was properly obtained in her married name, and the signature of any woman notary public heretofore signed to any affidavit, acknowledgment and proof of deeds, mortgages and other papers in the name in and by which she was appointed notary public, although at the time of making such signature she was married, and her married name does not appear thereon, shall not in any wise be called in question; and all such affidavits,

acknowledgments, and proofs of deeds, mortgages and other papers, and the certificates thereof, so executed, are hereby ratified, confirmed, validated, and made legal and effectual, to the same extent that the same would have been valid, legal and effectual if such notary public at the time of the execution of such affidavit, acknowledgment and proof of deeds, mortgages and other papers in the nature thereof was unmarried.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 130

A SUPPLEMENT to an act entitled "An act to create criminal judicial districts in the counties of this State and to establish therein criminal courts of record and to regulate the jurisdiction, duties and powers of such courts."

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

1. The said court in any such criminal judicial district shall also have, possess and exercise jurisdiction concurrent with the courts of quarter sessions and special sessions to try and determine all misdemeanors other than high misdemeanors where such misdemeanors are committed within the limit of the criminal judicial district in which such criminal court is established; *providing*, the person or persons charged with any such offense shall in writing waive indictment and trial by jury. Purview of court. Proviso.

2. All acts or parts of acts inconsistent with this act are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 131

A FURTHER SUPPLEMENT to an act entitled "An act for the punishment of crime" (Revision of 1898).

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

Unlawful wearing badge of certain veterans.

1. Any person who shall willfully wear the badge, emblem or insignia of the Disabled American Veterans of the World War, or of any women's auxiliary organization thereof, or who shall use or wear the same to obtain aid or assistance thereby within this State, unless he or she shall be entitled to use, carry or wear the same under the rules, regulations, by-laws or charter of a chapter of the Disabled American Veterans of the World War or of any women's auxiliary organization thereof, duly and regularly organized and chartered, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 132

AN ACT to authorize cemetery companies to change the shares of their capital stock into stock of no par value.

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

Change of shares of stock.

1. Any cemetery company, whether created under general or special law, is hereby authorized to change the shares of its capital stock into stock of no par value of the same, without increasing or decreasing the number of shares, in manner following:

The board of directors shall pass a resolution declaring that such change or alteration is advisable and call a meeting of the stockholders to take action thereon. The meeting shall be held upon ten days notice given personally or by mail; if two-thirds of the stockholders having voting power shall vote in favor of such change or alteration, the corporation shall make a certificate thereof under its seal and under the hand of its president or vice-president and secretary, which certificate shall be spread in full in the minutes of said corporation and shall be taken and accepted as evidence of such change or alteration in all courts and places. Procedure to effect change.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 133

AN ACT to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this State, and to provide for the administration thereof.

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

1. This act shall be known as the Workmen's Compensation Security Fund Act. Official name.

2. Definitions. As hereafter used in this act, unless the context or subject matter otherwise require: Definitions:

"Stock Fund" means the stock workmen's compensation security fund created by this act. Stock fund;

"Mutual Fund" means the mutual workmen's compensation security fund created by this act. Mutual fund;

"Funds" means the stock fund and the mutual fund. Funds;

"Fund" means either the stock fund or the mutual fund as the context may require.

Year; "Fund Year" means the calendar year.

Stock carrier; "Stock Carrier" means any stock corporation authorized to transact the business of workmen's compensation insurance in this State, except an insolvent stock carrier.

Mutual carrier; "Mutual Carrier" means any corporation or association organized and operating on the mutual plan, authorized to transact the business of workmen's compensation insurance in this State, except an insolvent mutual carrier.

Carrier; "Carrier" means either a stock carrier or a mutual carrier, as the context may require.

Insolvent carrier; "Insolvent Stock Carrier" or "Insolvent Mutual Carrier" means a stock carrier or a mutual carrier, as the case may be, which has been determined to be insolvent, or for which or for the assets of which a receiver has been appointed by a court or public officer of competent jurisdiction and authority.

Commissioner; "Commissioner" means Commissioner of Banking and Insurance of this State.

Workmen's compensation act. "Workmen's Compensation Act" means the workmen's compensation act of the State of New Jersey, being chapter ninety-five, laws of New Jersey of one thousand nine hundred and eleven, all supplements and amendments thereto, and chapter one hundred and seventy-two, laws of one thousand nine hundred and thirty-one.

Stock fund created. 3. There is hereby created a fund to be known as "The Stock Workmen's Compensation Security Fund," for the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation act for employments insured in insolvent stock carriers. Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to the workmen's compensation act, and remaining unpaid, in whole or in part, by reason of the default, after the effective date of this act, of an insolvent stock carrier. Expenses of administration also shall be paid from the fund as

Object.

Applicability.

Meeting expenses.

herein provided. Such fund shall consist of all contributions received and paid into the fund by stock carriers, as herein defined, all property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon moneys deposited or invested as herein provided. The fund shall be administered by the commissioner of this State in accordance with the provisions of this act. Fund, how derived. Administration.

4. Every stock carrier shall, on or before the first day of September, nineteen hundred thirty-five, file with the treasurer of the State and with the commissioner identical returns, under oath, on a form to be prescribed and furnished by the commissioner, stating the amount of net written premiums for the six months' period ending June thirtieth, nineteen hundred thirty-five, on policies issued, renewed or extended by such carrier, to insure payment of compensation pursuant to the workmen's compensation act. For the purposes of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken, and on policies cancelled. Thereafter, on or before the first day of March and September of each year, each such carrier shall file similar identical returns, stating the amount of such net written premiums for the six months' period ending, respectively, on the preceding December thirty-first and June thirtieth, on policies issued, renewed or extended by such carrier. Information furnished State treasurer. Meaning of certain words. Semiannual returns.

5. For the privilege of carrying on the business of workmen's compensation insurance in this State, every stock carrier shall pay into the stock fund on the first day of September, nineteen hundred thirty-five, a sum equal to one per centum (1%) of its net written premiums as shown by the return hereinbefore prescribed for the period ending June thirtieth, nineteen hundred thirty-five, and thereafter each such stock carrier, upon filing each semiannual return, shall pay a sum equal to one per centum (1%) of its net written premiums for the period covered by such return. Payment to fund.

When contributions cease.

6. When the aggregate amount of all such payments into the stock fund, together with accumulated interest thereon, less all its expenditures and known liabilities, becomes equal to five per centum (5%) of the loss reserves of all stock carriers for the payment of benefits under the workmen's compensation act as of December thirty-first, next preceding, no further contributions to said fund shall be required to be made; *provided, however,* that whenever, thereafter, the amount of said fund shall be reduced below five per centum (5%) of such loss reserves as of said date by reason of payments from and known liabilities of said stock fund, then such contribution to said fund shall be resumed forthwith, and shall continue until said fund, over and above its known liabilities, shall be equal to five per centum (5%) of such reserves.

Proviso.

Regulations.

7. The commissioner may adopt, amend and enforce rules and regulations necessary for the proper administration of said stock fund. In the event any stock carrier shall fail to file any return or make any payment required by this act, or in case the commissioner shall have cause to believe that any return or other statement filed is false or inaccurate in any particular, or that any payment made is incorrect, he shall have full authority to examine all the books and records of the carrier for the purpose of ascertaining the facts and shall determine the correct amount to be paid and may proceed in any court of competent jurisdiction to recover for the benefit of the fund any sums shown to be due upon such examination and determination. Any stock carrier which fails to make any statement as required by this act, or to pay any contribution to the stock fund when due, shall thereby forfeit to said fund a penalty of five per centum (5%) of the amount of unpaid contribution determined to be due as provided by this act plus one per centum (1%) of such amount for each month of delay, or fraction thereof, after the expiration of the first month of such delay, but the commissioner may upon good cause shown extend

Examination to ascertain correctness of returns.

Penalty for false statement or not making contribution.

the time for filing of such return or payment. The commissioner shall revoke the certificate of authority to do business in this State of any carrier which shall fail to comply with the provisions of this act or to pay any penalty imposed in accordance with this act. Revocation of authority.

8. The stock fund created by this act shall be separate and apart from any other fund so created and from all other State moneys. The State Treasurer shall be the custodian of said fund; and all disbursements from said fund shall be made by the State Treasurer upon vouchers signed by the commissioner as hereinafter provided. The moneys of said fund may be invested by the State Treasurer only in the bonds or securities which are the direct obligations or which are guaranteed as to principal and interest by the United States or of this State. The State Treasurer may sell any of the securities in which said fund is invested, if advisable for its proper administration or in the best interests of such fund, and all earnings from the investments of such fund shall be credited to such fund. Stock fund kept separate. Custodian. Investments. Selling securities.

9. A. A valid claim for compensation or death benefits, or installments thereof, heretofore or hereafter made pursuant to the workmen's compensation act, which has remained or shall remain due and unpaid for sixty days, by reason of default by an insolvent stock carrier, shall be paid from the stock fund in the manner provided in this section. Any person in interest may file with the commissioner an application for payment of compensation or death benefits from the stock fund on a form to be prescribed and furnished by the commissioner. If there has been an award, final or otherwise, a certified copy thereof shall accompany the application. The commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same, whereupon payment shall be made by the State Treasurer. Payment of claims. Application. Payment by treasurer.

B. Payment of compensation from the stock fund shall give the fund no right of recovery against the employer. As to recovery.

Payment by employer.

C. An employer may pay such award or part thereof in advance of payment from the stock fund and shall thereupon be subrogated to the rights of the employee or other party in interest against such fund to the extent of the amount so paid.

Recovery of liabilities.

D. The State Treasurer as custodian of the stock fund shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such fund from such carrier, its receiver, liquidator, rehabilitator or trustee in bankruptcy and may prosecute an action or other proceedings therefor. All moneys recovered in any such action or proceedings shall forthwith be placed to the credit of the stock fund by the State Treasurer to reimburse the stock fund to the extent of the moneys so recovered and paid.

Disposition of recovered moneys.

Mutual fund created.

10. There is hereby created a fund to be known as "The Mutual Workmen's Compensation Security Fund," for the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation act for employments insured in insolvent mutual carriers. Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to the workmen's compensation act, and remaining unpaid, in whole or in part, by reason of the default, after the effective date of this act, of an insolvent mutual carrier. Expenses of administration also shall be paid from the fund as herein provided. Such fund shall consist of all contributions received and paid into the fund by mutual carriers, as herein defined, of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided. The fund shall be administered by the commissioner in accordance with the provisions of this act.

Object.

Applicability

Meeting expenses.

Fund, how derived.

Administration.

Information furnished State treasurer.

11. Every mutual carrier shall, on or before the first day of September, nineteen hundred thirty-five, file with the treasurer of the State and with the commissioner identical returns, under oath, on

a form to be prescribed and furnished by the commissioner of insurance, stating the amount of net written premiums for the six months' period ending June thirtieth, nineteen hundred thirty-five, on policies issued, renewed or extended by such carrier, to insure payment of compensation pursuant to the workmen's compensation act during said period. For the purpose of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled. Thereafter, on or before the first day of March and September, of each year, each such carrier shall file similar identical returns, stating the amount of such net written premiums for the six months' periods ending, respectively, on the preceding December thirty-first and June thirtieth, on such policies issued, renewed or extended by such carrier.

Meaning of certain words.

Semiannual returns.

12. For the privilege of carrying on the business of workmen's compensation insurance in this State, every mutual carrier shall pay into the mutual fund on the first day of September, nineteen hundred thirty-five, a sum equal to one per centum (1%) of its net written premiums, as shown by the return hereinbefore prescribed for the period ending June thirtieth, nineteen hundred thirty-five, and thereafter each such mutual carrier, upon filing each semiannual return, shall pay a sum equal to one per centum (1%) of its net written premiums, as shown for the period covered by such return.

Payments to fund.

13. Whenever the mutual fund, less all its known liabilities, shall exceed five per centum (5%) of the loss reserves of all mutual carriers for the payments of losses under the workmen's compensation act, as of December thirty-first next preceding, distribution of such excess, subject to the advance approval of the commissioner, shall be made as repayments for successive fund years, commencing with the first fund year, to the mutual carriers in the proportion in which they respectively made contributions for such fund year; *provided, however,* no such distribution shall reduce the fund

When contributions cease.

Proviso.

less all its known liabilities, below an amount equal to five per centum (5%) of such loss reserves as of said date. Such repayments shall be made from time to time until the mutual carriers for the first fund year shall have received their proportionate shares of the contributions for the first fund year including interest, if any. Such repayments for succeeding fund years in their order shall be made on the same basis. The insolvency of any mutual carrier shall automatically terminate its right to such repayments and the withdrawal of any mutual carrier from the transaction of workmen's compensation insurance business in this State shall automatically suspend its right to such repayments until all its liabilities for workmen's compensation losses in this State shall have been fully liquidated. If and when all liabilities of all mutual carriers for workmen's compensation losses in this State shall have been fully liquidated, distribution shall be made of the remaining balance of the mutual fund in the proportion in which each such mutual carrier made contributions to the mutual fund.

Repayments.

Effect of insolvency.

Distribution of balance.

Sections 7, 8 9 apply also to mutual fund.

14. The provisions of paragraphs 7, 8, and 9 of this act shall apply, *mutatis mutandis,* to the administration, custody and investment of and payments from the mutual fund.

On insolvency.

15. Forthwith upon any carrier becoming an insolvent stock carrier, or an insolvent mutual carrier, as the case may be, the commissioner shall so notify the Workmen's Compensation Bureau, and the Workmen's Compensation Bureau shall immediately advise the commissioner (a) of all claims for compensation pending or thereafter made against an employer insured by such insolvent carrier, or against such insolvent carrier; (b) of all unpaid or continuing agreements, awards or decisions made upon claims prior to or after the date of such notice from the commissioner; and (c) of all appeals from or applications for modifications or recision or review of such agreements, awards or decisions.

Commissioner advised of conditions.

Investigation and prosecution of appeals.

16. The commissioner or his duly authorized representative may investigate and may defend before the Workmen's Compensation Bureau or any court any or all claims for compensation against an employer insured by an insolvent carrier or against such insolvent carrier and may prosecute any pending appeal or may appeal from or make application for modification or recision or review of an agreement, award or decision against such employer or insolvent carrier. Until all such claims for compensation are closed and all such awards thereon are paid the commissioner, as administrator of the funds, shall be a party in interest in respect to all such claims, agreements and awards. For the purposes of this act the commissioner shall have exclusive power to select and employ such counsel, clerks and assistants as may be deemed necessary and to fix and determine their powers and duties; and he may also, in his discretion, arrange with any carrier or carriers to investigate and defend any or all such claims and to liquidate and pay such as are valid and the commissioner may from time to time reimburse, from the appropriate fund, such carrier or carriers for compensation payments so made together with reasonable allowance for the services so rendered.

Interest of commissioner.

Counsel, assistants, etc.

Defending claims.

Expenses of administration.

17. The expense of administering the stock fund shall be paid out of the stock fund and the expense of administering the mutual fund shall be paid out of the mutual fund. The commissioner shall serve as administrator of each fund without additional compensation, but may be allowed and paid from either fund expenses incurred in the performance of his duties in connection with that fund. The compensation of those persons employed by the commissioner shall be deemed administration expenses payable from the fund in the manner provided in paragraph eight of this act. The commissioner shall include in his regular report to the Legislature a statement of the expense of administering each of such funds for the preceding year.

When surety bond not required.

18. Contributions made by any stock or mutual carrier to the funds created by this act shall relieve such carriers from filing any surety bond or making any deposit of securities required under the provisions of any law of this State for the purpose of securing the payment of workmen's compensation benefits.

Constitutionality.

19. If any part of this act be adjudged unconstitutional, it shall not invalidate the remainder of this act.

Repealer.

20. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 134

AN ACT to change and amend the title and body of an act entitled "An act to regulate the construction and use of steam boilers," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

Title amended.

1. The title of the above entitled act is hereby amended to read as follows:

New title.

An act to regulate the construction and use of steam boilers, air, and other pressure vessels.

Section 1 amended.

2. Section one of the above entitled act is hereby amended to read as follows:

Examining board.

1. The Governor shall appoint two citizens of this State, who, together with the Commissioner of Labor and the Board of Examining Engineers of the Engineers' License, Steam Boiler and Refrigeration Plant Inspection Bureau, shall act as members of a board of boiler, air, and other pressure

Meetings.

vessel rules. This board shall meet at the call of the Commissioner of Labor, who shall be the chair-

man of the board, and shall formulate rules and regulations for the safe and proper construction and installation of steam boilers, air, and other pressure vessels. No steam boiler, air, or other pressure vessel, shall be installed or used in this State unless it conforms to the rules and regulations adopted pursuant to this act. Rules. Must conform to rules.

3. Section two of the above entitled act is hereby amended to read as follows: Section 2 amended.

2. Any person violating any of the provisions of this act or violating any of the rules or regulations or requirements of the Board of Boiler, Air, and other Pressure Vessel Rules shall be subject to a penalty of fifty dollars for the first offense and one hundred dollars for the second and each subsequent offense. Any penalty incurred under this act shall be sued for and recovered by and in the name of the Commissioner of Labor in accordance with the procedure provided for by an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employees and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," which was approved March twenty-fourth, one thousand nine hundred and four. Penalty for violation. Recovery of penalty.

Approved March 26, 1935.

CHAPTER 135

AN ACT concerning the payment of past due water service charges of fire districts in townships of this State.

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

1. Where any fire district created and established in any township of this State has failed to pay any water service charges in any year prior to one thousand nine hundred and thirty-five, such Bond issue to meet unpaid water service.

fire district may, and authority is hereby given it to do so, by the issuance of bonds of the fire district to be known as "water service funding bonds," payable to the utility company or corporation rendering such water service.

Authorization.

2. The bonds hereby authorized shall be general obligations of the fire district and may be authorized by resolution, and shall bear interest at a rate not to exceed five per centum (5%), payable semi-annually, and dated as of the first day of June, one thousand nine hundred and thirty-five, and payable in eight annual installments of as nearly equal amounts as may be; *provided,* that the last seven maturities shall be in even hundred dollars and the first maturity in an amount to equal with the other maturities the amount of the water service charges due.

Rate.

Payment.

Proviso.

3. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 136

A SUPPLEMENT to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Reapportionment of school moneys by county superintendent.

1. When the apportionment of State school moneys shall have been made in any year by the county superintendent and a part of any district becomes a new school district, or a part of another school district, or comes partly under the authority of a regional board of education, the county super-

intendent, with the approval of the Commissioner of Education, shall reapportion such moneys among the districts affected; or between the district and the regional board, as the case may be, on an equitable basis according to the needs of such districts.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 137

AN ACT to amend an act entitled "An act to establish a State Tax Department and to define its powers and duties; and vesting therein all the powers and duties now devolved by law upon the State Board of Taxes and Assessment except those relating to the review, hearing and determination of all appeals concerning the assessment, collection, apportionment or equalization of taxes," approved April twenty-eighth, one thousand nine hundred and thirty-one.

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

1. Section seven of the act of which this act is amendatory is hereby amended to read as follows: Section 7 amended.

7. Any person, firm, corporation, taxing district, municipality, or county aggrieved by any act, proceeding, ruling, decision, or determination of the State Tax Department or of the State Tax Commissioner, may appeal therefrom to the State Board of Tax Appeals by filing a petition of appeal to said board in manner and form and within the time and subject to such terms and conditions as said board shall by reasonable rules and regulations prescribe unless by statute the time and terms Appeal to board of tax appeals.

Proviso.

are fixed; *provided, however,* that nothing herein contained shall be construed to permit any person or corporation to appeal to said State Board of Tax Appeals from the assessment or any other determination of the State Tax Department or of the State Tax Commissioner in a transfer inheritance tax proceeding.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 138

SUPPLEMENT to an act entitled "An act for the punishment of crime" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Making or selling poisoned liquors.

1. Any person, corporation, partnership or member of any association or any agent, servant or employee of any person, corporation, partnership or member of any association who shall manufacture, transport, possess, sell, barter, give away, furnish or otherwise dispose of any alcohol for internal consumption, any whiskey, gin, brandy, wine or any other alcoholic beverage of any nature whatsoever containing any poisonous chemical or chemicals or any poisonous ingredients of any description whatsoever which, if taken internally, will injuriously affect the health or bodily condition of any person or which will cause the death of any person shall be guilty of a misdemeanor.

Penalty.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 139

SUPPLEMENT to an act entitled "An act for the punishment of crime" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Selling poisonous liquors.

1. Any person, corporation, partnership or member of any association or any agent, servant or employee of any person, corporation, partnership or member of any association who shall have sold, bartered, given away, furnished or otherwise disposed of to any person whatsoever any alcohol for internal consumption, whiskey, gin, brandy, wine or any other alcoholic beverage of any nature whatsoever containing any poisonous chemical or chemicals or any poisonous ingredients of any description whatsoever which shall have caused serious injury to the health or bodily condition of any person or shall have caused the death of any person shall be guilty of a high misdemeanor and shall be punishable by a fine of not exceeding two thousand dollars ($2,000.00), or imprisonment at hard labor or otherwise not exceeding ten years, or both.

Penalty.

Intent of act.

2. Nothing in this act is intended to diminish, alter or in anywise change or in anywise affect the provisions of section one hundred and six, the provisions of section one hundred and seven, the provisions of section one hundred and eight, the provisions of section one hundred and nine of "An act for the punishment of crimes" (Revision of 1898), chapter two hundred and thirty-five, Pamphlet Laws one thousand eight hundred and ninety-eight, or any amendments or supplements to section one hundred and six, section one hundred and seven, section one hundred and eight, section one hundred

and nine of "An act for the punishment of crimes" (Revision of 1898), chapter two hundred and thirty-five, Pamphlet Laws one thousand eight hundred and ninety-eight.

3. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 140

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning boards of street and water commissioners in cities of the first class in this State and providing for pensions for such employees as may contribute towards the creation of a fund for providing such pensions,' approved April fourteenth, one thousand nine hundred and fifteen," approved March twenty-first, one thousand nine hundred and twenty-seven.

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

Section 1 amended.

1. Section one of the act to which this act is an amendment be and the same is amended to read as follows:

Who may be pensioned.

1. In the event that any member of the pension corporation or association created under "An act concerning boards of street and water commissioners in cities of the first class in this State and providing for pensions for such employees as may contribute towards the creation of a fund for providing such pensions," approved April fourteenth, one thousand nine hundred and fifteen, and of which this act is a supplement, who having paid into the fund the full amount of his or her annual assessments or contributions shall die as a result

of injuries or illness received or incurred in the performance of his or her duties; or in the event that any such member having served in the employ of the municipality in the aggregate for twenty years, and who has paid into the fund the full amount of his or her annual assessments or contributions, shall die from causes other than injuries or illness received or incurred in the performance of his or her duties; or in the event that any such member shall hereafter have been retired and pensioned under the provisions of the said act to which this act is a supplement and shall die; then and in each of such events, as hereinafter provided, a pension in an amount equal to one-half of the salary received by such member at the time of his or her death, and in those cases where a member has been retired and pensioned previous thereto one-half of the salary received by said member at the time of his or her retirement, shall be paid to the widow or husband for the benefit of herself or himself and minor children, if any, under the age of sixteen years or dependent parents as the case may be; *provided, however,* that the pension so paid shall not exceed the sum of one thousand dollars ($1,000.00) annually. The pension as aforesaid shall be paid to the husband or widow during his or her natural life and so long as he or she shall remain unmarried, but no pension shall be paid to the widow or husband of any member who shall hereafter marry such member after the member has reached the age of fifty years. In the event that there shall be no widow or husband surviving said member, or no widow or husband qualified to take under this act, or in the event that the said widow or husband shall subsequently die or remarry, and said member shall have left him or her surviving as heirs at law and next of kin, minor children under the age of sixteen years, then and in such event payments to said minor children under the age of sixteen years shall be made as follows: If there be one child the sum of twenty-five dollars ($25.00) shall be paid to such child monthly

Amount of pension.

Proviso.

Continuance of pension.

Payment to children.

Payment per child.

until he or she shall arrive at the age of sixteen years; if there are two or more children the aforesaid pension equal in amount to one-half of the salary received by such member at the time of his or her death or retirement, but not exceeding in the aggregate one thousand dollars ($1,000.00) annually, shall be paid to such children who have not attained the age of sixteen years in equal shares, but in no event shall any one of such children receive more than the sum of twenty-five dollars ($25.00) monthly. In the event there is no widow, dependent husband and no children under the age of sixteen years, at the time of the death of such municipal employee then such pension shall be paid to the dependent parent or parents if any, of such deceased municipal employee.

Maximum payment.

When payment to parents.

Repealer.

2. This act shall take effect immediately and all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 26, 1935.

CHAPTER 141

A SUPPLEMENT to an act entitled "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand eight hundred and ninety-six.

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

Merger of corporations.

1. Any corporation of this State, fifty-one per centum (51%) or more of the voting stock of which is held by any other corporation of this State, may merge into, consolidate with or merge into itself a corporation holding fifty-one per centum (51%) or more of its voting stock, notwithstanding that the said corporations may not have been organized

for the purpose of carrying on business of the same or a similar nature; *provided,* the provisions of this act shall not apply to any railroad company, canal company, insurance company, banking company or savings bank or other corporation intended to derive profit from the loan and use of money. Proviso.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 142

AN ACT regulating the days of employment of uniformed members of paid fire departments in municipalities of this State.

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

1. In case of serious conflagration or other emergency, the officer, officers or board having charge and control of the paid fire-fighting force in any municipality of this State shall have full authority to summon and keep on duty any and all of the paid members of such fire-fighting force while such conflagration or emergency continues; but within twelve months after such emergency each uniformed member of such fire-fighting force shall be given a day off duty for each extra day so served by him during such emergency. Extra duty in emergencies. Day off to compensate.

2. This act shall take effect immediately.

Approved March 26, 1935.

New Jersey State Library

CHAPTER 143

AN ACT to supplement the act entitled "An act concerning the government of cities of the second class and authorizing the creation of a municipal board of public works and a municipal water board in any such city, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities, placed under the control and management of such boards, and providing for the maintenance of such boards," constituting chapter three hundred and twenty-six of the Pamphlet Laws of one thousand nine hundred and thirteen, as amended by chapter one hundred and thirty-three of the Pamphlet Laws of one thousand nine hundred and thirty-one.

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

Investment of surplus revenue.

1. The board of water commissioners established by any city pursuant to the provisions of the act entitled "An act concerning the government of cities of the second class and authorizing the creation of a municipal board of public works and a municipal water board in any such city, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities, placed under the control and management of such boards, and providing for the maintenance of such boards," constituting chapter three hundred and twenty-six of the Pamphlet Laws of one thousand nine hundred and thirteen, as amended by chapter one hundred and thirty-three of the Pamphlet Laws of one thousand nine hundred and thirty-one, shall have power, in its discretion, to invest, reinvest and keep invested all

moneys in its hands and constituting a part of its surplus revenue unappropriated in bonds or other obligations of the Government of the United States or bonds of the State of New Jersey or bonds or other obligations of said city.

2. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 144

AN ACT for the taxation of persons, copartnerships, associations and corporations engaged in the production and sale of hydroelectric power in this State.

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

1. In addition to all other taxes which are imposed upon persons, copartnerships, associations or corporations engaged in the production and sale of hydroelectric power in this State there shall be levied and assessed upon the gross receipts of all such persons, copartnerships, associations or corporations engaged in the production and sale of hydroelectric power an annual tax at the rate of five per centum (5%), which additional tax shall be levied and assessed upon the gross receipts of such persons, copartnerships, associations or corporations from their business in the State of New Jersey, for the year ending December thirty-first, next preceding; the tax levied and assessed during the year one thousand nine hundred thirty-five, computed upon the gross receipts of the year ending December thirty-first, one thousand nine hundred thirty-four, shall be five per centum (5%); and the tax levied and assessed annually thereafter shall be five per centum (5%) upon the gross receipts of the year ending December thirty-first, next preceding.

Tax on gross receipts of hydroelectric companies.

Amount.

When to begin.

Annual rate.

Annual return by assessing officer.

2. The officers whose duty it is to make the assessment in each taxing district shall annually make a return certified in writing on or before January tenth, in each year, of the valuation of all property of persons, copartnerships, associations or corporations assessed under the provisions of this act which is located in such taxing district, together with the names of the owners and those operating the same, and file the same in the office of the county board of taxation. The county board shall certify to the State Tax Commissioner a copy of the same on or before February twenty-eighth in each year.

Certification to tax commissioner.

Gross receipts made known.

3. All such persons, copartnerships, associations or corporations subject to taxation under the provisions of this act shall, on or before February first in each year, return to the State Tax Commissioner a statement showing the gross receipts of their business in the State of New Jersey for the year ending December thirty-first, next preceding. Any person, copartnership, association or corporation neglecting or refusing to make such annual statement or report shall forfeit and pay to the State of New Jersey the sum of five hundred dollars ($500.00) for each offense, to be recovered in an action of debt in the name of the State, and when recovered shall be paid into the State treasury; it shall be the duty of the State Tax Commissioner to certify any such default to the Attorney-General of the State, who thereupon shall prosecute an action at law for such penalty. Any person who shall falsely make any oath required to be made under this act shall be guilty of perjury, and on conviction thereof liable to all penalties prescribed by law therefor.

Penalty.

Default certified to Attorney-General.

False return.

Tax fixed.

4. Upon the basis of the gross receipts as shown in the report to the State Tax Commissioner, the tax imposed hereunder shall be fixed and assessed, and the State Tax Commissioner shall deliver or cause to be delivered to each person, corporation, copartnership or association taxable hereunder a statement in writing showing the amount of such

tax so ascertained, and said tax shall become due and payable on the first day of May following the assessment of such tax, and if unpaid on the first day of June next following it shall become delinquent and subject to a penalty at the rate of ten per centum (10%) per annum, and on and after the said delinquent date, the said tax shall become a first lien on the property and assets of any such person, copartnership, association or corporation and shall remain such until paid.

When tax payable.

Penalty for delinquency.

5. All local taxes assessed and paid for the calendar year commencing with the taxable year one thousand nine hundred thirty-five, and each year thereafter, shall be deducted from and constitute a credit against the tax due from the person, copartnership, association or corporation assessed under this act, and the State Tax Commissioner shall allow such deduction or credit upon presentation of satisfactory proof of payment of all local taxes and shall certify said deduction or credit allowed by him to the State Treasurer.

Credit and deduction on account of local taxes.

6. Taxes so assessed under this act shall be paid to the State Treasurer for the general purposes of the State and shall be credited by him on account of the State tax assessed against the respective municipalities in which said persons, copartnerships, associations or corporations are assessed for local taxes, in proportion to the value of the property located in such municipalities; the amount of said tax assessed in pursuance of this act shall be certified in writing by the State Tax Commissioner to the State Treasurer on or before the first day of April in each year.

Payment and credits to municipalities.

7. The tax commissioner, or any agent, assistant or representative designated by him, is hereby authorized to examine the books, records, papers, memoranda and files of any person, copartnership, association or corporation subject to taxation under the provisions of this act, and shall have power to compel the attendance of such person, or any officer or employee of any such person, copartnership, association or corporation, or of any person having

Examination by tax commissioner.

Witnesses.

knowledge in the premises; to examine witnesses under oath to verify the accuracy of any annual statement or report made under the provisions of this act or to ascertain whether or not any or what amount of tax is due under the provisions of this act.

Failure to file statement.

8. If any person, copartnership, association or corporation subject to taxation under the provisions of this act fails to file the annual statement or report hereinbefore required, the tax commissioner is authorized and directed to prepare and file such annual statement or report, and the cost of preparing and filing any such statement or report by the tax commissioner, as certified by him, shall be added to and become part of the annual tax, in addition to any penalties hereinbefore provided.

Commissioner to prepare statement.

Refusal to permit examination.

9. Any person, copartnership, association or corporation subject to taxation under the provisions of this act, or any copartner, officer, director, trustee or agent who shall refuse to permit the tax commissioner or any agent, assistant or representative designated by him to examine the books, records, papers, memoranda and files of such person, copartnership, association or corporation subject to taxation under the provisions of this act, or who does, or attempts to do anything whatever to avoid a full disclosure of the gross receipts from business in this State, or to avoid the payment of the whole or any part of the tax or penalties due, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one thousand dollars ($1,000.00).

Penalty.

Enforcement of act.

10. It shall be the duty of the tax commissioner to administer and enforce the provisions of this act, and he is hereby authorized and empowered to prescribe all blanks, forms and reports necessary to carry out the provisions hereof.

Information confidential.

11. Any information gained by the tax commissioner, or any agent, assistant, representative or employee from the reports, statements or verifications required to be made and filed hereunder, shall be confidential, and any person divulging such in-

Penalty for divulgence.

formation shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars ($500.00); *provided, however,* that this prohibition shall not extend to information required in prosecutions for making false statements or reports, or in any legal proceedings wherein the amount or validity of the tax hereby imposed is in question or to which the tax commissioner is a party, or for the audit of the accounts of the tax commissioner. Proviso.

12. On and after the date hereinbefore fixed, when said tax becomes delinquent the State Tax Commissioner may issue a certificate to the clerk of the Supreme Court, or to any county clerk, that any person, copartnership, association or corporation is indebted under this act in an amount named in such certificate, and thereupon the clerk to whom such certificate shall have been issued shall forthwith enter upon his record of docketed judgments the name of such person, copartnership, association or corporation, the amount of the debt so certified and the date of making such entries, and the making of the entries shall have the same force and effect as the entry of a docketed judgment in the office of such clerk, and the tax commissioner shall have all of the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action at law upon contract. Procedure to collect delinquencies.

13. This act shall apply to taxes for the year one thousand nine hundred thirty-five and every year thereafter, and shall take effect immediately; *provided, however,* that in the calendar year one thousand nine hundred thirty-five it shall be a compliance with the provisions of this act if the duties, acts and obligations to be done and performed in accordance with the provisions of sections two (2), three (3), four (4) and six (6) of this act are so done and performed within three months after the adoption of this act. Application. Proviso.

Approved March 26, 1935.

CHAPTER 145

A SUPPLEMENT to an act entitled "An act for the taxation of the gross receipts of street railway, traction, gas and electric light, heat and power corporations, using or occupying public streets, highways, roads or other public places, in lieu of taxation of certain property of such corporations," approved April first, one thousand nine hundred and nineteen.

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

Unpaid taxes paid to State treasurer.

1. Any tax or portion thereof imposed by the act to which this is a supplement and which was payable during the calendar year one thousand nine hundred and thirty-three and/or the calendar year one thousand nine hundred and thirty-four, and which has not been paid by reason of litigation still pending in respect to the validity and correctness of the apportionment thereof, may be paid to the State Treasurer within thirty days after the passage of this act without any interest thereon, and shall be held by the State Treasurer for distribution by him to the several municipalities entitled thereto after the final determination of such pending litigation. Such payment shall fully discharge the corporation liable for such tax or portion thereof.

Retention.

Final distribution.

Appeal as to validity of tax.

2. Whenever there shall be any appeal to the State Board of Tax Appeals or other litigation involving the validity or correctness of any apportionment of the tax imposed by the act to which this is a supplement, the corporation liable for such tax, if such tax has not been paid prior to the filing of such appeal or the instigation of such other litigation to the several municipalities entitled thereto in accordance with an apportionment made

by the State Tax Commissioner, may within thirty days after filing such appeal or the commencement of such litigation pay the amount of such tax or any unpaid portion thereof without interest to the State Treasurer for distribution by him after the final determination of such appeal and/or litigation and in accordance with the judgment entered therein. Such payment to the State Treasurer shall be a full discharge of the liability of the corporation liable for such tax.

Payment to State treasurer.

Liability met.

3. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 146

AN ACT concerning physicians' liens and providing a method for their enforcement.

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

1. Every licensed physician in this State (hereinafter referred to as a physician) shall have a lien for the reasonable charge for his or her services rendered in the treatment of any person who shall have sustained personal injuries in any accident as a result of the negligence or alleged negligence of any other person or persons, firm or firms, corporation or corporations, which charge shall be based upon the usual fees and charges prevailing in the same community for similar services, and such lien 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 or persons, firm or firms, corporation or

Physicians' lien.

corporations for damages on account of such injuries, up to the date of payment of such damages; and irrespective of the amount of such reasonable charges, all the said liens for services rendered to any one person as the result of any one accident shall not exceed twenty-five per centum (25%) of the amount of an award, verdict, report, decision, decree, judgment or settlement; *provided,* a notice in writing containing the name and address of the injured persons, the date of the accident and location of the accident and the name of the physician, and, if ascertainable by reasonable diligence, the name of the person or persons, firm or firms, corporation or corporations, alleged to be liable for damages for the injuries 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 monies to such injured person or his legal representatives as damages for such injuries, but in no event later than ninety days after said accident.

Limiting amount of lien.

Proviso, notice.

Notice filed.

Person liable notified.

2. Within ten days after the filing of such notice the physician shall send by registered mail a copy of such notice with a statement of the date of the filing thereof to the injured person and to the person or persons, firm or firms, corporation or corporations, alleged to be liable for damages for the injuries sustained by such injured person, if such name and address can be ascertained by reasonable diligence; and upon failure to send copies of the notices required by this section said lien shall be void.

Enforcement of lien.

3. After the filing of said notice of lien and the sending of the copies of the notices as hereinbefore provided, no release of any judgment, claim or demand by such injured person shall be valid or effectual as against such lien, and the person or persons, firm or firms, corporation or corporations making any payment to such injured person or his legal representative, as damages for the injuries sustained, shall, for a period of one year from the date of such payment, remain liable to such physi-

cian for the amount of said lien, and any such physician within such period may enforce his lien by a suit at law against such person or persons, firm or firms, corporation or corporations, making any such payment. In such a suit the defendant may contest the reasonableness of the charges made by the physician. Contesting lien.

4. Every county clerk shall, at the expense of the county, provide a suitable, well-bound book, to be called the physicians' lien docket, in which, upon the filing of any lien claim under the provisions of this act, he shall enter: Record kept of liens.

The name of the injured person, the date of the accident, the name of the physician making the claim, and, if stated in the lien claim, the name of the party or parties alleged to be responsible for said injuries.

And the said clerk shall make a proper index of the same in the name of the injured person; and such clerk shall be entitled to twenty-five cents ($.25) for filing each notice of lien and twenty-five cents ($.25) for each search in his said office, said fee to include cost of search and certificate thereof. Index. Fee.

5. To discharge any lien filed under the provisions of this act the physician to whom said lien has been duly paid shall file in the office of the county clerk where said notice of lien has been filed, a duly acknowledged certificate to the effect that the lien filed by such physician has been duly paid or released and authorizing the clerk of the county in whose office said notice of physicians' lien has been filed to discharge the lien; and thereupon such clerk shall enter upon the margin of the physicians' lien docket in which the said physician's lien has been entered, a memorandum of such filing and the date when such certificate of payment or release was filed in his office; which certificate and entry shall constitute a discharge of the lien, for which the clerk shall receive the sum of ten cents ($.10). Discharge of lien. Fee.

6. The provisions of this act shall not apply to any accident or injuries coming within the scope of any workmen's compensation act. Act not to apply.

Itemized statement upon request.

7. Any person or persons, firm or firms, corporation or corporations alleged to be legally liable, or against whom a claim or lien shall be asserted, or their duly authorized representatives shall upon request be furnished by any such physician within ten days of the receipt of such request with a statement of the injuries sustained by the injured person and an itemized statement of the charges and services rendered to date; and upon failure of the physician to comply with the provisions of this section, said lien shall be void.

Lien void.

Part of settlement withheld.

8. The person, firm or corporation making payment in settlement or satisfaction of any claim, cause of action or judgment, shall withhold twenty-five per centum (25%) of the amount thereof to satisfy any and all physicians' liens, perfected under this act, unless the said liens aggregate less than twenty-five per centum (25%), in which event there shall be withheld an amount sufficient to satisfy such liens.

Amount deposited with clerk of court.

In the event that said twenty-five per centum (25%) or said lesser amount sufficient to satisfy any and all physicians' liens is withheld, as herein provided, by any person, firm or corporation making payment in settlement or satisfaction of any judgment, such person, firm or corporation shall immediately deposit the amount so withheld with the clerk of the court wherein said judgment shall have been rendered or docketed. Said clerk shall pay over said amount, when the amount of said liens has been determined and due proof thereof has been filed with him, to the physician or physicians entitled thereto, and, after satisfaction of said liens, shall pay over the surplus, if any, to the person or persons who have obtained said judgment.

Payment.

Satisfaction of judgment.

Upon the deposit with said clerk of said twenty-five per centum (25%) or said lesser amount sufficient to satisfy any and all physicians' liens, and upon the payment to the party who has obtained such judgment, or his attorney, of the balance of said judgment, it shall be the duty of the said person or persons who have obtained said judgment

and so receiving payment to sign, seal and deliver to the party making said payment, a warrant or authority, reciting that the balance of said judgment after deduction of the amount so withheld has been paid and satisfied, directed to the clerk of the court wherein such judgment shall have been rendered or docketed to enter full satisfaction of said judgment. Upon the delivery of said warrant or authority to said clerk, it shall be his duty to forthwith enter full satisfaction on the record of said judgment.

Cancellation of judgment.

In the event that said twenty-five per centum (25%) or said lesser amount sufficient to satisfy any and all physicians' liens is withheld, as herein provided, by any person, firm or corporation making payment in settlement or satisfaction of any claim or cause of action upon which a judgment has not been obtained or entered, it shall be the duty of such person withholding such twenty-five per centum (25%) to satisfy all physicians' liens filed, when the amount of said liens is determined, out of the same, and upon satisfaction of such liens to pay the surplus, if any, to the injured person or persons.

Surplus paid to injured person.

9. This act shall take effect immediately.

Approved March 26, 1935.

CHAPTER 147

AN ACT to amend an act entitled "An act to regulate fishing by steam and other vessels with shirred or purse seines in the waters of the State of New Jersey, and to require a license for such fishing," approved March twenty-sixth, one thousand eight hundred and ninety-six, approved March sixth, one thousand nine hundred and twenty-four.

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

Section 3 amended.

1. Section three of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows:

Schedule of license fees to take menhaden.

3. Upon the receipt of such application the Board of Fish and Game Commissioners upon the payment to the said board the sum of one hundred dollars for each steam vessel or oil-burning vessel of not more than fifty tons net tonnage, five hundred dollars for each steam vessel or oil-burning vessel of over fifty tons and not more than one hundred tons net tonnage, and seven hundred and fifty dollars for each steam vessel or oil-burning vessel of over one hundred tons net tonnage, said net tonnage to be determined by custom house measurements; and twenty-five dollars for each sailing vessel with tenders to be so employed in the taking of menhaden by means of such purse or shirred nets, and twenty-five dollars for each vessel other than oil-burning, steam or sailing vessels to be employed in taking menhaden as aforesaid as a license fee, may, in their discretion, issue to such person or persons, corporation or corporations, a license to take menhaden with purse or shirred nets; *and provided, further,* that the Board of Fish and Game Commissioners, upon the payment to the said board

Proviso.

of the sum of ten dollars for each vessel of not more than ten tons net tonnage, may issue a license for the taking of menhaden, such menhaden to be used for bait purposes only, duly signed by the secretary of said Board of Fish and Game Commissioners, which said license shall be void after December thirty-first next succeeding its issuance.

2. This act shall take effect immediately.

Approved April 3, 1935.

CHAPTER 148

AN ACT authorizing the governing body of any municipality in this State to convey land to any county park commission located within the county wherein such land is situate.

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

May convey property to park commission.

1. Whenever any municipality in this State shall have heretofore purchased or otherwise acquired land for park use, or for other public use or uses, and said land, in the opinion of the governing body of such municipality, is no longer required for the public use of such municipality, it shall be lawful for such governing body, by ordinance, to authorize and direct its proper officers to grant and convey by deed, under the corporate seal of such municipality, said land or any part thereof with an absolute and unrestricted title thereto, and for a nominal consideration, to any county park commission established by law within the county wherein said land is situate; *provided, however,* such county park commission shall consent to such grant and conveyance, which consent such county park commission is hereby authorized to give.

Proviso.

Approved April 3, 1935.

CHAPTER 149

A SUPPLEMENT to an act entitled "An act concerning disorderly persons" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Canvassing at time of death.

1. Any person or persons who shall, for pecuniary gain, solicit any person or persons 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 deemed and adjudged to be a disorderly person, pursuant to the provisions of the act to which this is a supplement, and shall be punished pursuant to the provisions of the act to which the within act is a supplement.

Appeals.

2. An appeal from a conviction under this act shall not act as a stay of the execution of the judgment or the sentence of the magistrate imposed under the act to which this act is a supplement, unless the magistrate, or a Supreme Court justice, shall certify that there is reasonable ground to believe that the conviction is erroneous, in which case and in no other shall an appeal act as a stay of the execution of the sentence aforesaid.

3. This act shall take effect immediately.

Approved April 3, 1935.

CHAPTER 150

AN ACT to amend and supplement an act entitled "An act relating to, regulating and providing for the government of municipalities, except counties, by a municipal council and a municipal manager," approved March nineteenth, one thousand nine hundred and twenty-three.

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

1. Article V, paragraph five hundred and three, of the act to which this act is an amendment, be and the same is hereby amended so as to read as follows: Art. 5, par. 503, amended.

503. Upon the adoption of this act and upon the organization of the municipal council elected under this act, the governing body or bodies and all other executive and legislative bodies shall be ipso facto abolished; and the term of all councilmen or aldermen, or commissioners or trustees and all other elective officers shall immediately cease and determine; and the term of all appointive officials and subordinates shall cease and determine at the end of four weeks after the organization of the municipal council, but the municipal council shall have power by resolution to terminate the employment of any such persons at any time during said four weeks' period; *provided, however,* the term of such officials and subordinates shall continue until their successors are appointed and qualify; *and provided, further,* that nothing herein contained shall be construed to terminate the term of office of any member of the board of education, trustees of free public library or of any policeman, fireman or other employee of any police or fire department, veteran of any war, or other official or employee now protected by any tenure of office act. If an act entitled "An act regulating the employment, tenure and

Terms of elective officers to cease.

Appointive officials terms cease.

Proviso.

Proviso.

Tenure of office of certain employees.

discharge of certain officers and employees of this State and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and the acts supplementary thereof and amendatory thereto has been or shall be adopted by such municipality, then, and in that event, nothing in this act contained shall affect the tenure of office of any person holding any position or office coming within the provisions of said act as it applies to said certain officers and employees.

Repealer. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall take effect immediately.

Approved April 8, 1935.

CHAPTER 151

A SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Preamble. 1. (a) There is assured to the people of this State under the Constitution of the United States of America freedom of conscience in the matter of religious worship, and also equality in the protection of life, liberty and property, for the establishment of justice, insuring of domestic tranquility, promotion of the general welfare and securing of the blessings of liberty; and

Preamble. (b) Under the Constitution of the State of New Jersey, civil and religious liberty are guaranteed to the people of this State, and the people thereof are declared to have certain natural and inalienable

rights amongst which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, pursuing and obtaining safety and happiness, and enjoying freedom of conscience in the matter of religious worship; and

(c) The dissemination, circulation or publication of propaganda or statements creating or tending to create hatred, violence or hostility against people of this State by reason of their race, color, religion or manner of worship, has created or tends to create violations of said constitutional assurances and guarantees, and disturbance of domestic tranquility and peace of the people of this State, and is provocative of violence causing injury to persons and property. Preamble.

2. 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; Printing, etc., certain propaganda:

(a) Any book, speech, article, statement, circular or pamphlet which in any way, in any part thereof, incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion or manner of worship; or By printed matter;

(b) Any constitution, by-laws, rules, regulation or record of any proceedings of any organization, association, corporation, society, order, club, or meeting of three or more persons, which in any way incites, counsels, promotes or advocates hatred, violence or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion or manner of worship; or By records;

(c) Any picture, photograph, emblem, representation, sign or token which in any way incites, counsels, promotes, advocates, or symbolizes hatred, violence or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion or manner of worship, By picturing or sign.

Shall be guilty of a misdemeanor. Penalty.

Possession of certain propaganda:

3. Any person who shall have in his possession, for the purpose or with intent to utter, sell, give away, circulate, distribute or exhibit to the view of another, or any person who shall utter, sell, give away, circulate, send, transmit, distribute or exhibit to the view of another:

By print;

(a) Any book, speech, article, statement, circular, pamphlet or other written, printed or multigraphed matter, made or produced in any manner whatsoever, in any language, or by any means set out and made legible, which in any way, in any part thereof, incites, counsels, promotes or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion or manner of worship; or

By organization;

(b) Any constitution, by-laws, rules, regulations or records of any proceeding or purporting to be such, of any organization, association, corporation, society, order, club or meeting of three 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, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion or manner of worship; or

By picture or sign.

(c) Any picture, photograph, emblem, representation, sign or token made or produced in any manner, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion or manner of worship,

Penalty.

Shall be guilty of a misdemeanor.

Exhibiting certain propaganda, a misdemeanor.

4. Any person who shall exhibit or display at any meeting of three or more persons or in any parade, public or private, or in any public place, any flag, banner, emblem, picture, photograph, representation, tableau, performance, sign or token, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State

by reason of race, color, religion or manner of worship, shall be guilty of a misdemeanor.

Utterances, etc., to incite violence, a misdemeanor.

5. Any person who shall, in the presence of two or more persons, in any language, make or utter any speech, statement or declaration, which in any way incites, counsels, promotes, or advocates hatred, abuse, violence or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion or manner of worship, shall be guilty of a misdemeanor.

Permitting use of, etc., building to promote violence a misdemeanor.

6. Any owner, lessee, manager, agent or other person who shall knowingly let or hire out, or permit the use of any building, structure, auditorium, hall or room, or any part thereof, whether licensed or not, to or for the use of any organization, association, society, order, club, group or meeting of three or more persons where it is purposed or intended to hold any meeting or assembly of three or more persons whereat any provision or provisions of the four preceding paragraphs hereof are to be violated, shall be guilty of a misdemeanor; and any person or persons who shall knowingly hire any such building, structure, auditorium, hall, or room, or any part thereof, for the purpose of using or permitting the same to be used by others for the purpose of violating any provision or provisions of the four preceding paragraphs hereof, shall be guilty of a misdemeanor.

Use of wireless to promote violence, etc., a misdemeanor.

7. Any person who shall from any station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, located within this State, broadcast or make audible to others, within this State, through any radio receiving set, device or equipment of any nature or kind, located within this State, in any language, any speech, declaration, statement or pronouncement which in any way incites, counsels, promotes or advocates hatred, violence or hostility against any group or groups of persons residing or being within this State, by reason of race, color, religion or manner of worship of such group or groups, shall be guilty of a misdemeanor; and the owner of any such

Permitting use a misdemeanor.

station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, for the transmission of sound, who shall knowingly permit the same or any part thereof to be used for such purpose, shall be guilty of a misdemeanor.

Penalty.

8. Any person, firm, corporation or association violating any provision of this act, shall be punishable by a fine of not more than five thousand dollars ($5,000.00) nor less than two hundred dollars ($200.00), or by the imprisonment not exceeding three years, nor less than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Validity of act.

9. Should any provision or portion of this act for any reason be declared invalid, such declaration shall not affect the balance of the act.

10. This act shall take effect immediately.

Approved April 8, 1935.

CHAPTER 152

AN ACT authorizing and empowering the Quartermaster-General in behalf of the State to accept Federal grants for construction, alteration and renovation of National Guard and Naval Militia armories.

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

May apply for Federal grant.

1. The Quartermaster-General for and on behalf of the State of New Jersey is authorized to file application with the Federal Government for a grant of moneys in an amount not exceeding eight hundred thousand dollars ($800,000.00) for the construction of such new armories, and additions and alterations to existing armories, as may be required for the existing National Guard and Naval Militia, or proposed increases therein.

2. The Quartermaster-General shall be authorized upon receipt of a grant or grants for this purpose to utilize existing sites for such new buildings and additions to existing buildings; and shall be authorized to employ appropriations then on hand and not otherwise obligated for the engineering and architectural services, supervision and administration necessary in the construction of such new buildings and additions and alterations of existing buildings. Use of grant.

3. This act shall take effect immediately.

Approved April 10, 1935.

CHAPTER 153

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to authorize two or more municipalities in this State by means of a commission to acquire, either by purchase or condemnation, and operate privately owned water works now or hereafter supplying water therein, and in other municipalities, if any, in which water is supplied by the same water works, together with the franchises, rights, and any or all other appurtenant property of the owner or owners, of such works, and to enlarge and extend the same,' passed March twenty-third, one thousand nine hundred and twenty-three," approved April twenty-seventh, one thousand nine hundred and thirty-one.

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

1. Section one of the act of which this act is an amendment is hereby amended to read as follows: Section 1 amended.

1. The commission or its successors created pursuant to the act to which this act is a supplement to Acquiring additional water rights.

maintain, operate and extend the water works acquired pursuant to said act, in addition to the powers now vested in it by laws, shall have the power to acquire by condemnation, purchase, lease or agreement any property, or any interest therein, or any right to divert water therefrom, or any additional source of water supply, which may be necessary or convenient for the operation, maintenance or enlargement of the water works purchased pursuant to the act to which this act is a supplement, or to prevent or settle litigation growing out of diversion of water by said commission, and to utilize the same in connection with said water works. The said commission shall have the power to acquire by agreement with any municipality represented by it, or any other municipality, the ownership of or the right to use any water supply, or part thereof or interest therein, or any distribution system of water mains and connections, or any part thereof, which any such municipality may own or control, and to utilize the same in connection with the water works condemned under the act to which this act is a supplement. Such agreement may contain such provisions as to payment for the property acquired as may be agreed upon between the commission and the municipality for which said property is acquired. If any such agreement contains or shall contain provisions as to payment by the commission to the municipality of sums of money not exceeding the principal of and interest accrued on amounts theretofore raised by taxation in the municipality and applied to the payment either of the cost of acquiring or constructing the property acquired or of the principal of or interest on bonds, notes, or other debt incurred to finance such cost, such municipality shall have power to incur indebtedness, to borrow money, and to issue its negotiable bonds in amount sufficient to realize an amount equal to any unpaid portion of such sums of money. Said bonds shall be deemed to be issued and shall recite that they are issued for the purpose of financing the acquisition or construction

Acquiring municipal water plant.

Agreement.

May issue bonds.

Form of bonds.

by the municipality of the property acquired, and shall be authorized and issued in the method or mode of procedure prescribed by the local bond act, approved March twentieth, one thousand nine hundred and thirty-five, constituting chapter seventy-seven of the pamphlet laws of one thousand nine hundred and thirty-five, and any acts amendatory thereof and supplemental thereto; *provided, however,* that said bonds shall not be sold except with the consent of the commission and with its approval of the maturities of and rate of interest payable on said bonds. Such consent and approval may be given by resolution and shall be and constitute a formal assumption by the commission of said bonds, and the interest thereon. The amount realized from the sale of said bonds, up to an amount not exceeding the unpaid portion of such sums of money, shall be retained by the municipality in satisfaction and payment of a like amount of such unpaid portion, and shall be applied only to such purpose or purposes as may be financed under any other law by the issuance of bonds, other than funding or refunding bonds, or shall be paid into the sinking fund. The balance thereof, if any, after deducting therefrom the cost of issuance of such bonds shall be paid over to the commission. For all the purposes of section five of the act to which this act is a supplement, as heretofore or hereafter amended, said bonds so issued shall be deemed to be and shall constitute debt incurred by a municipality represented by said commission, or its successors, and formally assumed by said commission, or its successors, as part of an agreement with such municipality relative to the acquisition by the said commission or its successors, of the ownership of, or the management and control of, or the right to use any water supply, or part thereof, or interest therein, or any distribution system of water mains and connections, or any part thereof, which such municipality may own or control.

Proviso.

Use of amount realized.

Balance.

Bonds a municipal debt.

2. This act shall take effect immediately.

Approved April 11, 1935.

CHAPTER 154

AN ACT to amend an act entitled "An act creating a Department of Municipal Accounts and the office of Commissioner of Municipal Accounts, and defining his duties and powers," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

Section 3-a added.

1. An act entitled "An act creating a Department of Municipal Accounts and the office of Commissioner of Municipal Accounts, and defining his duties and powers," approved March twenty-seventh, one thousand nine hundred and seventeen, be and the same hereby is amended by inserting after section three thereof a new section to be numbered and to read as follows:

Orders by commissioner.

3a. Whenever a municipal finance commission shall be functioning in any municipality pursuant to the provisions of any other law, the Commissioner of Municipal Accounts may issue no order with respect to the budget or the tax ordinance or tax levy of such municipality pursuant to the provisions of subdivision (d) of section three hereof except upon the direction of such municipal finance commission.

2. This act shall take effect immediately.

Approved April 11, 1935.

CHAPTER 155

AN ACT prescribing the oath or affirmation to be taken and subscribed to by professors, instructors and teachers in the public schools, colleges and universities of this State.

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

Oath of teachers.

1. Every person, whose application is pending at the time of the passage of this act, or who hereafter applies for a license, or any renewal thereof, to teach or supervise in any of the public schools of this State shall subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of the position of (insert name of position) according to the best of my ability." Such oath or affirmation shall be executed in duplicate and one copy thereof shall be filed with the county superintendent and by him transmitted to the State Commissioner of Education and the other copy thereof shall be retained by the person subscribing to such oath or affirmation to be by him or her delivered to the board or body, person or persons, employing him or her within the State of New Jersey. No certificate shall be issued unless such oath or affirmation shall have been filed. The oath may be subscribed before any officer authorized by law to administer oaths and any county superintendent, president, secretary or district clerk of a board of education of this State is hereby authorized to administer the oath under this act.

Copy filed.

Certificate not issued.

Who may administer oath.

Oath filed in 60 days.

All persons now holding licenses and now employed shall take the prescribed oath within sixty days after this act shall become effective. All other

persons now holding certificates shall upon beginning employment execute and file the oath.

Teachers in schools supported by public funds to take oath.

2. Every professor, instructor, or teacher who shall be employed after the passage of this act by any college, university, normal school, or other school in this State which is supported in whole or in part by public funds, shall, before entering upon the discharge of his or her duties, subscribe to the oath or affirmation prescribed in section one of this act, before an officer authorized by law to administer oaths, and a copy of such oath or affirmation shall be filed with the board or body, person or persons employing him or her within the State of New Jersey. Such oath shall be executed and filed by all persons now employed in such schools within sixty days after this act becomes effective.

Oath filed.

Oath of alien teachers.

3. Any person who is a citizen or subject of any country other than the United States, and who is employed, in any capacity, as a professor, instructor or teacher in any college, university, normal school, or other school in this State which is supported in whole or in part by public funds shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions of the United States during the period of his employment within the State.

4. This act shall take effect immediately.

Approved April 12, 1935.

CHAPTER 156

AN ACT to ratify, confirm, validate and make legal and effectual, certificates of tax sale issued by any municipality of this State, pursuant to the provisions of "An act concerning unpaid taxes, assessments and other municipal charges on real property, and providing for the collection thereof by the creation and enforcement of liens thereon" (Revision of 1918), approved March fourth, one thousand nine hundred and eighteen.

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

Validating certificates of tax sales.

1. Whenever a sale for unpaid taxes, assessments and other municipal charges on real property has heretofore been held in any municipality and the collector or other officer charged by law in such municipality to hold such sale has sold parcels of real property in such municipality to the said municipality pursuant to the act to which this act is a supplement, and the amendments thereto and supplements thereof, but has failed within time to execute to the said municipality certificates of tax sale for such parcels of real property, and the said certificates of tax sale have thereafter been executed by the officer holding such sale, or his successor in office, within four months after assuming office, such certificates of tax sale shall be valid and effectual in all respects; *provided, however,* that nothing herein contained shall affect the rights of any innocent purchaser for value who may have acquired an interest in the property described in any such certificate.

Proviso.

2. This act shall take effect immediately.

Approved April 15, 1935.

CHAPTER 157

AN ACT to amend an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act for the appointment of commissioners for the better protection of the fishing interests of the State of New Jersey," approved March seventeenth, one thousand eight hundred and seventy,' which supplement was approved May fifteenth, one thousand eight hundred and ninety-four," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Section 2 amended.

1. Section two of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

Powers and duties of commission.

2. That the duties of the said board shall be the protection and propagation of fish, birds and game animals and the enforcement of the laws relating thereto, and for the propagation and distribution of food fish and to keep up the supply thereof in the various waters of the State; said board to have the right to close streams or parts of streams for forty-eight hours immediately following the stocking of same by the board, and may revoke the license of any person who shall violate the regulation so prescribed; and said board to have the right to permit persons, when duly authorized by the board, to carry firearms in the woods and fields at any time when necessary for the conservation of wild life; and said board shall have the conduct and control of such hatching stations as are now owned and operated by the State, and such as may hereafter be established, and shall have power to investigate any and all complaints made to the said board, and shall at all times have the right and power to in-

spect any dam, weir, fishbasket, net or other illegal apparatus for taking fish, and forthwith to remove the same, and shall have power on view or information, to enforce the laws for the protection and propagation of fish, birds and game animals within this State, by arrest and prosecution of the offender or offenders, without warrant or complaint, and shall make a full report to the Legislature annually, at the meeting thereof for the year ending on the thirtieth day of June preceding, of all their official operations, with such suggestions and recommendations as they shall deem useful.

Annual report.

2. This act shall take effect immediately.

Approved April 15, 1935.

CHAPTER 158

AN ACT to amend an act entitled "A further supplement to 'An act for the appointment of commissioners for the better protection of the fishing interests of the State of New Jersey,' approved March seventeenth, one thousand eight hundred and seventy," approved April twenty-sixth, one thousand nine hundred and thirty-two.

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

1. Section one of the act to which this act is an amendment is and the same shall be amended as follows:

Section 1 amended.

1. From and after the passage of this act it shall be lawful for the Board of Fish and Game Commissioners to stock with fish, birds and game only such lands and waters of the State that are open to all regularly licensed anglers and hunters holding a hunting and fishing license issued by the Board of Fish and Game Commissioners, or that are specifi-

Stocking with fish and game, etc., restricted.

cally designated as public sanctuaries closed to all fishing and/or hunting; *provided, however,* that the board may stock with fish any body of water in the State that is under the control of and for the use of such organizations known as the Boy Scouts, Young Men's Christian Association, Young Women's Christian Association, or other similar public organizations, but only during the time such camps are in operation.

Proviso.

2. This act shall take effect immediately.

Approved April 15, 1935.

CHAPTER 159

AN ACT to amend an act entitled "An act concerning counties," approved March fourth, one thousand nine hundred and eighteen.

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

Section 505 amended.

1. Section five hundred and five of an act entitled "An act concerning counties," approved March fourth, one thousand nine hundred and eighteen, as amended by section one of an act entitled "An act to amend an act entitled 'An act concerning counties,' approved April ninth, one thousand nine hundred and twenty-one," and known as chapter two hundred and seventy-four, Pamphlet Laws one thousand nine hundred and twenty-one, be and the same is hereby amended to read as follows:

Certified check with bid.

505. Any officer, board, commission, committee or department, or other branch of any county government, may require from any person bidding on any public contract work, advertised in accordance with this act, that such bid be accompanied by a certified check, payable to the county treasurer, or cash, in a sum equal to at least ten per centum of the bid; *provided,* the same shall in no case exceed

Proviso.

twenty thousand dollars; as a guarantee that if said work is awarded to him he will enter into a contract with said board for the same; *provided, further,* that it shall be the duty of the board of chosen freeholders to make the award of the contract or contracts, or to reject the same, within the period of one month from the date the bids are received, and that all proposal checks which may be delivered with any bid or bids, except the two lowest responsible bids, shall be returned within three days thereafter. Proviso.

2. This act shall take effect immediately.

Approved April 15, 1935.

CHAPTER 160

AN ACT concerning boundary and jurisdiction in Delaware river between this State and the State of Delaware.

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

1. The Governor be and he hereby is authorized, empowered and directed to appoint three commissioners on the part of this State (and to fill vacancies that may occur), to meet commissioners if and when appointed by the competent authority of the State of Delaware; and the commissioners so appointed on behalf of this State, or a majority of them, shall have full power and authority to make and conclude an agreement between the said States of New Jersey and Delaware, respecting taxation, civil and criminal jurisdiction, and any other questions relating to boundary and jurisdiction of this State and of the State of Delaware in Delaware river. Said commissioners shall report at the present or some subsequent session of the Legislature, and at the same time submit a draft of such legis- Appointment of commissioners. Purpose. Report.

lation, if any, as may be necessary to carry such report into effect.

Agreement to be ratified.

2. Any agreement so made by the commissioners shall not be binding on the State of New Jersey until ratified and confirmed by the Legislatures of the States of New Jersey and Delaware respectively, and consented to by Congress.

Appropriation.

3. There is hereby appropriated out of any moneys in the treasury of the State not otherwise appropriated, the sum of one thousand dollars ($1,000.00) to defray the necessary expenses of the commissioners while engaged in this mission, and to make such reasonable compensation to the commissioners for their services as shall be ascertained and allowed by the Governor. Said appropriation shall be immediately available upon the approval of this act, and shall continue in force until said commissioners have been discharged by the Legislature. Said expenses shall be paid by the State Treasurer from time to time on vouchers signed and submitted by the commissioners, and said compensation for the services of the commissioners shall be paid by the State Treasurer on vouchers signed and submitted by the Governor.

Payment of expenses and compensation.

Transmit copy to Governor of Delaware.

4. That the Governor of this State shall transmit to the Governor of the State of Delaware a copy of this act, and request him to communicate it to the Legislature of that State.

5. This act shall take effect immediately.

Approved April 15, 1935.

CHAPTER 161

AN ACT to amend an act entitled "A further supplement to an act entitled "An act to define the duties and fix the salary of the Attorney-General,' approved February twenty-fourth, one thousand eight hundred and fifty-four," which said supplement was approved April twentieth, one thousand nine hundred and eleven, approved January thirtieth, one thousand nine hundred and twenty-two.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows:

Additional duties in criminal matters.

1. In addition to his other duties, it shall be the duty of the Attorney-General, whenever a justice of the Supreme Court shall so request, to attend personally, or by such assistant or assistants as he shall designate, in any county of the State, for prosecuting the criminal business of the State therein, or such part thereof as such justice shall designate, including the investigation of alleged crimes and misdemeanors, the attendance before the criminal courts and grand juries of the county, the preparation of indictments and the trial of indictments for crimes and misdemeanors, and upon the like request to represent the State in proceedings on error in criminal cases in the Supreme Court and Court of Errors and Appeals.

2. This act shall take effect immediately.

Approved April 15, 1935.

CHAPTER 162

AN ACT to amend an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Section 9 amended.

1. Section nine of the act of which this act is amendatory be and the same is hereby amended to read as follows:

No connection with public utilities or government.

9. No member or employee of said board shall have any official or professional relation or connection with, or hold any stock or securities in, any public utility as herein defined, operating within the State of New Jersey, or hold any other office of profit or trust under the government of this State or of the United States; *provided, however,* that the inhibition herein contained shall not apply to any one holding any municipal office under the Government of this State, or the office of commissioner appointed by the Chancellor under the provisions of an act entitled "An act to provide for the revision and consolidation of the public statutes of this State," approved March twelfth, one thousand nine hundred and twenty-five.

Proviso.

2. This act shall take effect immediately.

Approved April 15, 1935.

CHAPTER 163

AN ACT to extend the time for computing the average rate of taxation of this State for the year one thousand nine hundred and thirty-five.

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

Time for computing average tax extended.

1. The time of the State Tax Commissioner to compute the average rate of taxation of this State, under the provisions of chapter eighty-two of the laws of one thousand nine hundred and six, and to certify valuations and taxes on the railroad property to the State Comptroller, pursuant to the provisions of chapter four of the laws of one thousand nine hundred and twenty-two, and to perform any other acts based upon said average rate of taxation for the year one thousand nine hundred and thirty-five, is hereby extended to June thirtieth, one thousand nine hundred and thirty-five, and the time for appeals therefrom, and other acts relating thereto, shall be likewise extended fourteen days thereafter.

Time for appeals extended.

2. This act shall take effect immediately.

Approved April 16, 1935.

CHAPTER 164

AN ACT making appropriation for the payment of compensation to the widow and minor children of John C. Calhoun, a former member of the National Guard, who lost his life in the line of ordered duty in the active service of the State.

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

Appropriation.

1. There is hereby appropriated the sum of thirteen thousand dollars ($13,000.00), or so much thereof as may be necessary, to pay compensation to the widow and minor children of John C. Calhoun, a former member of the National Guard, who lost his life in the line of ordered duty in the active service of the State.

Not to lapse.

2. The appropriation hereby made shall not lapse by the expiration of any fiscal year of the State or by any language which might be employed in any appropriation act apparently inconsistent herewith, but the appropriation hereby made shall remain in force so long as compensation shall be due to said widow and minor children. The money hereby appropriated shall be made available for payment of compensation from the date of the death of the said John C. Calhoun up to the time this act shall take effect and from thenceforth until such time as full compensation shall have been made.

Appropriation available.

Payment.

3. The moneys hereby appropriated shall be expended only upon order of the Quartermaster-General.

4. This act shall take effect immediately.

Approved April 16, 1935.

CHAPTER 165

AN ACT relating to the adjustment and liquidation of the claims of the States of New York and New Jersey arising by reason of advances made to The Port of New York Authority in connection with the George Washington bridge.

Preamble. WHEREAS, Pursuant to chapter six of the laws of New Jersey of one thousand nine hundred and twenty-six, the State of New Jersey made an appropriation and did make available to The Port of New York Authority (hereinafter called the Authority) funds in aid of the construction of the George Washington bridge; and

Preamble. WHEREAS, Pursuant to chapter seven hundred and sixty-one of the laws of New York of one thousand nine hundred and twenty-six, the State of New York made appropriations and did make available to the Authority funds in aid of the construction of the said George Washington bridge; and

Preamble. WHEREAS, The obligation of the Authority to repay to each of the two States the sums so appropriated and made available is subordinate to the obligations of the Authority to repay out of the tolls and other revenues of such bridge the moneys borrowed for the construction thereof upon its own credit or borrowed for the purpose of refunding such obligations; and

Preamble. WHEREAS, The Authority is now proceeding with plans for refunding its present outstanding bonds for moneys so borrowed upon its own credit; and

Preamble. WHEREAS, Upon the basis of present estimates of prospective traffic and earnings the obligation of the Authority to the two States to repay the aforesaid moneys appropriated and made available will not accrue and become due, even under the Authority's refunding plan, until after the year one thousand nine hundred and fifty-three nor be completely amortized for at least fifty (50) years thereafter; and

Preamble. WHEREAS, It is desired to make provision by law whereby the Authority may be authorized, with the consent of both States, to adjust and liquidate the claims of each State on the basis of a fixed amount, representing the present worth of such obligations, which shall be in lieu of all obligations under said statutes to the States respectively, and be accepted by each in full satisfaction and discharge of the claims of the State accepting such adjustment and liquidation and of any lien or claim of the State accepting such adjustment and liquidation upon the tolls and revenues of said bridge arising out of the aforesaid statutes; and

Preamble. WHEREAS, It is the intention hereof that each State shall be free to elect to accept such adjustment and liquidation without prejudice to the right of the other not to accept; and

Preamble. WHEREAS, Upon the basis of conservative estimates of prospective traffic and earnings the present worth of the obligations due to each State for moneys actually appropriated and made available is approximately a sum equal to five-ninths of the amount so appropriated and made available, payable March first, one thousand nine hundred and forty-one, with interest at the rate of three per centum (3%) per annum; and

Preamble.

WHEREAS, The Authority is willing to deliver to the State of New Jersey its bond or bonds in a principal amount equal to such five-ninths of the sums actually appropriated by the State of New Jersey in aid of the construction of said bridge, payable March first, one thousand nine hundred and forty-one, bearing interest at the rate of three per centum (3%) per annum, upon condition that the State of New Jersey accept the said bond or bonds in lieu of all other claims and liens of the State against the Authority and upon the tolls and revenues of said bridge arising out of the aforesaid statutes; now, therefore,

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

Consent to adjustment of debt, etc.

1. The State of New Jersey hereby consents to the State of New York making separate adjustment and liquidation of any claim, lien, debt or other obligation arising under said statutes in favor of the State of New York by reason of appropriations made and moneys made available by said State to the Authority for the construction of said bridge, upon condition, however, that similar consent be given by the State of New York to similar privilege on the part of the State of New Jersey to the making of separate adjustment and liquidation of such claim, lien, debt or other obligations arising under said statutes in favor of the State of New Jersey, and upon further condition that such adjustment and liquidation of the claim or claims of the State of New York be made by the delivery by the Authority, to the State of New York, of the Authority's bond or bonds in a principal amount not greater than five-ninths of the sums actually appropriated and made available in cash to the Authority by the State of New York, which bond or bonds shall be payable not earlier than March first, one thousand nine hundred and forty-one, and shall bear interest at the rate of not more than three per centum (3%) per annum.

Conditions:

Consent by State of New York;

Delivery of bonds.

Amount.

Bonds a direct obligation.

2. Any bonds issued to either State in adjustment and liquidation of such claims shall be direct and general obligations of the Authority, for which the full faith and credit of the Authority shall be pledged. Said bonds are hereby made and declared to be bonds in which State officers and savings banks in both the State of New Jersey and the State of New York are authorized to invest funds within their control; and the Authority is hereby authorized to pledge the moneys in its general reserve fund, established pursuant to chapter five of the laws of New Jersey of one thousand nine hundred and thirty-one, and chapter forty-eight of the laws of New York of one thousand nine hundred and thirty-one, as security for the payment of the interest upon said bond or bonds, and to apply the moneys therein to the payment of such interest, without prejudice, however, to its power to pledge the moneys in said general reserve fund as security for other bonds or obligations, and to apply the moneys therein to the fulfillment of undertakings assumed in connection with such other bonds or other obligations.

Security for payment of interest.

Authority released upon delivery of bonds.

3. Upon delivery by the Authority to the State of New Jersey of its bond or bonds in the principal amount equal to five-ninths of the amount actually appropriated and made available in cash to the Authority by the State of New Jersey, pursuant to said statutes, for the construction of the George Washington Bridge, payable March first, one thousand nine hundred and forty-one, and bearing interest at the rate of three per centum (3%) per annum, payable semiannually, and of the character hereinabove provided in section two of this act, the Authority shall be and be deemed to be released and discharged of and from all actions, causes of action, damages, claims and demands whatsoever of the State of New Jersey arising out of and under the aforesaid statutes, and any lien or claim of the State of New Jersey upon the tolls and revenues of said bridge arising out of or under the

aforesaid statutes shall be and be deemed to be void and without force or effect.

When act effective.

4. This act shall take effect upon the enactment into law by the State of New York of legislation having reciprocal effect with section one and identical effect with section two of this act, but if the State of New York has already enacted such legislation, this act shall take effect immediately.

Approved April 18, 1935.

CHAPTER 166

AN ACT to restrict public school bands and orchestras to school activities and functions of a patriotic nature.

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

Not to compete with civilian musicians.

1. It shall be unlawful for any music supervisor, music teacher or any person having charge of any band or orchestra connected with a public school of the State of New Jersey to permit such band or orchestra to play, perform or furnish music as a school band or orchestra at any function in competition with civilian musicians. Excepted herefrom are functions connected with such public school and functions which shall be of a patriotic nature.

Exceptions.

2. This act shall take effect immediately.

Approved April 20, 1935.

CHAPTER 167

A SUPPLEMENT to an act entitled "An act authorizing and empowering the Quartermaster-General in behalf of the State to accept Federal grants for construction, alteration and renovation of National Guard and Naval Militia armories," approved April ninth, one thousand nine hundred and thirty-five.

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

May apply for grant.

1. The Quartermaster-General for and on behalf of the State of New Jersey is authorized to file application with the Federal Government for a grant of monies in an amount of one million, two hundred and fifty thousand dollars ($1,250,000.00), which amount is in addition to the amount provided in the act to which this is a supplement, for the additional construction of such new armories, and additions and alterations to existing armories, as may be required for the existing National Guard and Naval Militia, or proposed increases therein.

May use existing sites.

2. The Quartermaster-General shall be authorized upon receipt of a grant or grants for this purpose to utilize existing sites for such new buildings and additions to existing buildings; and shall be authorized to employ appropriations when made for this specific purpose for the engineering and architectural services, supervision and administration necessary in the construction of such new buildings and additions and alterations of existing buildings.

3. This act shall take effect immediately.

Approved April 26, 1935.

CHAPTER 168

A FURTHER SUPPLEMENT to an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by the employee in the course of employment, establishing an elective schedule of compensation, and regulating the procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

Preamble. WHEREAS, The State Director of Emergency Relief, pursuant to authority vested in him by the emergency relief statutes of this State, has been compelled by economic conditions to abolish the system of "made work" as a method of unemployment relief by which the registered unemployed were paid wages, in money, for services performed upon State, county and municipal works and projects, and is now devoting the entire energies of his administration and the moneys appropriated thereto to the giving of dependency relief limited to food, fuel, shelter, medical attention, and other necessities of life; and

Preamble. WHEREAS, In an effort to maintain in some degree individual self-respect and the general morale of the people, and as a part of the plan of dependency relief, an endeavor is being made, wherever practical, to afford recipients of such relief the opportunity of rendering, voluntarily, some useful service to the State, county or municipality, as the case may be; and

Preamble. WHEREAS, It was neither contemplated nor intended by the workmen's compensation act to include as compensable employment such services as are now being performed in connection

with emergency dependency relief, and the potential financial liability of the various governmental units is seriously hindering undertakings contemplated by the plan, therefore, in order to clarify the present uncertainty with respect to liability under said workmen's compensation act,

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

Casual employment not compensable.

1. Employment provided by this State, or by any county or municipality, or by any board, commission, or agency thereof, pursuant to any plan of relief heretofore or hereafter authorized and approved by the State Director of Emergency Relief, is hereby declared to be casual employment, as the term "casual employment" is used and defined in the act to which this act is a further supplement and acts amendatory thereof and supplemental thereto; and no personal injury or death by accident arising out of and in the course of such employment shall be deemed or held to be compensable thereunder.

Act effective.

2. This act shall take effect immediately, but shall become inoperative on and after January thirty-first, one thousand nine hundred and thirty-six.

Approved April 26, 1935.

CHAPTER 169

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

Sec. 42, Art. XX amended.

1. Section forty-two of article XX of the above entitled act shall hereafter read as follows:

Appeal from assessment.

42. Any owner of any property assessed for benefits or awarded damages as incidental to the improvements as distinguished from damages for land to be taken under this act may, within thirty days after confirmation of such assessment or award, appeal from the same to the circuit court of the county wherein such municipality is located by serving written notice of such appeal within such thirty days upon the tax collector and a duplicate upon the clerk of the governing body. A copy of such notice, together with verification of the service thereof, shall be filed in the office of the clerk of said court within one week after service thereof, or such appeal shall be considered waived. Such notice shall state the address of the appellant where notice of further proceedings may be served upon him. The hearing of such appeal shall be brought on upon order of said court at a day and place to be fixed by it, but all such appeals from assessments or awards for incidental damages under the same improvement shall be heard by the court and determined at one time. Said court shall have power to prescribe rules to regulate the practice in the taking and conduct of such appeals, and on the hearing thereof said court shall determine whether or not the assessment for benefits or award for incidental damages appealed from upon or to any parcel of land or real estate is a just and fair assessment or award, and if not, shall make an order correcting the same, or if the assessment or award is sustained, shall so order. But the determination of the court in regard to all such appeals in the case of any one improvement shall be embodied in one and the same order, and shall direct that a certified copy of the same shall be served upon the tax collector and upon the clerk of the municipality. The tax collector shall, upon receiving such certified copy of such order, note in his books any corrections or changes made thereby and report the same to the chief financial officer of the municipality. After confirmation the governing body shall still have power, upon due

Copy of notice filed.

Hearing.

Determination of court.

Form of determination.

Report of collector.

Correction.

proof by affidavit of such error, to order by resolution the correction of any manifest error in any assessment for benefits from which no appeal has been taken, and upon the adoption of such resolution the tax collector shall note and report such correction in the same manner.

First class cities excepted.

2. This act shall not apply to cities of the first class in this State.

3. This act shall take effect immediately.

Approved April 26, 1935.

CHAPTER 170

AN ACT to amend an act entitled "An act relating to the funding or refunding of outstanding bonds or notes by municipalities," approved June eleventh, one thousand nine hundred and thirty-four, and constituting chapter two hundred and thirty-three of the pamphlet laws of one thousand nine hundred and thirty-four.

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

Section 1 amended.

1. Section one of the act entitled "An act relating to the funding or refunding of outstanding bonds or notes by municipalities," approved June eleventh, one thousand nine hundred and thirty-four, is hereby amended to read as follows:

Municipality empowered to issue refunding bonds.

1. Any city, borough, town, township, village or other municipality (hereinafter referred to as municipality") shall have power to issue its negotiable bonds (hereinafter referred to as "refunding bonds"), pursuant to and within the limitations prescribed by this act, for the purpose of funding or refunding the principal of and/or accrued interest on any notes or bonds issued by such municipality and outstanding at the time the ordinance authorizing the issuance of such refunding bonds as hereinafter provided shall take effect,

or any notes or bonds thereafter issued by such municipality for the purpose of renewing, funding or refunding such outstanding notes or bonds, but not including notes or bonds issued in anticipation of the collection of taxes levied for the fiscal year one thousand nine hundred and thirty-five, or subsequent fiscal years, or refunding bonds issued under this act or notes or bonds heretofore or hereafter issued under the act entitled "An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, town, township, village or any other municipality, other than a school district" (Revision of 1935), approved the twentieth day of March, one thousand nine hundred thirty-five, or the act entitled "An act concerning the issuance of bonds by municipalities to pay, fund or refund certain bonds or other indebtedness," approved April fourth, one thousand nine hundred and thirty-four, or the acts amendatory of or supplemental to said acts. Any municipality shall have power to issue such refunding bonds in an amount not exceeding one per centum (1%) of the face amount of all bonds issued by it pursuant to this act, for the purpose of paying the cost of issuing said bonds, including legal expenses and a reasonable compensation or commission to financial agents employed to effect such funding or refunding.

Amount of issue.

2. Section two of said act is hereby amended to read as follows:

Sec. 2 amended.

2. Since the purpose of this act is to provide for the extraordinary conditions due to the existing emergency, no bonds shall be issued pursuant to this act after the first day of January, one thousand nine hundred and thirty-seven.

Limiting time of issue.

3. Section four of said act is hereby amended to read as follows:

Sec. 4 amended.

4. Such bonds may be issued from time to time in such amounts as may be determined by the governing body of such municipality. Each issue of said bonds shall mature in annual installments or

Issuing details.

series, beginning not later than five years and ending not later than forty-five years after the date of the bonds of such issue. Such annual installments or series may be equal or unequal in amount. Said bonds shall bear interest at a rate which shall not exceed six per centum (6%) per annum, payable semi-annually. Said bonds shall be issued in such form and with such provisions as to time, place and medium of payment as said governing body may determine, subject to the limitations and restrictions contained in this act. Said bonds either shall be sold upon sealed proposals, or at public auction, after seven days' notice of such sale published once in a newspaper published in such municipality, or if no newspaper is published therein, in a newspaper published in the county in which such municipality is located and circulating in such municipality, and also once in a financial newspaper published in New York City or in the City of Philadelphia, or, in the discretion of such governing body, may be sold and delivered without previous public offering in exchange for the bonds or notes to be funded or refunded by the issuance thereof, whether or not such bonds or notes be then due and payable and irrespective of any higher or lower rate of interest borne by such bonds or notes. Such bonds may be sold and delivered at such price or prices, computed in the manner or mode of procedure prescribed by Montgomery Rollins' "Tables of Bond Values" (twenty-first edition, published by The Financial Publishing Company, Boston, Massachusetts), as will yield to the purchasers income at a rate not exceeding six per centum (6%) per annum to the maturity dates of the several bonds so sold and delivered on the money paid to the municipality therefor. If no legally acceptable bid is received for the bonds advertised to be sold at such public sale, said bonds or any of them may be sold without further advertisement at private sale and without further public offering within ninety days after the advertised date of such public offering. The issuance of said

Sale.

Computing selling price.

Private sale.

Ordinance authorizing issue.

bonds shall be authorized by ordinance, which need state only the principal amount of bonds to be authorized, the maximum rate of interest to be borne by the bonds, and the maturity dates of the bonds, and shall describe the outstanding notes or bonds to be funded or refunded in such manner as to identify them; and any other action required by this act to be taken by such governing body, including that of designating the officials to execute said bonds, preliminary to the issuance of such bonds, shall be taken by resolution adopted by the votes of not less than a majority of all the members of such governing body.

4. This act shall take effect immediately.

Approved April 27, 1935.

CHAPTER 171

AN ACT to amend an act entitled "An act providing for the retirement of policemen and firemen of the police and fire departments in municipalities of this State, including all police officers having supervision or regulation of traffic upon county roads, and providing a pension for such retired policemen and firemen and members of the police and fire departments, and the widows, children and sole dependent parents of deceased members of said departments," approved April fifteenth, one thousand nine hundred and twenty.

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

1. That section two of said act be amended to read as follows: Section 2 amended.

2. Any member of such police or fire department who shall have received permanent disability shall be retired upon a pension equal to one-half of his Retirement by disability.

Application. salary at the time of his retirement. A member of any such department desiring to retire because of disability shall make application to the pension

Medical examination. commission in writing; or the commission may cite any member of any such department before it to examine such member concerning his alleged disability and in either case the pension commission shall call to their assistance the aid of the surgeon or physician representing either the police or fire department, and the person making the application may likewise call to his aid a regularly licensed and practicing physician or surgeon. The president of the board of pension commissioners is authorized to administer oaths to said physicians or any other person called with respect to the matter before the commission shall determine, by resolution, whether said person is entitled to the benefits of this act. In case the two physicians called as hereinbefore provided fail to agree upon the physical condition of the applicant, then the pension commission may call a third disinterested, licensed and practicing physician and surgeon, and the determination of a majority of said three physicians, who being first duly sworn in the case, shall be reduced to writing and signed by them, and the pension commission shall consider the same in arriving at their decision.

Sec. 4 amended. 2. That section four of said act be amended to read as follows:

Sources of pension fund. 4. A fund shall be created in the following manner for the purpose of paying such pensions, to wit: There shall be deducted from every payment of salary to such member of the police and fire departments in such municipality four per centum

Proviso. of the amount thereof; *provided,* such member entered such service on or before the age of thirty-five years; if any member enter such service after the age of thirty-five years, then such percentage shall be increased to such an amount as shall be determined by the pension commission to correspond to the risk arising by the additional age of

Municipal contribution. the member. The municipality shall raise by taxa-

tion and pay into said fund yearly an amount equal to four per centum of the total salaries paid to the members of the police and fire departments. There shall also be added to such fund the following sum: All fines imposed upon any member of the police and fire departments; all moneys given or donated to such funds; all moneys deducted from the salary of any member of the police or fire department on account of absence or loss of time and one-half of all rewards paid for any purpose, and in addition thereto one-half of the two per centum tax paid to the State Tax Commissioner of the State of New Jersey, pursuant to the provisions of an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two, as last amended, from insurance companies of other states and foreign countries on premiums of insurance against automobile liability, automobile property damage, automobile collision and automobile fire and theft insurance risks in this State. The State Tax Commissioner shall distribute the funds so collected as follows: There shall first be deducted one per centum of said fund which shall be distributed pro rata among the several counties now or hereafter maintaining county police pension funds; payment being made to the county treasurer of such counties for the use of said funds. The balance of said fund remaining in the hands of the commissioner shall then be distributed among the several municipalities now or hereafter maintaining pension funds, pursuant to the provisions of the act of which this act is amendatory, in proportion to the membership of each of such funds on December thirty-first of the year preceding such distribution, as such membership bears to the total membership of all such funds on that date. Every such pension fund shall annually, on or before the first day of March, make report to the State Tax Commissioner, subscribed and sworn to by its president and secretary

Other sources.

Payment to counties.

Balance distributed among municipalities.

Annual report.

or treasurer, showing the membership of the said fund on December thirty-first of the preceding year. For the purposes of this act a widow or dependent children or parent of a deceased member drawing a pension at the time shall be considered as one member. Any such fund failing to make the aforesaid report to the State Tax Commissioner in any year shall forfeit its right to share in the distribution for that year and the State Tax Commissioner shall be relieved of any responsibility in such case. In case there shall not be sufficient money in said pension fund created as aforesaid, the board of chosen freeholders, the common council or other governing body, as the case may be, shall include in any tax levy a sum sufficient to meet the requirements of said fund for the time being.

Widows, etc., members.

Failure to report.

Deficiency met by taxation.

Sec. 5 amended.

3. That section five of said act be amended to read as follows:

Pension commission.

5. In all municipalities in which this act shall take effect there shall be established a pension commission of five members, consisting of the mayor or other chief executive of the municipality, the chief financial officer of the municipality, one policeman of the police department and one fireman of the fire department, which said policeman and fireman shall be nominated at a meeting or meetings held by the members of each department in November and elected by them at a meeting to be held about the middle of December of each year, at a date to be fixed by each body; the term of the members of said commission elected by the members of the police and fire departments shall be two years; the fifth member of said commission shall be a citizen who is not holding office under the municipality, and shall be selected by the other four members of the pension commission, and shall hold office for the term of one year; and the pension commission shall consist of five members as hereinbefore provided, in all municipalities where both lawfully established paid police and fire departments are in existence, the members of

Terms.

which are entitled to membership in the pension fund; *provided, however,* that in municipalities in which there is not in effect a fund for the retirement of pensioning of both policemen and firemen, but one or the other, there shall be established a pension commission of three members, consisting of the mayor or other chief executive of the municipality, a member of the department having a fund for the purposes named herein, who shall be nominated and elected in the same manner as provided in this section where the pension commission shall consist of five members, and who shall hold office for the term of two years, and a third member who shall be a citizen, not holding office under the municipality and who shall be selected by the other two members of the pension commission, and shall hold office for the term of one year; *provided, further,* that for such police officers having supervision or regulation of traffic upon county roads, there shall be established a pension commission of three members consisting of the director of the board of chosen freeholders of the county, a member of such police force, who shall be nominated and elected in the same manner as provided in this section where the pension commission shall consist of five members, and who shall hold office for the term of two years, and a third member who shall be a citizen not holding office under the said board of freeholders, and shall be selected by the other two members of the pension commission, and shall hold office for the term of one year. In case of vacancy for any cause, the commission shall have power to fill such vacancy until the next election. The said commission shall hold its first and annual meeting on the first day of January in each year, and elect its president from its members, and also a secretary from any rank or outside of the organization, whose compensation the commission shall have power to fix.

Proviso.

Proviso.

Vacancies.

Annual meeting.

4. This act shall take effect immediately.

Approved April 27, 1935.

CHAPTER 172

AN ACT to repeal an act entitled "An act creating a fund for the restoration or repairing of property owned by the State of New Jersey destroyed or damaged by fire or earthquake," approved March twenty-fifth, one thousand nine hundred and thirteen.

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

Chap. 123, P. L. 1913, repealed.

1. The act entitled "An act creating a fund for the restoration or repairing of property owned by the State of New Jersey destroyed or damaged by fire or earthquake," approved March twenty-fifth, one thousand nine hundred and thirteen, is hereby repealed.

2. This act shall take effect immediately.

Approved April 27, 1935.

CHAPTER 173

AN ACT directing the payment into the general State fund of the moneys and income now remaining in the fund created by an act entitled "An act creating a fund for the restoration or repairing of property owned by the State of New Jersey destroyed or damaged by fire or earthquake," approved March twenty-fifth, one thousand nine hundred and thirteen.

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

Balance paid into general State fund.

1. The moneys and income remaining in the fund created by an act entitled "An act creating a fund for the restoration or repairing of property owned by the State of New Jersey destroyed or damaged by fire or earthquake," approved March twenty-

fifth, one thousand nine hundred and thirteen, shall be paid by the treasurer of this State into the general State fund.

Securities sold.

2. Such securities as shall form a part of said fund shall be sold by the State Treasurer at the best price obtainable and the moneys obtained from such sale shall be deposited in said general State fund.

3. This act shall take effect immediately.

Approved April 27, 1935.

CHAPTER 174

A FURTHER SUPPLEMENT to an act entitled "An act to define the duties and fix the salary of the Attorney-General," approved February twenty-fourth, one thousand eight hundred and fifty-four.

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

Represent State Police in criminal actions.

1. In addition to his other public duties defined in the act to which this act is a further supplement, and the acts amendatory thereof and supplemental thereto, the Attorney-General, or such assistant as he shall designate, shall represent the Department of State Police in all criminal actions in which the State Police, or any member thereof, shall be complainant, and in matters of a criminal nature the Attorney-General or such assistant as shall be designated shall have full power and authority to conduct and control such proceeding or proceedings and further shall be authorized to represent the members of the Department of State Police before the grand juries and on the trial of any such criminal matters, and on writs of error and other appellate proceedings whether in the Supreme Court or in the Court of Errors and Appeals.

2. This act shall take effect immediately.

Approved April 27, 1935.

CHAPTER 175

AN ACT to regulate and control the purchase, distribution and sale of milk and cream and to declare an emergency, and for this purpose to create a State Board of Milk Control, and providing penalties for violations, and establishing license fees to be paid by such dealers, processors and subdealers.

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

Preamble.

WHEREAS, For several years the milk producers of the United States have been confronted with a situation where the price being paid to them for fluid milk and milk going into dairy products was below the actual cost of production, the result being that there was danger of the quality of milk falling below a standard that insured the safety of fluid milk for human consumption; farmers and producers engaged in the industry were becoming discontented; milk strikes were being projected in many parts of the country, and in many instances large sections of the country were actually deprived of a sufficient supply of fresh wholesome milk, and the health of the citizens of this State had been thereby actually threatened because the price being paid to milk producers was below the cost of production. Several neighboring States, recognizing this danger, have adopted laws which would provide a reasonable return for the milk producer, so as to insure a sufficient supply of fresh wholesome milk. New Jersey, being among the first to join in the passage of legislation of this type, has had the benefit of a milk control law since May twenty-third, one thousand nine hundred and thirty-three, which has resulted in stabilization of the industry, prevented possible curtail-

ment of a proper and sufficient supply of fresh wholesome milk for our inhabitants and has insured a fair price to the producers and farmers; and

Preamble. WHEREAS, By the terms of the law it will expire by its own limitation on the first day of July, one thousand nine hundred and thirty-five; and

Preamble. WHEREAS, The conditions which prompted the passage of the milk control in one thousand nine hundred and thirty-three are still present in many parts of our nation and without the support of a control act will immediately become operative in New Jersey; therefore,

Control of milk business. In the interest of the health and happiness of our residents, we deem it wise to further continue the control of the milk industry in this State for a further period of two years.

It is declared that the Legislature of the State of New Jersey, in the exercise of the police power reserved to the States in order to protect the public health and welfare of the inhabitants of this State, does hereby declare this act to be an emergency law, necessary for the immediate preservation of the public peace, health and safety.

Reasons. The reason for such necessity is that evils consisting as hereinbefore recited, of unfair, unjust, destructive and demoralizing practices are threatened in the production, sale and distribution of milk for human food, which are likely to result in the demoralization of the agricultural interests of this State engaged in the production of milk, and the creation of conditions inimical to the health of milk consumers as hereinbefore stated. Such conditions have progressed to the point that there is immediate danger to the public peace and safety, and it is the policy and intent of this act to prevent these unfair, unjust, destructive and demoralizing practices by providing a reasonable return for the milk producer, so as to prevent possible curtailment of a sufficient supply of fresh wholesome milk for our inhabitants.

DEFINITIONS

Terms defined: 100. Definitions. Words used in this act, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, shall have the following meanings:

Board; 101. "Board." The milk control board.

Person; 102. "Person." Any individual, person, firm, association or corporation.

Milk dealer; 103. "Milk dealer." Any person who purchases for sale, produces for sale direct to consumer, purchases for distribution, distributing broker, any person who purchases, distributes or handles within or without the State, for storage, manufacture or sale in this State, except for consumption on the premises of the producer, milk and cream. Any dairy co-operative association organized under any law of this or any other State and engaged in this State in the handling of milk in this State as hereinafter defined, is declared to be a milk dealer or producer within the meaning of this act as the board may determine.

Processor; 104. "Processor." Any dealer who pasteurizes, bottles or otherwise prepares milk for distribution.

Subdealer; 105. "Subdealer." Any dealer who purchases milk from a processor or milk dealer for the purpose of sale or resale.

Market; 106. "Market." Any municipality, incorporated or unincorporated, of this State, other than a county, including any natural marketing area designated by the board.

Licensee; 107. "Licensee." Any person licensed pursuant to this act.

Milk; 108. "Milk." The natural product of a dairy animal or animals, and includes such product when cooled, pasteurized, manufactured, condensed or concentrated with a view to being sold as milk for consumption in fluid form and also cream, ice cream mix, buttermilk and skimmed milk, sold or intended to be sold as such for food, and any flavored fluid sold, advertised or held out as a milk drink; said term excludes the natural product of

a dairy animal or animals sold or intended to be sold for any other purpose, or when sold as condensed or evaporated milk in hermetically sealed cans. In each instance where quantity is referred to, the intent is to include its whole milk equivalent.

Producer; 109. "Producer." Any person producing milk delivered or to be delivered to any dealer or to any market in this State.

Consumer; 110. "Consumer." Any person, other than a milk dealer, subdealer, processor or producer, who purchases milk for fluid consumption.

Sanitary regulations; 111. "Sanitary regulations." All laws enacted by the State of New Jersey; ordinances and regulations enacted or adopted by municipalities, municipal boards of health, or municipal departments, or officials exercising the powers and duties of local boards of health, relating to the production, handling, transportation, distribution and sale of milk within this State.

Store. 112. "Store." A grocery store, delicatessen, hospital, institution, hotel, restaurant, soda fountain, dairy products store, roadside stand and similar mercantile establishments.

MILK CONTROL BOARD

Milk Control Board. 200. Milk Control Board. Five citizens of the State of New Jersey, to be appointed by the Governor, are hereby constituted a milk control board for the purpose of effectuating the provisions of this act. The members so appointed shall serve during the pleasure of the Governor. The board may appoint subject to the provisions of civil service laws such technical, and other assistants and employees as may be necessary to carry out the provisions of this act and the board shall prescribe their powers and duties.

Terms.

Assistants.

Chairman and Secretary. 201. The board shall choose a chairman from its own members and a recording secretary who may be a member of the staff. The board shall have power to establish rules and regulations for its own proceedings and to fix dates of its meetings.

Compensation.

202. The members of the board shall receive a per diem of ten dollars ($10.00) while in actual attendance at board meetings, or in the performance of official duties, and upon certification by the chairman be reimbursed for their actual and necessary expenses as required in the performance of their duties as prescribed by this act.

Enforcement.

203. Any duly authorized appointee of the board shall, subject to the limitations herein contained, enforce the provisions of this act and all rules and regulations promulgated by the board and all orders thereunder made by the board.

Principal office.

204. The principal office of the board shall be in the city of Trenton in rooms assigned, furnished and equipped by the custodian of the State House.

Meetings.

205. Meetings of the board shall be called by the chairman or by a majority of the members of the board.

Quorum.

206. Three members shall constitute a quorum.

GENERAL POWERS

Powers of board:

300. General powers. The board is hereby declared to be the instrumentality of the State for the purpose of attaining the ends in this act declared, and the board is hereby vested with power as provided in this act.

To regulate milk, etc., industry;

301. To fix the price at which milk is to be bought or sold and to supervise and regulate the entire milk industry of the State of New Jersey, including the production, importation, transportation, sale for manufacture, storage, distribution, delivery and sale of milk as defined in this act in the State of New Jersey, in those matters as in the declaration of legislative policy and intent stated in this act to be necessary to control or prevent unfair, unjust, destructive and demoralizing practices which are likely to result in the demoralization of agricultural interests in this State engaged in the production of milk; *provided, however,* that nothing contained in this act shall be construed as authorizing the board or assistants or employees of the board to adopt, promulgate or enforce

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orders, rules or regulations containing provisions of sanitary regulations, or enforce provisions or sanitary regulations as defined in paragraph one hundred and eleven of this act; *and provided, further,* that nothing contained in this act or rules or regulations adopted thereunder shall conflict with or be construed to abrogate or affect the status, force or operation of any public health law, any sanitary regulation or any local health ordinance, code or regulation, or an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof" (Revision of 1907), approved May twentieth, one thousand nine hundred and seven, and amendments thereof and supplements thereto. Proviso.

302. To investigate all matters pertaining to the production, importation, sale for manufacture, storage, transportation, disposal, distribution and sale of milk as defined in this act in the State of New Jersey as may be necessary to carry out the provisions of this act. The board shall have the power to issue subpœnas to compel the attendance of witnesses and the production of books, papers and records for the purpose of obtaining such information as may be required to carry out the provisions of this act. Such subpœnas shall be signed by a designated executive officer or by any member of the board. To investigate productions, sales, etc.; To issue subpœnas;

303. The process of subpœna authorized in the last preceding section shall be served in the same manner and be of the same force and effect as like process in civil actions in the Supreme Court; and any person attending in pursuance of such subpœna shall be entitled to the same fees and mileage as witnesses in civil actions in said Supreme Court. Service of process; Fees;

304. In case any person so summoned by subpœna issued by said executive officer or member of the board, as aforesaid, shall refuse to obey such subpœna or any directions therein, or to give testimony, or to answer questions as required, or to produce any books, papers, documents or records Failure to obey subpœna;

as required, the designated executive officer or member of the board may, upon affidavits proving the facts, apply to a justice of the Supreme Court for attachment against such person, as for a contempt, and it shall be the duty of such justice to hear such application, and if satisfactory proof be made of such refusal, to issue an attachment, directed to the sheriff or any constable of the county, for the arrest of such a person, and, upon his being brought before him, to proceed to a hearing of the case; and the said justice shall have power to enforce, by imprisonment in any county jail, obedience to such subpœna, and the answer of any question that may be proper, and the production of any book, paper or document that the witness would be compelled to produce in a court of law, by similar process, and also to compel such witness to pay the costs of said proceedings, to be taxed by the court; and any person who shall willfully and corruptly testify falsely to any material matter upon oath or affirmation administered by any member of the board, or any person authorized by law upon such investigation or inquiry, shall be guilty of perjury.

May apply for writ of attachment;

Hearing;

Perjury;

Administer oaths;

305. Any member of the board or any person authorized by law is hereby authorized to administer oaths to all such witnesses as may appear or be brought before said board.

To act as arbitrator;

306. The board may act as mediator and arbitrator in any controversy or issue that may arise among or between producers, milk dealers, processors, subdealers and consumers as between themselves or that may arise between them as groups.

To make agreements;

307. For the furtherance of the objects stated in this act the board shall have authority to enter into agreements with State, county and municipal agencies and with other states and the Federal Government. Before such agreements shall be declared in effect they must be ratified by a majority vote of the board.

To enforce credit regulations;

308. To effectuate the orderly distribution of milk and/or cream between dealer, subdealer and

processor, the board is hereby empowered to promulgate and enforce credit regulations governing such sales.

Construing powers.

309. The operation and effect of any provision of this act conferring a general power upon the board shall not be impaired or qualified by the granting to the board or to an executive officer of the board by this act of a specific power or powers, not inconsistent with the proviso contained in paragraph three hundred and one of this act.

RULES AND ORDERS

Rules and orders:

400. Rules and orders. The board may adopt and through the chairman enforce all rules and orders necessary to carry out the provisions of this act. Every general rule or orders fixing prices of the board shall be posted for public inspection at least five days before effective date in the main office of the board and a certified copy filed in the office of the Secretary of State. An order applying only to a person or persons named therein shall be served on the person or persons affected. Such order so required to be served shall be served by personal delivery of a certified copy or by mailing a copy thereof to each person affected thereby to the last known address, and in the case of a corporation, to any officer or agent of the corporation upon whom a summons may be served pursuant to the provisions of an act entitled "An act concerning corporations" (Revision of 1896), and the acts amendatory thereof and supplemental thereto.

Posted;

Served on person named;

Hearings;

401. Any board member or employee designated by the board is authorized to conduct hearings concerning violations of this act and of rules, regulations and orders of the board in any part of the State, which hearings shall be held pursuant to rules and regulations adopted and promulgated by the board.

Right of entry and inspection.

402. Any board member or employee designated for such purpose shall have access to and may enter at all reasonable hours all places where milk

is being stored, bottled or manufactured into food products. The designated employee shall have power to inspect all books, papers, records or documents in any place within this State for the purpose of ascertaining facts to enable the board to administer the provisions of this act.

LICENSES

Licenses.

500. Licenses. No milk dealer, processor, subdealer or store, as defined in this act, shall buy milk from producers or others for sale, transportation, importation, storage or manufacture, or sell, transport, import, manufacture, store or distribute milk within this State, unless duly licensed as in this act provided, and it shall be unlawful for a milk dealer, processor, subdealer or store to buy milk from a milk dealer, processor, subdealer or store who is unlicensed, or to sell to a milk dealer, processor, subdealer or store in this State who is unlicensed, or, in any way to deal in or handle milk which he may have reason to believe has previously been dealt in or handled in violation of the provisions of this act.

Purpose of license.

The licenses required by this act are for the purpose of correcting unfair, unjust, destructive and demoralizing practices in the milk industry in this State, and to prevent the demoralization of agricultural interests engaged in the production of milk in this State. The licenses required by this act shall be in addition to any other license or permit required by any law of this State, or by any ordinance of a local board of health or other body exercising the powers thereof in any municipality of this State, and shall not be considered as such a license or certificate as is contemplated by section one of article XV of "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen, and the acts amendatory thereof and supplemental thereto.

License suspended.

When the Department of Health of the State of New Jersey or any local board of health shall re-

fuse to license; suspend or revoke the right of a licensee to sell or distribute milk and/or cream in a particular municipality the license granted by the Milk Control Board shall so far as said municipality is concerned be suspended or revoked for such time as such suspension or revocation shall be continued by said municipality.

Enforce minimum cost price.

501. No milk dealer or subdealer shall distribute or sell milk in this State which is obtained from any producer or other dealer, subdealer or processor where the milk has been purchased either directly or indirectly for a price less than the price fixed by the board to be paid for milk to be distributed in a given market.

Application for license.

502. An application for a license to operate as a milk dealer, processor, subdealer or store shall be made within at least thirty days after this act or any act amendatory hereof, extending the provisions of this act, takes effect and/or before any person shall commence business as a milk dealer, processor, subdealer or store, and annually thereafter on or before the fifteenth day of June in each year, for the license year commencing July first and ending June thirtieth following. The applicant shall state the nature of the business to be conducted, the full name of the person applying for the license and if the applicant be a firm or association, the full name of each member, and if a corporation the names and addresses of all officers and directors and the name of the municipality in which the business is to be conducted; that he has complied with all the rules and orders of the board and such other facts with respect to the license as may be required by the said board. A license shall be granted to the applicant by the board subject to the provisions of sections five hundred to five hundred seven inclusive and the original or a certified copy thereof shall be conspicuously displayed by the licensee at its principal place of business, and in each plant, store or sales branch delivery depot in this State.

Details of application.

License displayed.

License refused or revoked:

503. The board, after hearing, may decline to grant a license or may suspend or revoke a license already granted when satisfied of the existence of any of the following:

Rejecting milk;

(1) That a licensee has rejected without reasonable cause, any milk from one of its regular producers.

Failure to pay;

(2) That the licensee has failed to account and make payment, without reasonable cause for any milk purchased from a producer.

Violation of health laws;

(3) When it has been established by evidence submitted to the board by the State or local health authorities that the licensee has committed any act likely to undermine health regulations and standards as established by health laws and ordinances.

Price demoralization, etc.;

(4) That the licensee has committed any act injurious to trade or commerce, or any act which may demoralize the price structure of milk or interfere with an ample supply of milk for the inhabitants of this State.

Failure to conduct business properly;

(5) Where the licensee has continued in a course of dealing of such a nature as to satisfy the board of his inability or unwillingness properly to conduct the business of receiving or selling milk in accordance with the provisions of this act.

Fixing prices;

(6) Where the licensee has been a party to a combination to fix prices contrary to the provisions of this act.

Defrauding customers;

(7) Where the licensee has continued in a course of dealing of such nature as to satisfy the board of an intent to deceive or defraud stores, producers, consumers, subdealers or other dealers in those matters regulated by the provisions of this act.

Failure to keep records;

(8) Where the licensee has failed either to keep records or to furnish the statements or information required by sections six hundred to six hundred and seven inclusive of this act.

Perjury.

(9) Where any applicant or licensee has made false statements to the board or has testified falsely in any hearing before the board.

Applicant or licensee notified.

504. Before declining to grant a license or conditioning or limiting a license, or suspending or revoking a license previously granted, the board shall give notice to the applicant or licensee personally, or by mail addressed to his last known address, and afford him an opportunity to appear and be heard with respect thereto at a time and place specified in such notice. Such applicant or licensee shall have the right to be heard in person or by attorney, and to offer evidence pertinent to the subject of the hearing, and to that end to invoke the powers of the board with respect to the compulsory attendance of witnesses and the production of books, accounts, papers, records and documents by subpœna. A duly certified copy of the order of the board of such hearing shall be served upon the applicant or the licensee in the manner provided by paragraph four hundred of this act.

Hearing.

Appeal.

505. Any applicant or licensee aggrieved by any action of the board taken pursuant to this act may, within thirty days after receipt of a copy of the order of the board apply to a justice of the Supreme Court for a writ of certiorari, which court shall have jurisdiction to suspend, reverse, vacate or modify the orders so made by the board, and the court may, in its discretion, require the prosecutor of said writ of certiorari to execute a bond not exceeding in amount the costs or money involved payable to the State of New Jersey, as the court may prescribe, with sureties satisfactory to said court, conditioned for the prompt payment by the said prosecutor of all costs and/or damages arising from or caused by the delay in the effectiveness or enforcement of the order complained of or in the prompt prosecution of his writ.

License fees.

506. Every person required by this act to be licensed shall pay a license fee as follows: Each and every store selling milk and/or cream shall pay a license fee of one dollar ($1.00); *provided, however*, that a store selling milk and/or cream exclusively for consumption on the premises shall

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not be required to obtain a license or pay a license fee; *and provided further,* that a store selling only milk and/or cream, which is evaporated or condensed in hermetically sealed cans shall not be required to obtain a license or pay a license fee; a milk dealer or processor selling in the State of New Jersey during the twelve calendar months immediately preceding the period for which the license is issued a monthly average quantity of milk up to and including twenty-five hundred pounds shall pay a license fee of two dollars ($2.00); a milk dealer or processor selling a monthly average quantity of milk of more than twenty-five hundred pounds and not to exceed five thousand pounds shall pay a license fee of seven dollars and a half ($7.50); a milk dealer or processor selling a monthly average quantity of milk of more than five thousand pounds and not to exceed twenty-five thousand pounds shall pay a license fee of twenty dollars ($20.00); a milk dealer or processor selling a monthly average quantity of milk of more than twenty-five thousand pounds and not to exceed one hundred thousand pounds shall pay a license fee of seventy dollars ($70.00); a milk dealer or processor selling a monthly average quantity of milk of more than one hundred thousand pounds and not to exceed two hundred thousand pounds shall pay a license fee of one hundred and twenty-five dollars ($125.00); a milk dealer or processor selling a monthly average quantity of milk of more than two hundred thousand pounds and not to exceed five hundred thousand pounds shall pay a license fee of two hundred dollars ($200.00); a milk dealer or processor selling a monthly average quantity of milk of more than five hundred thousand dollars and not to exceed one million pounds shall pay a license fee of three hundred dollars ($300.00); a milk dealer or processor selling a monthly average quantity of milk of more than one million pounds but not more than two million pounds shall pay a license fee of five hundred dollars ($500.00); a milk dealer or

processor selling a monthly average quantity of milk of more than two million pounds but not to exceed five million pounds shall pay a license fee of seven hundred dollars ($700.00); and a milk dealer or processor selling a monthly average quantity of milk of more than five million pounds shall pay a license fee of eight hundred dollars ($800.00); *provided, however,* that a subdealer purchasing milk from another dealer or processor who has paid a license fee determined upon the schedule hereinbefore set forth shall not be subject to the foregoing schedule on such milk but shall be required to pay a license fee of ten dollars ($10.00); *and provided further,* that a processor who sells milk exclusively to subdealers shall not be required to pay a license fee in excess of two hundred and fifty dollars ($250.00); *and provided further,* that a milk dealer engaged in handling milk in the State of New Jersey but selling milk only in another State and/or engaged only in manufacturing shall not be subject to the foregoing schedule, but shall pay a license fee of twenty-five dollars ($25.00).

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It is the intent where the amount of license fee is to be determined by the quantity of milk that the whole milk equivalent of milk in each of its forms as included in the definitions in section one hundred and eight shall be used.

It is not the intent that milk utilized for manufacturing purposes or sold to be utilized for manufacturing purposes shall be included in the determination of the license fee hereinbefore set forth. Sales by a milk dealer of milk purchased within or without the State of New Jersey and sold in another State shall not be included in the determination of the license fee.

Construing.

Any person applying for a license to engage in the business of a milk dealer, processor or subdealer, who has not been engaged in such business prior to the effective date of this act, upon filing application with the board to engage in such business shall, in the case of applying for a license as

Deposit upon application.

a milk dealer or subdealer, deposit with the board fifty dollars ($50.00) in cash, and in the case of applying for a license as a processor, deposit with the board one hundred dollars ($100.00) in cash.

Deposit reported.

This deposit shall be retained by the board until such time as the board is able to determine from the monthly reports of such applicant for license the proper fee to be charged such applicant in accordance with the schedules hereinbefore set forth, at which time any part of such deposit in excess of the license fee so determined shall be returned to the applicant.

Fee to accompany application.

The license fee shall accompany the application for a license; said application shall not be received if it is not accompanied by the proper fee.

Form of application.

507. The application for license shall be made on a form prepared by the board. At the same time that the application is presented for this license, the applicant may also forward to the board applications for such other State licenses as are required of the applicant and when such application is accompanied by the proper amount of fees so to be paid such other department for the license of such department the board shall present such other applications and the fees so forwarded or paid to such other department or board of the State and transmit to the applicant such license if and when issued; *provided, however,* that the Milk Control Board license shall not be issued until the board is satisfied that all other necessary State licenses to engage in such business have been first obtained by such applicant.

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RECORDS

Records kept of:

600. Records. The board may require licensees to keep the following records:

Milk received;

601. A record of all milk received, detailed as to location, and as to names and addresses of suppliers, with butter fat test, prices paid, deduction or charges made.

602. A record of all milk sold classified as to grade, location and market outlet and size and style of container, with prices and amounts received therefor. Milk sold;

603. A record of quantities and prices of milk sold. Quantities and prices;

604. A record of the quantity of each milk product manufactured and quantity of milk and/or cream used in the manufacture of these products. Also the quantity and volume of milk products sold. Milk products manufactured;

605. A record of wastage or loss of milk or butter fat. Waste;

606. Such other records, and information as the board may deem necessary for the proper enforcement of this act. Sundry information.

607. Each licensee shall, from time to time, as required by the rule or order of the board, make and file a verified report on forms prescribed by the board of all matters on account of which a record is required to be kept, together with such other information or facts as may be pertinent and material within the scope of this act. Report.

608. It is the intent of the Legislature that no provisions of this act shall prevent a co-operative association or co-operative corporation approved by the board, which sells the milk of or for its members or of persons who are now or hereafter under contract with such co-operative association or co-operative corporation from blending the proceeds of all its or their net sales either within or without the State, and so paying its members or contractees; *provided, however,* no co-operative association or co-operative corporation shall be exempt from any other orders, rules or regulations promulgated by the board. Not to prevent co-operative associations. Proviso.

FIXING OF PRICE AND VIOLATIONS

700. The board may ascertain, determine, and fix by investigations and proof, as the emergency permits, the minimum prices to be paid to the pro- Fixing prices.

ducer, the minimum prices to be charged by milk dealers to processors, subdealers and stores and the minimum prices to be charged the consumer for milk in the several municipalities or markets of this State, under varying conditions, as will best insure a sufficient quantity of pure and wholesome milk to the inhabitants of this State. The board shall take into consideration the various grades of milk produced, the varying percentages of butter fat, plant volume, seasonal production, and other conditions affecting the cost of production, cost of transportation and marketing, and the amount necessary to yield a reasonable return to the producer and to the milk dealer. The term grades as used herein shall be for the purpose of fixing prices only and shall not supersede or abrogate or affect the status of standard or requirement for milk as are or may be established in ordinances of boards of health or other bodies exercising the powers thereof in any municipality. It may, in its discretion, hold a public hearing or hearings in this State and invite producers, consumers, local dealers, and public health officials in this State to submit such proofs as they may desire.

Grades taken into consideration.

Hearing.

Agreements for reducing prices.

701. No licensee or other person, association or corporation shall hereafter contrary to the public interest operate in any municipality under any mutual or secret agreement, arrangement, combination contract or common understanding, with any other licensee or person, firm, association or corporation, whereby the price for fluid milk to be paid to producers in this State is reduced or the price to be paid by the consumers for such milk is decreased in pursuance of such mutual or secret agreement, arrangement, combination contract or common understanding, and each such contract, arrangement, agreement or understanding is hereby prohibited and declared to be contrary to the public interest and in restraint of trade and commerce, and shall subject the violator or violators to the penalty in this act prescribed; *provided, however,* that the right may be granted to deduct

Proviso.

a check-off to be paid an association or corporation with consent of producer and approval of the board.

Modifying prices.

702. The board upon its own motion, or upon application may from time to time, upon such notice as it shall by rule and regulation determine, alter or modify any official order theretofore made with respect to the price of milk used for fluid consumption to be paid by milk dealers to producers, by milk dealers, subdealers or processors to other dealers, subdealers, and stores and the price to be paid by consumers.

Milk produced outside of State.

703. It is the intent of the Legislature that the instant, whenever that may be, that the handling within the State, by a milk dealer, of milk produced outside of the State, becomes a subject of regulation by the State, in the exercise of its police powers, the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the board shall attach. After any such milk so produced shall have come to rest within the State, any sale, within the State, by a licensed milk dealer, processor, subdealer or store or a milk dealer required by this act to be licensed, of any such milk purchased from the producer at a price lower than that required to be paid for milk produced within the State, purchased under similar conditions, shall be unlawful and deemed a violation of this act, and for continued violations the board may apply to the Court of Chancery for its writ of injunction to restrain such further unlawful acts.

Violation.

704. Any person who shall violate any of the provisions of this act and/or the orders, rules and regulations of the board as adopted from time to time, shall be deemed guilty of a violation of the provisions of this act and shall pay a penalty of not more than fifty dollars ($50.00) for the first offense and not more than two hundred dollars ($200.00) for the second, or each subsequent offense, and such penalty when collected shall be paid to the treasurer of the State of New Jersey

Penalty.

Milk, etc., seized.

and become a part of the general fund of the State of New Jersey. Any milk or cream or milk products which are the subject of the violation of this act or the orders, rules and regulations of the board, may be seized, and any part thereof may be sold as the board or court may direct; the proceeds from such sale to be paid to the treasurer of the State of New Jersey, to abide the further order of the board or court, and if no such order is made, then to become a part of the general fund of the State of New Jersey.

Proceeds of sale.

Milk released.

705. The board or court may, in its or their discretion, release the milk or cream or milk products as seized, or the funds derived from the sale of such milk or cream or milk products, when the orders of the court and the requirements of this act and/or the orders, rules and regulations of the board have been complied with, and upon payment of all costs and expenses incurred by the State in any proceedings connected with such seizure or prosecution.

Courts of jurisdiction.

706. Every district court in any city or judicial district in any county and every court of common pleas in any county wherein a district court is not located is hereby empowered upon the filing of a complaint, in writing, duly verified, which said verification when made by the secretary of the Milk Control Board may be made upon information and belief that any person has violated any of the provisions of this act, to issue process at the suit of the Milk Control Board of the State of New Jersey, as plaintiff, such process shall be in the nature of a summons and shall be returnable in not less than five nor more than fifteen days; such process shall state what provisions of the law are alleged to have been violated by the defendant or defendants, and on the return of such process or at any time to which the trial shall be adjourned, the said court shall proceed in a summary manner, without a jury, to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, either for the plaintiff, for the

Trial.

recovery of such penalty, with cost, or for the defendant, and the said court shall, if judgment be rendered for the plaintiff, cause any such defendant, who may refuse or neglect to forthwith pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for any period not exceeding one hundred days; that the officers to serve and execute all process under this act shall be the officers authorized to serve and execute process in said court.

Execution of process.

707. The convictions in prosecutions under this act shall be in the following similar form:

Form of conviction.

State of New Jersey, }
County of ..... } ss.

Be it remembered that on this.....day of ....., at ..... in the county of ....., defendant, was by ..... (the district court of any city or judicial district in any county, or court of common pleas), convicted of violating the provisions of the..... section of an act entitled "An act to regulate and control the purchase, distribution and sale of fluid milk and cream and to declare an emergency, and for this purpose to create a State Board of Milk Control, defining its powers and duties and providing penalties for violations," approved May twenty-third, one thousand nine hundred and thirty-three, as amended, in a summary proceeding at the suit of the Milk Control Board of the State of New Jersey, upon a complaint made by..... ....., and further that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them).

Wherefore, the said court doth hereby give judgment that the plaintiff recover of the defendant.. ..... dollars penalty, and ..... dollars, cost of this proceeding.

Form of commitment.

The conviction shall be signed by the judge of the court before whom the conviction is had. In case the defendant is committed to jail in default of payment of the penalty, a commitment in the following form shall be added, beneath the judge's signature, to the conviction:

"And the said defendant, neglecting and refusing to pay the amount of the penalty above mentioned, with costs, it is hereby ordered that the said ..... be, and he hereby is committed to the common jail of the county of ..... for the period of ..... days, unless the said penalty and costs are sooner paid."

Commitment signed by judge.

This commitment shall also be signed by the judge and in case of commitment of any defendant to jail, the conviction and commitment shall be signed in duplicate, and one of the duplicate copies shall serve the purpose of a warrant of commitment.

Clerk may sign processes.

The clerk of any district court or of any court of common pleas may sign and seal any process required to be issued under this act, except a warrant of commitment.

Taxed costs.

The costs recoverable in any such proceeding shall be the same as costs taxed in actions in said courts and shall be recovered in the event of the conviction of the defendant.

Judgment docketed.

Any judgment recovered for a penalty under the provisions of this act in any district court may be docketed in the same manner as judgments in said court are docketed under the provisions of an act entitled "An act concerning district courts," approved June fourteenth, one thousand eight hundred and ninety-eight, and the acts amendatory thereof and supplementary thereto.

Execution of judgment.

Execution may issue for the collection of any judgment obtained under this act against the goods and chattels and body of the defendant without any order first obtained for such purpose.

Hearing of violations.

708. Upon receiving evidence of a violation of any of the provisions of this act or of any of the rules, regulations or orders of the board, any em-

ployee designated by the board, is hereby empowered to hold informal hearings upon said violation or violations at such place or places as the board may fix and upon finding the violations to have been committed, to adjust same with any person accused of violating any provisions of this act or the rules, regulations or orders of the Milk Control Board, for such amounts as may in the discretion of the board, be proper under the circumstances. In the event of the violator making payment of the sum set in adjustment, no further prosecution shall be had upon any violation so adjusted.

Investigation to prohibit violations.

709. The board may file a bill in the Court of Chancery in the name of this State on the relation of said board, for an injunction to prohibit any habitual violation of the act and/or any of the orders or rules or regulations issued by said board and/or any other violation of any of the provisions of this act, and every such action shall proceed in the Court of Chancery according to the rules and practice of bills filed in the name of the Attorney-General on the relation of individuals or departments; and cases of emergency shall have precedence over other litigation pending at the time in the Court of Chancery, and the final hearing may be had within such time and on such notice as the Chancellor shall direct.

Given preference.

Severability of sections.

710. The sections and parts of sections included in this act are hereby declared to be independent sections and parts of sections; if any such section or part of section shall be held invalid, such holding shall not affect the remainder of this act, nor the context in which such part of section so held invalid may appear, excepting to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. The intention and purpose of this act as hereinbefore defined extends to the regulation of the milk marketing industry and to the control generally of milk to be sold to the inhabit-

Intention and purpose of act.

ants of the State of New Jersey to the full extent permitted by the constitutions of this State and of the United States as applied to legislation enacted under the emergency conditions described in this act.

Fees, etc., paid to State Treasurer.

711. All funds derived from fees for licenses issued hereunder and the proceeds of adjustments of penalties collected by the board and the proceeds of fines and costs imposed by any court hereunder shall be paid to the State Treasurer. Such sums collected as fees for licenses are hereby appropriated and shall be paid by the State Treasurer to the board for the maintenance of the board and the payment of the expenses of its operations.

Appropriation.

SAVING CLAUSE

Not to apply to interstate commerce.

800. Saving clause. No provisions of this act shall apply or be construed to apply to foreign or interstate commerce, except insofar as the same may be effective pursuant to the United States Constitution and to the laws of the United States enacted pursuant thereto.

Continues Chap. 169, P. L. 1933.

900. Continuation. It is the intent of the Legislature that this act is a continuation of chapter one hundred sixty-nine, pamphlet laws of one thousand nine hundred and thirty-three, entitled "An act to regulate and control the purchase, distribution and sale of fluid milk and cream and to declare an emergency, and for this purpose to create a State Board of Milk Control, defining its powers and duties, and providing penalties for violations," and that all orders, rules and regulations of the board created by chapter one hundred sixty-nine, pamphlet laws of one thousand nine hundred and thirty-three, shall continue in force as orders of the board created under this act until suspended by new orders, rules and regulations made by the board herein established. All suits commenced and being prosecuted by the Milk Control Board under chapter one hundred sixty-nine, pamphlet laws of one thousand nine hundred and thirty-three, entitled "An act to regulate and control the pur-

Prosecutions to continue.

chase, distribution and sale of fluid milk and cream and to declare an emergency, and for this purpose to create a State Board of Milk Control, defining its powers and duties and providing penalties for violations," shall be deemed as continued and shall be enforced and prosecuted by the board created under the terms of this act. All books, papers, orders, rules, regulations and equipment held by the board under chapter one hundred sixty-nine, pamphlet laws of one thousand nine hundred and thirty-three, shall be delivered to the new board hereby created. Records transferred.

901. Licenses issued by the Milk Control Board under chapter one hundred sixty-nine, pamphlet laws of one thousand nine hundred and thirty-three, shall continue in full force and effect until June thirtieth, one thousand nine hundred and thirty-five. Licenses continued.

902. Duration. This act shall expire on the thirtieth day of June, one thousand nine hundred and thirty-seven, and all books, papers and records of the New Jersey Milk Control Board hereby created shall be thereafter disposed of as the Secretary for Agriculture may prescribe. Act inoperative.

903. This act shall take effect June first, one thousand nine hundred and thirty-five. Act effective.

Approved April 29, 1935.

CHAPTER 176

AN ACT to make uniform the issuance of exempt fireman certificates.

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

1. For the purpose of this act the following terms are defined as follows: Terms defined:

"Fire department" is the duly organized fire fighting force, whether of one or more companies or associations; Fire department;

Municipal control;

"Municipal control" is superior supervision and support by the governing body of a municipality and fire commissioners in fire districts now or hereafter duly organized;

Fire duty;

"Fire duty" is active participation in the usual duties of a fireman under the direction and supervision of the chief or highest ranking officer;

Sixty per centum of duty.

"Sixty per centum of duty" is actual recorded attendance and rendering of fire service at not less than sixty per centum (60%) of regular alarms of fire answered by the company or platoon of which he may be a member, during any calendar year; the total number of alarms used in computing said percentage may include not more than twenty fire drills called at the direction of the chief or highest ranking officer.

To receive exempt fireman certificate.

2. A fireman, a member of any fire department of this State under municipal control, shall be entitled to receive an exempt fireman certificate as herein provided, when from the records of said department, filed with the clerk of said municipality as hereinafter provided, it appears that at the time said fireman was appointed, confirmed and/or elected a fireman by the said governing body of said municipality he was a resident of the municipality, a citizen of the United States, of good moral character, between the ages of twenty-one and thirty-five years, and that during seven years he has performed sixty per centum (60%) of fire duty in that department during each of said seven years.

Requirements.

Firemen entitled to certificate.

3. A fireman in good standing in any fire department under municipal control at the time this act becomes effective, and not in possession of an exempt fireman certificate, shall be entitled to an exempt fireman's certificate, pursuant hereto; *provided,* that in addition to the time already served he serves such further necessary period to make a total of seven years' service, performing sixty per centum (60%) of fire duty as provided in section one hereof, during such additional period, which facts must be certified to in accordance with section four hereof.

Proviso.

List of members filed.—What to show.

4. For the purpose of establishing a complete record of membership in the possession of the municipal clerk of each municipality hereinbefore referred to, the chief or other highest ranking officer of each fire department shall upon the passage of this act and annually thereafter file a duly verified list and report under oath with said municipal clerk of all active members of the companies under his control and supervision not holding exempt fireman certificates, which shall set forth the name and residence of all such firemen, whether a citizen of the United States, whether of good moral character, date of becoming a fireman, age at that time, company of which they are a member and percentage of fire duty performed during that year by each fireman.

When service in more than one municipality.

5. A fireman rendering fire service in accordance with this act, in different municipalities, for separate periods not concurrent, amounting in the aggregate to seven years, shall be entitled to an exempt fireman certificate hereunder from the municipality having control of the fire department of which he is a member at the time of completion of his seven years of service. Certification of prior service by the chief executive officer, under the seal of and attested by the clerk of the municipality or municipalities in which the prior service was rendered shall be accepted by the respective officers of the municipality issuing the exempt certificate, as of the same force and effect as though the service had all been rendered in the latter municipality.

Certificate of prior service.

When company disbanded.

6. Should an entire volunteer fire company be disbanded for the purpose of establishing or substituting a paid department, all firemen of the disbanded company whose service thereupon terminates and whose fire duty for two years or more immediately prior to such disbandment is in accordance with the provisions of section two, and recorded as provided in section four of this act, shall be issued an exempt fireman certificate in accordance with this act.

To demand certificate.

7. A fireman entitled thereto must demand and is entitled to receive from the governing body of the municipality an exempt fireman certificate within one year from the date when he is entitled to receive the same. The certificate shall be issued in triplicate, on paper approximately five inches by eight inches, and in the following form:

Form of certificate.

CERTIFICATE OF EXEMPTION

It is hereby certified that .....
a member of the ..... Fire Department, has served the required number of years as an active fireman and is entitled to this Certificate of Exemption pursuant to Chapter ... of the Laws of 1935.
Date of joining company ..... Date when member became exempt ..... Record of prior service (if any) .....
Date of issue .....
Attest: (Seal)

....
Clerk Chief Executive Officer of Municipality.

Filing certificate.

One certificate must be filed with the County Clerk within sixty days of issuance. One certificate must be immediately filed with The New Jersey State Firemen's Association, and the third retained by the member.

Certificate issued without cost.

It shall be the duty of the governing body to issue to him such certificate to which he is entitled, upon demand, without fee, which certificate shall be signed by the chief executive officer of the governing body, the seal of the municipality affixed and attested by the clerk.

Certificate not to issue.

8. No exempt fireman certificate shall be issued other than as herein provided, and the holder thereof shall be entitled to all the rights and privileges of an exempt fireman, *provided*, he has within sixty days from the issuance of said certifi-

Proviso.

cate caused the same to be filed in the county clerk's office of the county in which he became exempt.

Repealer

9. All acts, parts of acts or special charters inconsistent with the provisions hereof are hereby repealed.

10. This act shall take effect immediately.

Approved April 29, 1935.

CHAPTER 177

AN ACT defining what newspapers or publications may be used for the publication of official notices, advertisements or other publications required to be made by the State of New Jersey as such or by any department, board or body of the State government or by any State official or office.

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

Requirements in public advertisements.

1. Whenever it is required to publish resolutions, official proclamations, notices, or advertising of any sort, kind, or character, including proposals for bids on public work and otherwise, by the State of New Jersey or by any board or body constituted and established for the performance of any State duty or by any State official or office, or commission, the newspaper or newspapers selected for such publication or publications must meet and satisfy the following qualifications, namely: Said newspaper or newspapers shall be printed in the English language, shall have been published continuously for not less than one year and shall have been entered as second class mail matter under the postal laws and regulations of the United States.

Repealer.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act is to take place immediately.

Approved April 29, 1935.

CHAPTER 178

AN ACT to establish the office of State Highway Commissioner and to define the powers and duties thereof, and to vest therein all the powers and duties now devolved by law upon the State Highway Department and the State Highway Commission.

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

State Highway Commissioner.

1. Creation of office of State Highway Commissioner. There is hereby created the office of State Highway Commissioner. Said commissioner shall succeed to and exercise all the powers and perform all the duties now exercised or performed by the State Highway Department and the State Highway Commission, or either of them, by virtue of any existing law or laws.

Term.

2. State Highway Commissioner; appointment, term, oath, bond, removal, salary. The State Highway Commissioner, who shall be a citizen and resident of this State, shall be nominated and appointed by the Governor, by and with the advice and consent of the Senate, to serve for the term of six years and until his successor shall be appointed and qualified, unless sooner removed by the

Removal.

Governor. The Governor shall have the power to remove the State Highway Commissioner for cause.

Salary.

He shall receive compensation at the rate of fifteen thousand dollars ($15,000.00) a year, to be paid in the manner prescribed for the payment of salaries

Expenses paid.

of other State officers. He shall receive also reimbursement for actual and necessary expenses incurred in the performance of his official duties.

Oath.

Before entering upon his duties, he shall make and subscribe an oath, to be filed in the office of the Secretary of State, that he will faithfully, impartially and without fear, favor or prejudice discharge the

duties of his office and will carefully preserve all records, papers, writings and property entrusted to him for use and safekeeping by virtue of his office, and make such disposition of them as may be required by law. He shall give bond with surety, conditioned for the faithful performance of his duties, in the sum of fifty thousand dollars ($50,000.00), which bond shall be approved as to form and the sufficiency of the surety by the Governor. The premium on said bond shall be paid by the State. Bond.

3. State Highway Commission abolished. The employment and terms of office of the members of the present State Highway Commission are hereby terminated and their offices are hereby abolished. State Highway Commission abolished.

4. Employees in the unclassified civil service. The State Highway Commissioner shall have authority to terminate the employment of all employees of the State Highway Department holding positions or employments under the unclassified civil service and, if he deems it advisable, to abolish any such position or employment. Unclassified civil service employees.

5. Employees in the classified civil service. Nothing in this act contained shall be construed to affect employees of the State Highway Department holding positions or employments under the classified civil service. Classified civil service employees.

6. Powers and duties of the State Highway Commissioner. The State Highway Commissioner is hereby vested with all the powers and duties now devolved by law upon, and shall do and perform all the acts now required by law to be done and performed by, the State Highway Department and the State Highway Commission, without recital in detail. In all statutes heretofore passed, where reference is made to the State Commissioner of Public Roads, the State Highway Commission, or the Highway Commission, such reference shall be held to mean and shall refer to the State Highway Commissioner appointed under this act. The signature of the State Highway Commissioner, or in his absence or disability the signature of any per- Powers and duties of commissioner.

son designated by him, to any order, regulation, contract, bill or other paper or document required to be signed on behalf of him or the State Highway Department shall be sufficient evidence of the authority and authenticity thereof. In general, the State Highway Commissioner shall be the administrative and executive head of the State Highway Department. He shall devote full time to the duties of his office. It shall be his duty to reorganize the State Highway Department and to establish therein such divisions as he may deem necessary and expedient. He is authorized and empowered to formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work and general administration of the State Highway Department, its officers and employees. He is further authorized and empowered to appoint such heads of divisions and clerical, technical and other assistants as he may deem necessary, fix their compensation and prescribe their duties, subject to the provisions of appropriations. All such appointments shall be made subject to the provisions of chapter one hundred fifty-six of the laws of one thousand nine hundred eight, as supplemented and amended.

Reorganization.

Funds transferred.

7. Transfer of funds, appropriations, records, property, and contracts. All unexpended balances of all funds dedicated by law to the use of the State Highway Department, and all unexpended balances of all continuing and specific appropriations to the State Highway Department or the State Highway Commission are hereby transferred to the State Highway Department, to be expended, pursuant to law, under the direction of the State Highway Commissioner. All books, papers, documents and other records, and all property whatsoever, now in the possession or custody of or held by the State Highway Commission shall, on demand, be transferred and delivered to the State Highway Commissioner, and shall thereafter remain in his custody. All contracts executed by the State Highway Commission as an independent contractor shall inure to the

Records transferred.

Contracts binding.

benefit of and be binding upon the State Highway Commissioner.

State Highway Department continued.

8. State Highway Department continued. Subject to the provisions of this act, the administrative organization heretofore established and designated as the State Highway Department shall be continued as a branch of the executive department of the State government. Said department shall be deemed to consist of the State Highway Commissioner and all officers and employees continued in offices or employments or appointed under the provisions of this act, but all the powers of said department shall reside in the State Highway Commissioner as the administrative head thereof.

Constitutionality.

9. Constitutionality. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional the decision of the court respecting such provision or provisions shall not affect the validity of any other provisions which can be given effect without such invalid provision or provisions.

Repealer

10. Repealer. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

11. Effective date. This act shall take effect immediately.

Approved April 29, 1935.

CHAPTER 179

A SUPPLEMENT to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Board of education authorized to accept gift, etc.

1. The board of education of any school district of the State is hereby authorized to accept any gift or grant, whether the same be a gift or grant of land with or without improvement, money, materials, and/or equipment, and to expend such money, or to use such materials or equipment, as the case may be, in the construction and equipment of any school building, or addition thereto, notwithstanding that such gift or grant or the value thereof shall, together with all moneys heretofore or hereafter expended for the purchase of land or in the construction and equipment of such school building, or addition thereto, exceed the amount heretofore or hereafter authorized to be expended in any proposition for the land and/or the construction and equipment of such school building, or addition thereto, at any meeting or election heretofore or hereafter held by the voters of such district.

2. This act shall take effect immediately.

Approved April 29, 1935.

CHAPTER 180

AN ACT to amend an act entitled "An act concerning alcoholic beverages," passed December sixth, one thousand nine hundred and thirty-three.

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

1. Section thirteen of the act of which this act is amendatory be and the same hereby is amended to read as follows: Section 13 amended.

13. Class C licenses shall be subdivided and classified as follows: Class C licenses:

(1) Plenary retail consumption license. The holder of this license shall be entitled, subject to rules and regulations, to sell for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle, and also to sell all alcoholic beverages in original containers for consumption off the licensed premises; *provided, however,* that on and after July first, one thousand nine hundred and thirty-four, this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business (except the keeping of a hotel or restaurant, or the sale of cigars and cigarettes at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages) is carried on. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by resolution or ordinance, at not less than two hundred dollars ($200.00) and not more than two thousand dollars ($2,000.00). Plenary retail consumption license; Proviso; Fee;

(2) Seasonal retail consumption license. The holder of such license shall be entitled, subject to rules and regulations, to sell, during the summer season from May first until November first in- Seasonal retail consumption license;

clusive, or during the winter season from November fifteenth until April fifteenth inclusive, for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle, and also to sell all alcoholic beverages in original containers for consumption off the licensed premises. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by resolution or ordinance, at seventy-five per centum of the fee fixed by said board or body for plenary retail consumption licenses.

Fee;

Plenary retail distribution license;

(3) a. Plenary retail distribution license. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption off the licensed premises, but only in original containers; *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that on and after July first, one thousand nine hundred and thirty-four, this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on. The fee for this license shall be fixed by the governing board or body or other controlling authority of the municipality in which the licensed premises are situated by resolution or ordinance at not less than one hundred dollars ($100.00), and not more than one thousand dollars ($1,000.00).

Proviso;

Fee;

Limited retail distribution license;

(3) b. Limited retail distribution license. The holder of this license, subject to rules and regulations shall be permitted to sell for consumption off the licensed premises, but only in original containers, any unchilled brewed malt alcoholic beverages in quantities of not less than seventy-two (72) fluid ounces. The fee for this license shall be fixed by the governing body or board of the municipality in which the licensed premises are situated, by resolution or ordinance at not less than $25.00 or more than $50.00; *provided, however,* that the governing board or body of each municipality may,

Fee;

Proviso;

by ordinance, enact that no limited retail distribution license shall be granted within its respective municipality; *and further provided,* that such governing board or body may by ordinance enact that no more than one such license may be granted to any person, corporation, partnership, limited partnership, or association in each municipality, and said license shall cover only the licensed premises. Proviso;

(4) Plenary retail transit license. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption only on railroad trains, airplanes and boats, while in transit. The fee for this license shall be one hundred and fifty dollars ($150.00), except for boats under five (5) tons gross tonnage and for each such boat the fee shall be ten dollars ($10.00); *provided, however,* that a license issued under this provision to a railroad or air transport company shall cover all dining and club cars and planes operated by any such company within the State of New Jersey; *and provided, further,* that a license for a boat issued under this provision shall apply only to the particular boat for which issued. Plenary retail transit license; Fee; Proviso; Proviso;

(5) Club license. The holder of this license shall be entitled, subject to rules and regulations, to sell, only to bona fide club members and their guests, alcoholic beverages intended for immediate consumption on the licensed premises. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by resolution or ordinance, at not less than fifty dollars ($50.00) and not more than one hundred and fifty dollars ($150.00); *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or Club license; Fee; Proviso; Limitation.

similar purposes, and not for private gain, and comply with all conditions which, subject to rules and regulations, may be imposed by the commissioner.

Approved May 7, 1935.

CHAPTER 181

A SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Substituting cosmetic, etc., a misdemeanor.

1. 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 trademarked, advertised or standard nationally advertised product, or in any container of such trademarked, advertised or standard nationally advertised product, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars ($50.00) and by the loss of license to practice barbering for a period of not less than six months.

Penalty.

Selling, etc., containers a misdemeanor.

2. 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 trademark of any advertised or standard nationally advertised face lotion, hair tonic, cream or cosmetic, shall

be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars ($50.00) for the first offense. Penalty.

3. This act shall take effect immediately.

Approved May 7, 1935.

CHAPTER 182

AN ACT authorizing the Governor, Treasurer and Comptroller, constituting the State Sinking Fund Commission, to make sale of bonds to be delivered to the State in liquidation of its claim against The Port of New York Authority for moneys advanced in the construction of the George Washington Bridge, and to use the proceeds thereof for emergency relief purposes.

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

1. The Governor, Treasurer and Comptroller, constituting the State Sinking Fund Commission, are hereby authorized to make public sale of the bonds to be delivered to the State in liquidation of its claim against The Port of New York Authority for moneys advanced in the construction of the George Washington Bridge. The said bonds shall be sold either upon sealed proposals or at public auction, after seven days' notice of such sale published once in three newspapers published in this State, and also once in a financial newspaper published in the city of New York, in which notice shall be reserved the right to reject any and all bids. Authorized to sell bonds. Sale.

2. The moneys received by the State from the sale of the aforesaid bonds shall be credited by the Treasurer to the emergency relief account, and used solely for emergency relief purposes. Use of moneys received.

3. This act shall take effect immediately.

Approved May 7, 1935.

CHAPTER 183

AN ACT repealing an act supplementing "An act relating to, regulating and providing for the government of cities, towns, townships, boroughs, villages and municipalities governed by boards of commissioners or improvement commissioners in this State," constituting chapter two hundred and twenty-four of the laws of one thousand nine hundred and thirty-one, approved April twenty-four, one thousand nine hundred and thirty-one.

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

Chap. 224, P. L. 1931, repealed.

1. An act known as "An act supplementing 'An act relating to, regulating and providing for the government of cities, towns, townships, boroughs, villages and municipalities governed by boards of commissioners or improvement commissioners in this State,' " constituting chapter two hundred and twenty-four of the laws of one thousand nine hundred and thirty-one, approved April twenty-four, one thousand nine hundred and thirty-one, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved May 7, 1935.

CHAPTER 184

AN ACT to amend an act entitled "A supplement to an act entitled 'An act for the prevention of cruelty to animals,' approved March eleventh, one thousand eight hundred and eighty," which supplement was approved March twenty-third, one thousand nine hundred and thirty-one.

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

1. Section four of the act of which this act is amendatory be and the same is hereby amended so that it shall read as follows: Section 4 amended.

4. The provisions of this act shall not apply to the showing or exhibiting of dogs whose ear or ears have been cropped or cut off prior to the effective date hereof or whose ear or ears have been cropped or cut off in any other State, and whose owners are nonresidents of the State of New Jersey. Exceptions.

2. This act shall take effect immediately.

Approved May 14, 1935.

CHAPTER 185

AN ACT to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, nineteen hundred and two.

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

1. Section one of the act to which this act is an amendment is hereby amended to read as follows: Section 1 amended.

New Jersey State Library

Associations for purpose of insurance.

1. Ten or more persons may become a corporation for the purpose of making any of the following kinds of insurance, to wit:

Fire, storms, draught, accidents, etc.

I. Against loss or damage to property, including loss of use or occupancy, by fire, smoke, smudge, lightning, tempest on land, including windstorm, tornado and cyclone, earthquake, hail, frost or snow, weather or climatic conditions, including excess or deficiency of moisture, flood, rain or drought, rising of the waters of the ocean or its tributaries, and against perils to property arising from the use of elevators, aircraft, automobiles or other motor vehicles, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, vandalism, or malicious mischief, and by explosion, whether fire ensues or not, except explosion of steam boilers and fly wheels; also against loss of damage by insects or disease to farm crops or products and loss of rental value of land used in producing such crops or products.

Disease or insects.

II. Against any and all kinds of loss or damage to:

Vehicles.

(a) Vessels, craft, aircraft, cars, automobiles and vehicles of every kind, including all kinds of automobile and aircraft insurance (excepting insurance against loss by reason of bodily injury to the person) as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, money, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment or reshipment incident thereto, including marine builder's risk and all personal property floater risks, and

(b) Person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds) but, except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person; Bottomry.

III. Upon the lives or health of persons, and every insurance appertaining thereto, and to grant, purchase or dispose of annuities; Health.

IV. Against bodily injury or death by accident, and upon the health of persons, including a funeral benefit to an amount not exceeding one hundred dollars ($100.00) or against loss or damage to automobiles or motor vehicles of any description, or to wagons or vehicles propelled by a horse, horses or teams of any description, resulting from collision with moving or stationary objects, against perils to property arising from the use of elevators, aircraft, automobiles or other motor vehicles, or against loss by legal liability for damage to persons or property resulting from collision of automobiles, aircraft, or motor vehicles of any description, or of wagons or vehicles propelled by a horse, horses, or teams of any description with moving or stationary objects; Accident and health.

V. Against loss or damage resulting from accident to or injury suffered by any person for which loss or damage the insured is liable; Accident.

VI. Against damage to property of the insured or loss of life or damage to the person or property of others for which the insured is liable, caused by the explosion of steam boilers, pipes, engines, motors and machinery connected therewith or operated thereby; Explosion.

VII. Against loss from the defaults of persons in positions of trust, public or private, or against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer; Surety.

and against loss by banks, bankers, brokers, financial or moneyed corporations or associations, of any bills of exchange, notes, checks, drafts, acceptances of drafts, bonds, securities, evidences of debt, deeds, mortgages, documents, gold or silver, bullion, currency and money, except loss by marine risk or risks of transportation or navigation;

Title. VIII. Against loss or damage on account of encumbrances upon or defects in titles to real property and against loss by reason of the nonpayment of principal and interest of bonds and mortgages. A company organized under this act to transact the business authorized by this subdivision shall have the right in addition to the other powers of investment given by this act, with its capital and surplus, to take, buy, sell and deal in first mortgages on real estate and to issue bonds, debentures and certificates against such mortgages, and may use in its name the words "guaranty company" instead of the words "insurance company" as hereinafter required generally for corporations formed under this act;

Credit. IX. Against loss from bad debts, commonly known as credit insurance;

Theft. X. Against loss by burglary, theft, forgery, vandalism or malicious mischief, the wrongful conversion, disposal or concealment of automobiles held under conditional sale contract or subject to a chattel mortgage, or any one or more of such hazards;

Glass. XI. Against the breakage of glass.

Damage by water. XII. Against loss or damage by water or other fluid to any goods or premises arising from the breaking or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, or of other conduits or containers, or by water entering through leaks or openings in buildings, and of water pipes and against accidental injury to such sprinklers, pumps, conduits, containers, water pipes and other apparatus; including loss of use or occupancy of the property so damaged;

XIII. Upon the lives of horses, cattle and other live stock or against loss by theft of any such property or both. Animals.

XIV. Against loss or damage to property caused by smoke and/or smudge. Smoke.

XV. Against loss or damage to property by any other casualty which may lawfully be the subject of insurance. Casualty.

Companies may be formed upon the stock plan to transact any kind of insurance authorized by this section, or upon the mutual plan to transact the kinds of insurance described in subdivisions first, second, third, fourth, fifth, sixth and eleventh hereof. Any corporation which by its charter is authorized to make insurance against loss or damage to property caused by fire, lightning, or tempest, on land may, without amending such charter, transact all of the kinds of insurance described in subdivisions first, second and twelfth hereof; *provided,* such corporation shall be possessed of the amount of capital stock or cash premiums required by section six of this act. Stock or mutual plan. Proviso.

2. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 186

AN ACT authorizing and empowering The Port of New York Authority to make payments for damages resulting from a change of grade of streets, avenues or other highways.

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

1. To the end that the owners of property in the Port of New York district abutting upon streets, avenues or other highways, the established grade Payment for damages.

of which will be changed by reason of the construction by The Port of New York Authority (hereinafter called the Authority) of any public improvement in the Port of New York district, may not suffer undue loss and injury by reason of such change of grade, the Authority is hereby authorized and empowered, in its discretion, to enter into voluntary agreements with such abutting owners of property which is built upon or otherwise improved in conformity with the grade of any street, avenue or other highway established by lawful authority in the Port of New York district, whereby it will undertake to pay a fair and reasonable sum to such abutting owners for the damage occasioned by such change of grade to the buildings and improvements on such property. The term "owners" as used in this section shall include all persons having any estate, interest, or easement in such property, or any lien, charge or encumbrance thereon. Such payments which the Authority is hereby authorized and empowered to make, shall be in such amounts and shall be payable at such times and under such terms and conditions as shall be agreed upon by and between the Authority and such owners concerned.

"Owner" defined.

When in effect.

2. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with this act, but if the State of New York has already enacted such legislation, this act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 187

AN ACT to amend an act entitled "An act concerning trust companies" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section 18 amended.

1. Section eighteen of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Use of capital stock as security.

18. No trust company shall make any loan on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless such purchase or holding shall be necessary to prevent loss upon a debt previously contracted in good faith or unless such stock has been or is acquired as the result of a consolidation or merger to which such trust company was or is a party; and stock so purchased or acquired shall, within one year from the time of its purchase or acquisition, be sold or disposed of at public or private sale; *provided,* that nothing in this section contained shall apply to any loan made before the passage of this act; *provided, further,* that when any trust company has heretofore acquired or shall hereafter acquire shares of its own capital stock as security or as additional security for a loan previously made, or as the result of a consolidation or merger to which such trust company was or is a party, such trust company may, with the written approval of the Commissioner of Banking and Insurance, hold such shares of its own capital stock for such length of time beyond the said one year period, as the Commissioner of Banking and Insurance may, in his discretion, permit.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 188

AN ACT to amend an act entitled "An act concerning banks and banking" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section 15 amended.

1. Section fifteen of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Use of its own capital stock as security.

15. No bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless such purchase or holding shall be necessary to prevent loss upon a debt previously contracted in good faith or unless such stock has been or is acquired as the result of a consolidation or merger to which such bank was or is a party; and the stock so purchased or acquired shall, within one year from the time of its purchase or acquisition be sold or disposed of at public or private sale; *provided,* that nothing in this section contained shall apply to any loan or discount made before the passage of this act; *provided, further,* that when any bank has heretofore acquired or shall hereafter acquire shares of its own capital stock as security or as additional security for a loan or discount previously made, or as the result of a consolidation or merger to which such bank was or is a party, such bank may, with the written approval of the Commissioner of Banking and Insurance, hold such shares of its own capital stock for such length of time beyond the said one year period, as the Commissioner of Banking and Insurance may, in his discretion, permit.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 189

A SUPPLEMENT to an act entitled "An act to establish a Department of Banking and Insurance," approved February tenth, one thousand eight hundred ninety-one.

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

Bank advisory board.

1. Banking advisory board. There is hereby created in the Department of Banking and Insurance a banking advisory board, which shall consist of the Commissioner of Banking and Insurance, who shall be ex officio the chairman of the board, and eight other members appointed by the Governor with the advice and consent of the Senate, as hereinafter provided. Any appointed member of the board may be removed from office by the Governor whenever, in his judgment, the public interest may so require.

Removal.

Terms.

Of the members first appointed under this act, the terms of two shall expire on June thirtieth, one thousand nine hundred thirty-six; two on June thirtieth, one thousand nine hundred and thirty-seven; two on June thirtieth, one thousand nine hundred thirty-eight; and two on June thirtieth, one thousand nine hundred thirty-nine. On or before July first, one thousand nine hundred thirty-six, and at a like time in each succeeding year, two members shall be appointed for a term of four years. Members of the board, except when removed from office, shall serve until their successors shall have been appointed and qualified.

Hold over provision.

Qualifications.

Of the eight members to be appointed, at least five shall each have had, at the time of his appointment, not less than five years of practical experience as an active executive officer in a banking institution; and three thereof may be without such qualification. At no time, however, shall there be

more than a single representative on the board from any one institution or group of institutions as hereinafter defined. The five members specified to have had practical executive experience shall be appointed insofar as deemed advisable by the Governor, from the following groups: Group 1, savings banks incorporated under the laws of the State of New Jersey: Group 2, State banks and State trust companies located in the second Federal Reserve district which are not members of the Federal Reserve System: Group 3, State banks and State trust companies located in the second Federal Reserve district which are members of the Federal Reserve System: Group 4, State banks and State trust companies located in the third Federal Reserve district which are not members of the Federal Reserve System; and Group 5, State banks and State trust companies located in the third Federal Reserve district which are members of the Federal Reserve System.

Groups represented.

Any vacancy in the board resulting from a cause other than the expiration of the term of a member shall be filled for the unexpired part of the term in the same manner as for a full term. Whenever such a vacancy occurs, the selection to fill it shall be from the group in which there is a vacancy. Members of the board shall be eligible for reappointment.

Vacancies.

2. Meetings of the board. The board shall meet at such times and places in the State as it may determine. The chairman may call such other meetings as he may deem necessary, and he shall call a meeting when requested by two or more members of the board. Two days' notice of any meeting called by the chairman shall be given to each member. A notice addressed to the home or business address of any member shall be deemed to be sufficient notice under this section. Nothing in this section shall be construed as invalidating any emergency meeting of the board, if actual notice is given to at least six of the members in time for them to reach the meeting and notices are com-

Meetings.

Notice.

Construing.

municated by telegraph or telephone to the offices or residences of the remaining members. A majority of the members of the board shall constitute a quorum. Quorum.

3. Expenses of the members of the board. The members of the board shall receive no compensation for their services on the board, but they shall be reimbursed for their actual and necessary expenses in attending meetings. All claims for reimbursement shall be submitted in the form and manner prescribed for like claims of the Commissioner of Banking and Insurance. No compensation. Expenses paid.

4. Secretary of the board. The board shall elect a secretary who may be an employee of the Department of Banking and Insurance, but who shall receive no extra compensation for serving as secretary. The secretary shall keep an accurate record of all meetings and minutes of the board, and shall perform such other duties as may be prescribed by the board. Secretary.

5. Powers of the board. Upon the request and subject to the approval of the Commissioner of Banking and Insurance, the board shall have power, by a two-thirds vote of all its members, to make, alter, amend, and repeal rules and regulations not inconsistent with law nor in conflict with the powers now or that may hereafter be conferred by statute upon the Commissioner of Banking and Insurance, for the following purposes: Board empowered to:

(a) To establish safe and sound methods of banking throughout the State and to safeguard the interest of depositors, creditors and stockholders generally; Establish safe banking methods;

(b) To establish the methods and standards to be used by the Commissioner of Banking and Insurance in making official examinations of banks, trust companies, savings banks and private bankers and in valuing their assets and investments; Establish standards of examinations;

(c) To define "conducting business in an unsafe or unauthorized manner" as applied to banks, trust companies, savings banks and private bankers; Define unsafe banking;

Define unsafe conditions;

(d) To define "unsafe condition to transact business" as applied to banks, trust companies, savings banks and private bankers;

Restrict loans, etc.;

(e) To classify and restrict, from time to time, by uniform rules and regulations, the character and percentages of loans and investments of banks, trust companies, savings banks and private bankers;

Make recommendations, etc., to commissioner;

(f) To consider and make recommendations, or determine upon, any matter relating to the duties and powers of the commissioner, which he may submit to it for recommendation or determination;

Approve or disapprove certificates of incorporation, etc.;

(g) To consider and recommend approval or disapproval of any certificate of incorporation of any bank or trust company or any application for the establishment of a branch bank or agency or any organization certificate of a trust company, or any certificate authorizing a bank to exercise the powers of a trust company, or the extension of the corporate existence, or the increase or decrease in capital stock or other change in the charter or certificate of incorporation of any bank or trust company, or the merger of any two or more corporations, or any certificate of authority to a private banker, or any certificate of incorporation of a savings bank, or any application for the establishment of a branch savings bank or agency, or the merger of savings banks. The recommendation of approval or disapproval of the board shall not be binding upon the Commissioner of Banking and Insurance in respect to the discharge of his official duty in the matter, and nothing in this act contained shall be construed as limiting the power now, or that may hereafter be, conferred upon the Commissioner of Banking and Insurance to approve or to refuse his approved of any certificate of incorporation, the establishment of any branch or agency of a bank, trust company or savings bank; the exercise of trust powers; any change in the charter of a bank, trust company, or savings bank; the merger of any banks, trust companies, or savings banks; or any certificate of authority

Recommendations binding;

for a private banker without reference to the board. For the consideration and action of the board in respect to any of the matters provided for in this paragraph, the Commissioner of Banking and Insurance shall submit to it all testimony, proofs, papers and correspondence relating thereto, and the result of his investigation thereof. Whenever the Commissioner of Banking and Insurance shall give approval when the board has recommended disapproval, or shall give disapproval when the board has recommended approval, the finding of the board shall be made public by posting the same in the office of the Commissioner of Banking and Insurance concurrently with the promulgation of his determination;

Results of investigations submitted to board;

Findings posted;

(h) To prepare and submit to the Governor annually, on or before the first day of December, a report which shall present information as to the functioning of the board and recommendations for such legislation as the board may deem necessary or advisable.

Make annual report.

6. Extent of the powers of the board. The powers of the board shall extend to all State banks, trust companies, savings banks and private bankers which are subject to regulation by the Department of Banking and Insurance.

Purview of board.

7. Powers of members of the board. No member of the board shall be vested with any authority under the provisions of this act other than to vote at an official meeting of the board. Neither the chairman of the board as such, nor any members of the board, shall be personally liable for any act done or omitted in connection with the performance of their duties.

Powers of members limited.

Not liable.

8. Access to records of the Department of Banking and Insurance. For the purpose of considering questions before it, the board shall have access to all the books and papers in the Department of Banking and Insurance, including reports and confidential communications, but each member of the board shall treat all information and data so obtained as confidential, and shall not reveal or

Access to records.

disclose any such information to any person other than to another member of the board.

Constitutionality.

9. Constitutionality. If any provision of this act, or the application thereof to any person or circumstance, shall be held to be invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

10. Effective date. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 190

AN ACT to supplement an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred and thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred and thirty-one, as amended.

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

Municipality may file bankruptcy petition.

1. Whenever, pursuant to the act to which this act is a supplement, the Municipal Finance Commission, hereinafter sometimes referred to as the "commission" shall function in any municipality, any such municipality may file a petition with any United States court of bankruptcy under an act of the Congress of the United States entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July first, one thousand eight hundred and ninety-eight, and acts amendatory thereof and supplemental thereto," approved May twenty-fourth, one thousand nine hundred and thirty-four, for the purpose of effecting a readjustment of its debts. No such petition nor any plan of readjustment in connection therewith shall be filed

Approval of commission.

with the court by any municipality, however, unless the same shall be accompanied by the written approval of the commission, and no plan of readjustment shall be put into temporary effect or finally confirmed without the written approval of the commission of such plan. The municipality shall give the commission at least ten days notice in writing of all hearings and other proceedings before the court of bankruptcy or any special master in connection with any such petition or plan of readjustment.

Notice of hearings.

2. The commission shall have power in its discretion to give its written approval of any petition proposed to be filed by any municipality hereunder and of any plan of readjustment of its debt filed with or in proceedings upon such petition; *provided, however,* that notwithstanding any provision of this act, the commission shall not approve any plan of readjustment which provides for the reduction in the principal amount of any outstanding notes or bonds of such municipality.

Commission empowered to approve petition.

Proviso.

3. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 191

AN ACT to amend an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred thirty-one, as amended.

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

1. Article III-A of the act to which this act is an amendment be and the same hereby is amended by adding thereto after section three hundred fifty-three a new section as follows:

Section 354 added.

No action, at law, etc., brought.

354. Whenever the municipal finance commission shall function in any municipality and so long as it shall continue to do so, no action or proceedings at law or in equity shall be brought or prosecuted, the purpose of which is to affect the disposition of property or funds owned or controlled by the municipality, except as provided in this act. If any such municipality has in its possession or under its control, or there is in the possession or under the control of the commission, any property or funds of such municipality which are or may be available for the payment of interest or principal upon any of the debts of such municipality (over and above the payment of the current operating expenses of the municipality and the maintenance of a reasonable working capital), then such municipality in its discretion may apply, or if directed by the commission shall apply, to the Supreme Court to determine the application and distribution of such property or funds to and among the creditors of the municipality, and in any such case the Supreme Court in its discretion may permit an application for relief of the same character to be made by any creditor of the municipality. In any such proceedings all creditors of the municipality shall be made parties thereto in such manner and upon such notice by publication or otherwise as the Supreme Court shall approve, and any creditor may appear therein and assert his rights to receive all or any part of such property or funds.

May apply to Supreme Court to determine distribution.

Creditors made parties to proceedings.

2. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 192

AN ACT to amend an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred and thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred and thirty-one, as amended.

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

1. Section two hundred and one of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 201 amended.

201. The commission shall have power from time to time to prepare and certify to the governing body of such municipality resolutions providing for the funding or refunding of notes or bonds, or other indebtedness of the municipality, and the interest thereon, which the commission shall have found after public hearing to be outstanding and unpaid and to be due or to become due. Funding indebtedness.

2. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 193

AN ACT concerning the financial difficulties of counties, municipalities, school districts, or other political subdivisions of this State.

WHEREAS, By an act of the Congress of the United States entitled "An act to amend an act entitled 'An act to establish a uniform system of bank- Preamble.

ruptcy throughout the United States,' approved July first, one thousand eight hundred and ninety-eight, and acts amendatory thereof and supplementary thereto," approved May twenty-fourth, one thousand nine hundred and thirty-four, the Congress of the United States has undertaken the further exercise of the bankruptcy powers because of the national emergency caused by increased financial difficulties of many local governmental units; and

Preamble.

WHEREAS, Pursuant to said act of the Congress of the United States divers counties, municipalities, school districts or other political subdivisions of this State may desire to effect a readjustment of their debts and to procure the discharge of debts and liabilities provided for in said act; and

Preamble.

WHEREAS, Public and recorded confession that it is insolvent or unable to meet its debts as they mature must be made by any county, municipality, school district or other political subdivision desiring to take action under said act of the Congress of the United States; and

Preamble.

WHEREAS, Said act of the Congress of the United States reserves to the State the power to control the actions of its counties, municipalities, school districts or other political subdivisions under said act; now, therefore,

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

Political subdivision may file petition in bankruptcy.

1. Any county, municipality, school district or other political subdivision of this State (hereinafter referred to as "political subdivision") shall have power to file a petition or petitions with any United States court or court in bankruptcy under an act of the congress of the United States entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July first, one thousand eight hundred and ninety-eight, and acts amendatory thereof and supplementary thereto,"

approved May twenty-fourth, one thousand nine hundred and thirty-four (hereinafter referred to as the "municipal bankruptcy act"), for the purpose of effecting a readjustment of its debt. Such petition or petitions shall not be so filed unless the approval of the municipal finance commission constituted by section one hundred two of an act of the Legislature of the State of New Jersey entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred and thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred and thirty-one, as amended and supplemented, which is hereby constituted a commission for the purposes of this act, be first had and obtained.

Approval of commission before filing petition.

2. The filing of such petition shall be authorized only by ordinance of the governing body of the political subdivision adopted by the affirmative vote of not less than two-thirds of all the members elected to such governing body, except that in the case of a county or of a school district governed by the provisions of article VII of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, as amended and supplemented, such filing shall be authorized by resolution of the governing body adopted by the affirmative vote of not less than two-thirds of all the members elected to such governing body. For the purposes of this act the board of education of a school district governed by the provisions of article VII of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, as amended and supplemented, shall be deemed to be the "governing body" of such school district.

Filing of petition authorized by ordinance.

3. No plan of readjustment filed with or in the proceedings upon any such petition shall be ap-

Approval by commission before plan effective.

proved by the court or put into temporary effect or finally confirmed without the approval of the municipal finance commission.

Commission empowered to give approval.

4. The municipal finance commission shall have power in its discretion to give its approval in the manner provided by this act to the filing of any petition for the purpose of effecting readjustment of its debt which any political subdivision proposes to file, and of any plan of readjustment filed with or in the proceedings upon any such petition; *provided, however,* that no such plan of readjustment shall provide for the reduction of the principal amount of any outstanding notes or bonds of the political subdivision or for the payment of fees, compensation, reimbursement or other allowances for attorneys, agents, committees, or other representatives of creditors of the political subdivision.

Proviso.

Political subdivision empowered to carry out plan.

5. Upon the final confirmation of any plan of readjustment approved by the municipal finance commission, the political subdivision assenting to such plan of readjustment shall have power, by ordinance in the case of a municipality, by resolution in the case of a county, and by resolution of the board of education in the case of a school district governed by the provisions of article VII of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, as amended and supplemented to authorize, issue, sell and deliver such bonds, notes or other obligations and enter into such agreements and do such other acts and things as may be required of it pursuant to said plan of readjustment. The full faith and credit of the political subdivision shall be deemed to be pledged for the payment of such notes, bonds or other obligations. Such ordinance or resolution, as the case may be, shall not take effect until approved by the municipal finance commission, and shall provide for the issuance of bonds in one or more series, bearing such date or dates, maturing at such time

Security.

Ordinance effective.

Issuing details.

or times, bearing interest at such rate or rates of interest, not exceeding six per centum (6%) per annum, payable at such time or times, in such denominations, in such form, either coupon or registered, carrying such registration privileges, payable in such medium of payment at such place or places, subject to such terms of redemption, with or without premium, as the municipal finance commission may approve.

Request for approval filed with commission.

6. The approval of any petition, plan of readjustment or other papers to be filed in any United States court or court in bankruptcy, or of any ordinance or resolution shall be requested by filing in the office of the municipal finance commission a certified copy of a resolution of the governing body of the political subdivision adopted by the affirmative vote of not less than two-thirds of all the members elected to such governing body, requesting such approval, together with a true and correct transcript duly certified of any proceedings relating to such petition, plan of readjustment, other papers, ordinance or resolution, and the authorization thereof, accompanied by, in the case of documents to be filed in the United States court or court in bankruptcy, the original and one certified copy of such documents, and in the case of an ordinance or resolution, two certified copies of such ordinance or resolution. The approval of the municipal finance commission under this act of any petition, plan of readjustment or other papers filed or to be filed in a United States court or court in bankruptcy, shall be evidenced only by written endorsement thereof on the petition, plan of readjustment or other papers so filed and the approval of the municipal finance commission under this act of any ordinance or resolution of the governing body of any political subdivision shall be evidenced only by written endorsement thereof on a certified copy of such ordinance or resolution.

Endorsement evidence of approval.

7. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 194

AN ACT to supplement an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred thirty-one, as amended.

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

Pay assessment in installments.

1. Whenever, pursuant to the act of which this act is a supplement, the municipal finance commission, hereinafter sometimes referred to as the "commission," shall function in any municipality, then such municipality may with the approval in writing of such commission extend the period theretofore granted for the payment of assessments for benefits for local improvements, by granting to the owner of the property so assessed the privilege of paying in five additional equal annual installments the amount of all such assessments confirmed and due and payable, by reason of a default or otherwise, as of the date of the resolution hereinafter mentioned, and of the interest thereon and penalties and other charges relating to such assessments accrued to such date.

Action of ordinance.

Such action shall be taken by resolution of the governing body of the municipality describing with clearness sufficient for identification the property so affected, the amount of such assessments, interest, penalties and other charges, and the annual dates when the installments of such amount shall thereafter be due and payable.

Resolution effective.

Such resolution shall not take effect until approved in writing by the commission after public notice published in a newspaper having a substantial circulation in the municipality.

Separate resolutions not necessary.

There need not be a separate resolution for each property or property owner.

2. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 195

A SUPPLEMENT to an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred thirty-one, as amended and supplemented.

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

Funding indebtedness by school districts.

1. Whenever, pursuant to the act to which this act is a supplement, the municipal finance commission, hereinafter referred to as the "commission," shall function in any municipality and there is a school district coterminous with such municipality governed by the provisions of article VII of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, hereinafter referred to as the "school law," the commission shall have power from time to time to prepare and certify to the board of education of such school district resolutions providing for the funding or refunding of notes or bonds or other indebtedness of the school district, and the interest thereon, which the commission shall have found, after public hearing, to be outstanding and unpaid and to be due or to become due. Such funding or refunding shall be carried out in accordance with the provisions of the act to which this act is a supplement, and shall not be subject to a referendum or to the other provisions of the school law. Such school district and the board of education thereof shall be subject to all the provisions of the act to which this act is a supplement, as heretofore or hereafter amended or supplemented and the board of education of

No referendum.

Governing body.

such school district shall be deemed to be the governing body of such school district within the meaning of and for all the purposes of said act, as so amended and supplemented.

Act effective.

2. This act shall take effect on July first, one thousand nine hundred and thirty-five.

Approved May 15, 1935.

CHAPTER 196.

A FURTHER SUPPLEMENT to an act entitled "An act concerning trust companies" (Revision 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Security not required of trust companies.

1. Notwithstanding any provision of the law of this State, or of any ordinance of any political subdivision thereof, or of any rule of any court, board or commission, existing under the laws of this State, requiring the deposit of any security for deposits made in any trust company either by deposit of securities or surety bond or in any other manner, no such security for such deposits shall hereafter be required of any trust company to the extent that such deposits are insured by such trust company under and by virtue of the provisions of section 12B of the Federal Reserve Act, as amended, or any other of the laws of the United States of America pertaining thereto.

Repealer.

2. All laws or parts of laws inconsistent herewith are hereby repealed.

Approved May 15, 1935.

CHAPTER 197.

A FURTHER SUPPLEMENT to an act entitled "An act concerning banks and banking" (Revision 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Security not required of banks, etc.

1. Notwithstanding any provision of the law of this State, or of any ordinance of any political subdivision thereof, or of any rule of any court, board or commission, existing under the laws of this State, requiring the deposit of any security for deposits made in any bank, either by deposit of securities or surety bond or in any other manner, no such security for such deposits shall hereafter be required of any bank to the extent that such deposits are insured by such bank under and by virtue of the provisions of section 12B of the Federal Reserve Act, as amended, or any other of the laws of the United States of America pertaining thereto.

Repealer.

2. All laws or parts of laws inconsistent herewith are hereby repealed.

Approved May 15, 1935.

CHAPTER 198

AN ACT making an appropriation for engineering and architectural services and the supervision and administration necessary in preparing plans and supervising construction of armories and additions thereto authorized under "A supplement to an act entitled 'An act authorizing and empowering the Quartermaster-General in behalf of the State to accept Federal grants for construction, alteration and renovation of National Guard and Naval Militia armories.'"

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

Appropriation.

1. For the purpose of employing the engineering and architectural services and the supervision and administration necessary in the construction of such new buildings, and additions and alterations to existing buildings, for the National Guard and Naval Militia of the State, there is hereby appropriated the sum of sixty-two thousand five hundred dollars ($62,500.00), or so much thereof as may be required; *provided,* that the amount authorized to be expended under this act shall not for the purpose above mentioned exceed five per centum (5%) of the amount granted by the Federal Government for the construction of new armories and additions and alterations to existing armories for the National Guard and the Naval Militia of the State.

Proviso.

2. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 199

AN ACT to supplement an act entitled "An act concerning the issuance of bonds by municipalities to pay, fund or refund certain bonds or other indebtedness," approved April fourth, one thousand nine hundred and thirty-four, constituting chapter sixty of the pamphlet laws of one thousand nine hundred and thirty-four.

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

May reserve privileges granted.

1. Any municipality as defined in the act to which this act is a supplement (hereinafter referred to as the "original act"), which shall hereafter authorize the issuance of bonds pursuant to the original act, may by provision in the ordinance authorizing such bonds reserve the privileges granted by this act. Any bonds issued pursuant to such ordinance shall contain in the body thereof a recital that they are issued pursuant to the original act as hereby supplemented, specifically identifying this act by reference to the date of its approval and its chapter number. The term "special taxes," as used and applied in this act, shall mean any taxes on real estate used for railroad and canal purposes in a municipality separately valued and assessed under the provisions of subdivision two (2) of section three (3) of an act entitled "An act to revise and amend 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," approved March twenty-seventh, one thousand eight hundred and eighty-eight, and commonly known as "second class railroad taxes." The term "year of issuance", as used and applied in this act, shall mean the calendar year in which bonds containing the recital required by this section are issued by a municipality.

Reference made.

Special taxes defined.

Year of issuance defined.

Anticipated receipts.

2. In estimating the cash receipts for any fiscal year for the purpose of determining the amount of the appropriation under the caption "Reserve for Uncollected Taxes," required by section seven of the original act to be included in the budget or tax ordinance of any municipality which shall have issued bonds containing the recital required by section one of this act (hereinafter referred to as "issuing municipality"), the receipt may be anticipated of eighty per centum (80%) of any special taxes levied or to be levied and payable in such fiscal year.

Computing cash receipts.

3. In computing the amount of any appropriation under the caption "Cash Deficit of Preceding Year" required by section seven of the orginal act to be included in the budget or tax ordinance of any issuing municipality, the proceeds of the sale during the preceding fiscal year of any notes issued under this act and applied to the lawful yearly expenditures of such preceding fiscal year shall be deemed to be cash receipts in and of such preceding fiscal year, to the extent only that such proceeds, together with any moneys received during such preceding fiscal year in payment of special taxes levied and payable in such preceding fiscal year, do not exceed eighty per centum (80%) of the total amount of special taxes levied and payable in such preceding fiscal year.

May issue special tax notes.

4. To provide moneys for the purposes for which special taxes may or are to be levied in any year beginning with the year of issuance, any issuing municipality may issue for such year and from time to time renew its negotiable notes, each to be known as "Special Tax Note of 19.... (stating the year of levy of such taxes)", and each to run with its renewals for a period of not exceeding five (5) years from its date, to an amount for each year which, together with all other such notes of such year then outstanding, will not exceed eighty per centum (80%) of the amount of special taxes levied or to be levied in such year, less the amount of any such taxes of such year which may have been col-

lected at the time of issue or renewal of such notes as the case may be. If any such special taxes for any such year are collected by such municipality after such notes are issued, then until the amount of such notes issued against the same have been correspondingly reduced, the amount of such collections shall be charged against the borrowing power of the current year, or, if that borrowing power has been already used then against the borrowing power of the next following year. Any such notes (a) shall be authorized by resolution; (b) may, and if issued for a period exceeding one (1) year, shall, be made subject to redemption at not exceeding par and accrued interest at the option of the municipality; (c) shall bear interest at not exceeding six per centum (6%) per annum; (d) shall be issued in such form and executed in such manner as may be prescribed by resolution; (e) may be sold at not less than par and accrued interest at private sale without previous public offering either by resolution or by a financial officer authorized to sell such notes by resolution. Any financial officer making any such sale shall report in writing to the governing body at the next meeting the amount, description, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full on the minutes of such meeting. Such notes shall not be deemed tax anticipation, tax revenue or tax title bonds or notes. Provision need not be made in the budget of any year for the payment of that principal of any such notes maturing in such year if such notes may lawfully be renewed for a period extending beyond such year, but such provision must be made in each year for the payment of interest on all such notes. The power and obligation of the municipality to pay such notes shall be unlimited and the municipality shall have power and be obligated to levy ad valorem taxes upon all the taxable property within the municipality for the payment of such notes and

Application of taxes collected.

Issuing details.

Report by issuing official.

Not deemed tax anticipation notes.

Provision for payment of interest.

Power to pay unlimited.

interest thereon without limitation of rate or amount.

Provision in budget for payment of outstanding notes.

5. Notwithstanding any provision to the contrary in section four of this act, there shall be included in each budget or tax ordinance of any municipality an appropriation for the payment of any notes issued under this act outstanding at the time of the submission of such budget in an amount not less than the amount, if any, by which the sum of the principal amount of such notes and the amount of all moneys previously received since the beginning of the year of issuance in payment of special taxes whether levied before or after the year of issuance, exceeds eighty per centum (80%) of the total amount of such special taxes which may have been levied and payable in any preceding fiscal year since the beginning of the year of issuance.

Payment of notes.

6. Any issuing municipality may by resolution pledge to the equal and ratable payment of any notes issued or to be issued under this act, and described in such resolution, all or any specified part of receipts from any special taxes delinquent at the time of the adoption of such resolution, subject to the condition that the municipality may thereafter by similar resolution provide that the pledge be extended for the equal and ratable benefit and security of other notes theretofore or thereafter issued under this act. Any such resolution may contain covenants as to the application to the reduction of the debt of the municipality of any such receipts in excess of the amounts necessary for the purposes of the pledge and any extension of such pledge or any other such pledge theretofore or thereafter made pursuant to this act. Such receipts shall be held by the municipality as a trust fund for the purpose of fulfilling the terms of any such resolution. Any such resolution shall, if and to the extent provided therein, constitute a contract between the municipality and the holders of any notes, bonds or other debt to the payment of which such receipts under the terms of such resolution are to be applied, which may be enforced by manda-

Covenants as to reductions.

Receipts held in trust.

mus or other appropriate action, suit or proceeding at law or in equity instituted by any such holder on behalf of all the other holders and/or by the owner of property subject to taxation in such municipality.

Construing as to previous contracts.

7. Nothing in this act shall be construed to affect any contracts heretofore made pursuant to the original act or to affect any such contract made by an issuing municipality except as expressly provided herein, or to prevent the issuance of bonds pursuant to the original act and the making of the contract constituted thereby by any issuing municipality.

State not obligated.

8. Nothing in this act shall be construed as creating or implying any duty on the part of the State to assure to any municipality issuing notes under this act, or to the holder of any such notes, that any percentage of the special taxes against which such notes were issued will in fact be collected or is legally payable, or that any deficiency in such special taxes should be made up or compensated for in any way by the State or in any other way except by inclusion in the budget or tax ordinance of such municipality.

Severability of sections.

9. If any one or more sections, clauses, sentences or parts of this act shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining sections, clauses, sentences or parts thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

10. This act shall take effect immediately.

Approved May 15, 1935.

CHAPTER 200

A SUPPLEMENT to an act entitled "An act to secure the purity and wholesomeness of shellfish," approved February twenty-ninth, nineteen hundred and twelve.

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

Board of Health empowered to acquire lands, etc.

1. The Department of Health of the State of New Jersey shall have the power from time to time to lease lands and buildings thereon, when it shall be deemed necessary by the said department to acquire said lands, in order to carry into effect the purposes of the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 201

A SUPPLEMENT to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession" (Revision of 1903), approved April fourteenth, one thousand nine hundred and three.

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

Unlawful to sell, etc., bittersweet.

1. It shall be unlawful to take for the purpose of sale, sell, or expose for sale, any wild solanum dulcamara, commonly known as bittersweet, under

a penalty of ten dollars ($10.00) for each offense; *provided, however,* that this act shall not apply to the sale of this vine in any form for medicinal purposes. Proviso.

2. This act shall be enforced by the persons authorized and in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, eighteen hundred and ninety-seven, and the acts amendatory thereof and supplementary thereto. Enforcement.

3. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 202

AN ACT to amend an act entitled "A further supplement to an act entitled 'An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission and defining its powers and duties,' approved April tenth, one thousand nine hundred and eight," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

1. Section one of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 1 amended.

1. In the event of any municipal board or body or any public officer, official or employee violating Review of proceedings on petition.

any of the provisions of this act, or the acts to which this act is a supplement, in the matter of selecting persons for employment, or in the designation of any employee for the appointment, or in the suspension, removal, fine or reduction of employees from office, any citizen of the State may cause a summary review to be had of such illegal or unlawful action by presenting a petition to the Civil Service Commission setting forth the particulars in which it is claimed the provisions of said act have been violated, which petition shall be verified by affidavit. Upon the filing of such a petition with its secretary, said commission shall issue an order directed to the members of the municipal board or body so offending, or to the public official, officer or employee so offending, directing them or him, as the case may be, to appear before said commission at such reasonable time as said commission shall, in said order, fix, and lay before it the reasons for the action so as aforesaid complained of in said petition as unlawful; that said commission shall give a hearing and investigate said action and the reasons therefor and determine whether or not said action of such municipal board, body, public official, officer or employee should be set aside under the circumstances presented. At such hearing witnesses may be sworn and any of the parties to the proceedings may be represented by counsel. Said commissions shall have the power to compel the attendance of witnesses by subpœna, issued at the request of any of the parties to said proceeding. Upon the conclusion of said hearing said Civil Service Commission shall make such determination and order as the circumstances may require, and may order the reinstatement of any officer or employee found by it to have been suspended, removed, fined or reduced in violation of the provisions of the act to which this act is a supplement, and may vacate any order of suspension, removal, fine or reduction made in violation of the provisions of this act. Any such order of reinstatement or vacation of order shall be filed with the

Order to board or officer offending.

Hearing.

Witnesses.

Subpœnas.

Determination, and order.

Order filed and copy served.

secretary of said Civil Service Commission and a certified copy thereof shall be served upon either the presiding officer or the clerk of any municipal board or body to be affected thereby, or upon the public official, officer or employee to be affected thereby when no municipal board or collective body having a presiding officer or clerk is affected thereby. The person or persons to whom said order is directed shall forthwith proceed to comply with the terms and provisions thereof, and any failure or neglect to properly satisfy or meet the requirements of said order shall be subject to all the remedies and penalties now provided by law for refusal or failure of public bodies or public officers and employees to do an act required of them by law.

Failure to comply.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 203

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

1. Section five, article sixteen, of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Art. 16, Sec. 5, amended.

5. No person, whether officer or employee in any such police department, shall be suspended, removed, fined or reduced from office or employment therein, except after just cause, as hereinabove provided, and then only after written charge or charges of the cause or causes of complaint shall

Procedure to effect removal of police.

Charges.

have been preferred against such officer or employee, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the charge or charges shall have been publicly examined into by the appropriate board or authority upon reasonable notice to the person charged; it being the intent of this act to give every person against whom a charge or charges for any cause may be preferred under this act, a fair trial upon said charge or charges, and every reasonable opportunity to make his defense, if any he has or chooses to make; and the officer, board or authority having power to hear and determine such charge or charges shall have power to issue writs of subpœna to compel the attendance of witnesses, and every person who neglects or refuses to obey the command of such a writ shall be liable to a penalty of twenty-five dollars ($25.00), to be sued for in the corporate name of the municipality in any court of competent jurisdiction, and the penalty when collected shall be paid into the poor fund, if any, of such municipality, and if no poor fund then to be paid into the general fund of such municipality. In the event that any officer or employee in any such police department shall be suspended pending trial on charges, such trial shall be commenced within thirty days otherwise said charges shall be dismissed and such officer or employee returned to duty.

Trial.

Witnesses and subpœnas.

Penalty.

Trial in 30 days.

Art. 17, Sec. 5, amended.

2. Section five, article seventeen, of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Procedure to effect removal of firemen.

5. No person, whether officer or member in any such paid fire department, shall be suspended, removed, fined or reduced from office or employment therein, except after just cause, as hereinabove provided, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against such officer or member, signed by the person or persons making such

Charges.

charge or charges and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the charge or charges shall have been publicly examined into by the appropriate board or authority, upon reasonable notice to the person charged; it being the intent of this act to give every person against whom a charge or charges for any cause may be preferred under this act, a fair trial upon said charge or charges and every reasonable opportunity to make his defense, if any he has or chooses to make; and the officer, board or authority having power to hear and determine such charge or charges shall have power to issue writs of subpœna to compel the attendance of witnesses, and every person who neglects or refuses to obey the command of such a writ shall be liable to a penalty of twenty-five dollars ($25.00), to be sued for in the corporate name of the municipality in any court of competent jurisdiction, and the penalty, when collected, shall be paid into the poor fund, if any, of such municipality; and if no poor fund, then to be paid into the general fund of such municipality. In the event that any officer or employee in any such fire department shall be suspended pending trial on charges, such trial shall be commenced within thirty days otherwise said charges shall be dismissed and such officer or employee returned to duty.

Trial.

Witnesses and subpœnas.

Penalty.

Trial in 30 days.

3. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 204

AN ACT to amend an act entitled "A supplement to an act entitled 'An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties,' approved April tenth, one thousand nine hundred and eight," approved March thirtieth, one thousand nine hundred and fifteen.

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

Section 1 amended.

1. Section one of the act to which this act is an amendment, be and the same is hereby amended to read as follows:

Petition to review proceedings.

1. In the event of any municipal board or body, or any public officer, official or employee violating any of the provisions of this act, or the act to which this act is a supplement, in the matter of selecting persons for employment, or in the designation of any employee for appointment, or in the suspension or removal of employees from office, any citizen of the State may cause a summary review to be had of such illegal or unlawful action, by presenting a petition to one of the justices of the Supreme Court of this State, which said petition shall be verified. Upon the presentation of such a petition to a justice of the Supreme Court, such justice upon reading the same, and being of opinion that the same presents a meritorious case for consideration, may issue an order directed to the members of the municipal board or body so offending, or to the public official, officer or employee so offending, directing them or him, as the case may be, to appear before said justice at such time as the said

Order to board or officer offending.

justice shall fix, to show cause why any action thus complained of shall not be set aside, and for the purpose of having determined by said justice what of right ought to be done by said municipal board, body, public official, officer or employee under the circumstances presented. At such hearing, witnesses may be sworn and any of the parties to the proceeding may be represented by counsel as in other proceedings in the Supreme Court. Process of subpœna shall issue the same as in any civil action in the Supreme Court; and the said justice shall make such determination and order as the circumstances may require. The order made by the justice of the Supreme Court shall be filed with the clerk of the Supreme Court and a certified copy thereof shall be served upon either the presiding officer or the clerk of any municipal board or body to be affected thereby; or upon the public official, officer or employee to be affected thereby, when no municipal board or collective body having a presiding officer or clerk is affected thereby. The person or persons to whom said order is directed shall forthwith proceed to comply with the terms and provisions thereof, and any failure or neglect to properly satisfy or meet the requirements of said order shall be punishable as and for contempt of court.

Notice to show cause.

Subpœnas.

Order.

Order filed and served.

Failure to comply with order.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 205

AN ACT accepting the gift of Elizabeth Fellowes Warbasse, deceased, of one thousand dollars ($1,000.00) for the use and benefit of the New Jersey Commission for the Blind, a division of the State Department of Institutions and Agencies, and further empowering the Commissioner of Institutions and Agencies to execute a refunding bond to the executors of the estate.

Preamble

WHEREAS, Elizabeth Fellowes Warbasse, deceased, late of Sussex county in the State of New Jersey, in and by the thirty-fourth item of her last will and testament did give and bequeath the sum of one thousand dollars ($1,000.00) to the New Jersey Commission for the Amelioration of the Condition of the Blind, 9-11 Franklin street, Newark, New Jersey; now therefore,

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

Gift accepted on behalf of blind.

1. The bequest of one thousand dollars ($1,000.00) to the New Jersey Commission for the Blind, made by Elizabeth Fellowes Warbasse, deceased, in and by the thirty-fourth item of her will, be and the same is hereby accepted by the State of New Jersey; said bequest to be under the management, control and at the disposal of the State Department of Institutions and Agencies for the use and benefit of the New Jersey Commission for the Blind.

Refunding bond.

2. The Commissioner of the Department of Institutions and Agencies is hereby empowered to execute a refunding bond in form authorized and required by the laws of the State of New Jersey, to the executors of the estate of the aforementioned Elizabeth Fellowes Warbasse, deceased.

3. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 206

AN ACT concerning motor vehicles carrying passengers for hire over the highways of this State by virtue of a municipal consent or consents upon a route or routes established in any municipality or municipalities of this State and requiring owners thereof to carry insurance or other financial coverage, and vesting power in the Board of Public Utility Commissioners to reject policies of insurance after hearing.

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

1. Definitions. The term "motor vehicle" as used herein includes all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks exclusively) carrying passengers for hire now or hereafter operated by virtue of a municipal consent upon a route or routes established in any municipality or municipalities. Terms: Motor vehicle;

The term "self-insurer" as used herein means any person who, by virtue of any law of this State is exempted by some official, board or body of this State from the requirements imposed upon other owners of similar motor vehicles to carry insurance in an insurance company. Self-insurer;

The term "financial responsibility" as used herein means ability to satisfy claims to the extent set forth in section two of this act. Financial responsibility;

The term "for hire" as used herein means compensation in any form, whether directly or indirectly made. For hire;

The term "financial coverage" as used herein means insurance and also self-insurer. Financial coverage;

The term "magistrate" as used herein shall be deemed and understood to mean and include all Magistrate;

justices of the peace, judges of county and criminal courts, police judges, recorders, mayors and other officers having powers of the committing magistrate; *providing, however,* it shall not include a justice of the peace sitting within the corporate limits of any municipality having a police judge, police justice, recorder's court or city criminal court.

Proviso.

Person.

The word "person" as used herein shall be construed to include corporations, associations and partnerships.

Financial coverage required.

Copy of policy filed.

2. Any person engaged in the operation of motor vehicles as defined herein shall at all times have financial coverage as herein defined. If such financial coverage shall be by insurance policy, such insurance policy or policies or true copies thereof, shall be filed with the Board of Public Utility Commissioners. Said board may reject any policy if and when it determines after hearing upon notice in writing to the insurance company that the company or companies writing or underwriting said policies of insurance is or are not financially responsible to respond in damages. Upon any hearing as provided herein, the burden of proving its financial responsibility shall rest upon said insurance company or companies. Said insurance policies shall be conditioned for the payment of a minimum sum of not less than hereinafter set forth, hereinafter called "minimum liability," on any one judgment, and a maximum sum of not less than hereinafter set forth, hereinafter called "maximum liability," on all judgments recovered against any such person, copartnership, association, joint stock company or corporation upon claims arising out of the same transaction or transactions connected with the same subject of action, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments, for damages because of bodily injury, including death, at any time resulting therefrom, or injury caused in the operation, mainte-

May reject policy.

Burden of proof.

Liability stated in policy.

Claims for bodily injury prorated.

nance, use, or the defective construction of such motor vehicles, as follows:

Insurance according to capacity of buses.

(a) For damages because of bodily injury, including death, at any time resulting therefrom, for each motor vehicle having a seating capacity of not more than twelve passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of fifteen thousand dollars ($15,000.00).

(b) For each motor vehicle having a seating capacity of not less than thirteen nor more than twenty passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of twenty-five thousand dollars ($25,000.00).

(c) For each motor vehicle having a seating capacity of not less than twenty-one nor more than thirty passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of fifty thousand dollars ($50,000.00).

(d) For each motor vehicle having a seating capacity of more than thirty passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of seventy-five thousand dollars ($75,000.00).

Property damage.

3. For damages because of injury to or destruction of property, for each motor vehicle an insurance policy with a minimum liability of one thousand dollars ($1,000.00) and a maximum liability of five thousand dollars ($5,000.00).

Continuing liability.

4. Insurance policies filed hereunder shall contain a provision for a continuing liability, notwithstanding any recovery thereon, until the expiration thereof according to their terms or until ten days after notice in writing of cancellation has been given to the Board of Public Utility Commissioners.

Construing.

5. Nothing herein contained shall be construed to repeal any law permitting self-insurance of motor vehicles as herein defined.

To exhibit evidence of coverage.

6. The driver of every motor vehicle as herein defined shall have in his possession and exhibit for inspection when requested by any proper person (a) the original policy of insurance covering such vehicle; or (b) a certificate thereof issued by the insurance company; or (c) if a self-insurer, a certificate of such self-insurance issued by the official, board or body authorized by law to permit such self-insurance.

Rules and regulations.

7. The Board of Public Utility Commissioners is hereby empowered to make rules and regulations not inconsistent with the laws of this State with respect to financial coverage as herein provided.

Violation a misdemeanor.

8. Any person who shall knowingly operate or permit to be operated any motor vehicle as herein defined not at the time of such use covered by insurance or other financial coverage as herein provided for shall be guilty of a misdemeanor.

Failure to exhibit insurance, etc.

9. Any driver of a motor vehicle as herein defined who shall fail or refuse to exhibit upon request of a proper person the evidence of insurance or other financial coverage provided for in this act shall, upon conviction, be adjudged a disorderly person and shall be liable to a penalty of not more than one hundred dollars ($100.00) or imprisonment for a term of not more than ninety days, or both a fine and imprisonment not exceeding the aforesaid maximum, at the discretion of the magistrate before whom the conviction shall be had.

Penalty.

Construing.

10. This act shall not be construed to repeal any act or portion of any act not wholly inconsistent therewith but all such acts shall be construed in paria materia herewith.

Exceptions.

11. The provisions of this act shall not apply to auto buses with a carrying capacity of not more than six passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality, which route does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other auto bus route; nor to any auto bus solely engaged in the trans-

portation of school children, jurisdiction over which is now vested in any board or body other than the Board of Public Utility Commissioners.

12. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 207

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers,' approved April twenty-first, one thousand nine hundred and eleven," which supplement was approved March nineteenth, nineteen hundred and twenty-seven.

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

1. Section two of the act to which this act is amendatory and supplemental be and the same is hereby amended and supplemented so that the same shall read as follows: Section 2 amended.

2. The board may require the operators of such auto buses to file with it duplicates of insurance policies or such other records as in the judgment of the board will show that the said operators carry insurance against loss for liability for damages. The said board may reject any policy if and when it determines, after hearing, upon notice in writing to the insurance company, that the company or companies writing or underwriting said policies of insurance is or are not financially responsible to respond in damages. Upon any hearing as provided herein, the burden of proving its financial responsibility shall rest upon said insurance company or companies. May require filing of duplicate insurance policies. Rejection. Burden of proof.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 208

AN ACT concerning the insurance and financial coverage of motor vehicles carrying passengers for hire over the highways of this State and requiring the filing of insurance policies with the Board of Public Utility Commissioners and vesting in said board the power to reject such policies for lack of financial responsibility.

Terms:

Motor vehicle carrying passengers for hire;

1. Definitions. (a) The term "motor vehicle carrying passengers for hire" as used in this act is hereby defined as meaning any motor vehicle propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks exclusively) carrying passengers for hire of any kind over the highways in this State except (1) motor vehicles carrying passengers for hire over the highways in this State by virtue of municipal consent or consents upon a route or routes established in any municipality or municipalities; (2) taxicabs; (3) hotel buses; (4) buses employed solely for transporting school children and teachers; (5) auto buses with a carrying capacity of not more than six passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality, which route does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other auto bus route; (6) auto buses operated over highways in this State for the purpose of carrying passengers from a point outside the State to another point outside the State, or from a point outside the State to a point within the State, or from a point within the State to a point outside the State between fixed termini on a regular schedule.

(b) The term "self-insurer" as used herein means any person who by virtue of any law of this State, or in case of a nonresident, of the State of which such person is a resident and in which any motor vehicle coming within the provisions of this act is registered, is exempted by some official, board or body of this State or such other State from requirements imposed upon other owners of similar motor vehicles to carry insurance or secure possible claims for damages by a bond of a surety company. Self-insurer;

(c) The term "financial responsibility" as used herein means ability to satisfy claims to the extent set forth in sections two and three of this act. Financial responsibility;

(d) The term "for hire" as used herein means compensation in any form, whether directly or indirectly made. For hire;

(e) The term "financial coverage" as used herein means insurance and also self-insurer. Financial coverage;

(f) The term "magistrate" as used herein shall be deemed and understood to mean and include all justices of the peace, judges of county and criminal courts, police judges, recorders, mayors and other officers having powers of the committing magistrate; *providing, however,* it shall not include a justice of the peace sitting within the corporate limits of any municipality having a police judge, police justice, recorder's court or city criminal court. Magistrate; Proviso.

(g) The word "person" as used herein shall be construed to include corporations, associations and partnerships. Person.

2. Any person engaged in the business of operating motor vehicles carrying passengers for hire, as herein defined, shall at all times have financial coverage as herein defined. If such financial coverage shall be by insurance policy, such insurance policy or policies, or true copies thereof, shall be filed with the Board of Public Utility Commissioners. Said board may reject any policy if and when it determines after hearing upon notice in writing to the insurance company that the com- Financial coverage required. Copy of policy filed. May reject policy.

pany or companies writing or underwriting said policies of insurance is or are not financially responsible to respond in damages. Upon any hearing as provided herein, the burden of proving its financial responsibility shall rest upon said insurance company or companies. Said insurance policies shall be conditioned for the payment of a minimum sum, hereinafter called "minimum liability," on any one judgment, and a maximum sum, hereinafter called "maximum liability," on all judgments recovered against any such person, copartnership, association, joint stock company or corporation upon claims arising out of the same transaction or transactions connected with the same subject of action, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments, for damages because of bodily injury, including death, at any time resulting therefrom caused in the operation, maintenance, use or the defective construction of such motor vehicles, as follows:

Burden of proof.

Liability stated in policy.

Claims for bodily injury prorated.

Bodily injury.

(a) For damages because of bodily injury, including death, at any time resulting therefrom for each motor vehicle having a seating capacity of more than twelve passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of fifty thousand dollars ($50,000.00).

Property damage.

3. For damages because of injury to or destruction of property, for each motor vehicle an insurance policy with a minimum liability of one thousand dollars ($1,000.00) and a maximum liability of five thousand dollars ($5,000.00).

Continuing liability.

4. Insurance policies filed hereunder shall contain a provision for a continuing liability, notwithstanding any recovery thereon, until the expiration thereof, according to their terms or until ten days after notice in writing of cancellation has been given to the Board of Public Utility Commissioners.

Construing.

5. Nothing herein contained shall be construed to repeal any law permitting self-insurance of

motor vehicles carrying passengers for hire, as herein defined, nor shall the foregoing requirements as to insurance apply to a vehicle owned or operated by a nonresident who is a self-insurer under the laws of the State of which he is a resident and in which such vehicle is registered, if such laws are substantially similar to the laws of this State with respect to the qualifications for self-insurance; *provided,* any such nonresident self-insurer shall have filed with the Board of Public Utility Commissioners a certified copy of the certificate permitting such operator to be a self-insurer under the laws of the State of which he is a resident and in which the motor vehicle is registered; *and further provided,* that the Board of Public Utility Commissioners may reject any such certificate of self-insurance if and when it determines, after hearing upon notice in writing to the self-insurer, that such self-insurer is not financially responsible to respond in damages.

Proviso.

Proviso.

6. The driver of every motor vehicle carrying passengers for hire shall have in his possession and exhibit for inspection when requested by any proper person, either (a) the original policy of insurance covering such vehicle or (b) a certificate thereof issued by the insurance company; or (c) if a self-insurer, a certificate of such self-insurance issued by the official, board or body authorized by law to permit such self-insurance.

To exhibit evidence of coverage.

7. The Board of Public Utility Commissioners is hereby empowered to make rules and regulations not inconsistent with the laws of this State with respect to financial coverage as herein provided.

Rules and regulations.

8. Any person who shall knowingly operate or permit to be operated any motor vehicle carrying passengers for hire not at the time of such use covered by insurance or other financial coverage as herein provided for shall be guilty of a misdemeanor.

Violation a misdemeanor.

9. Any driver of a motor vehicle carrying passengers for hire who shall fail or refuse to exhibit upon request of a proper person the evidence of

Failure to exhibit coverage.

insurance or other financial coverage provided for in this act shall, upon conviction, be adjudged a disorderly person and shall be liable to a penalty of not more than one hundred dollars ($100.00) or imprisonment for a term of not more than ninety days, or both a fine and imprisonment not exceeding the aforesaid maximum, at the discretion of the magistrate before whom the conviction shall be had.

Penalty.

Construing.

10. This act shall not be construed to repeal any act or portion of any act not wholly inconsistent therewith, but all such acts shall be construed in paria materia herewith.

11. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 209

A FURTHER SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

License required to use aid of blind persons, etc.

1. No person, firm or corporation shall solicit or use the aid or assistance of any blind person or organization of blind persons, for the purpose of promoting or conducting any fair, carnival, exhibition or public performance, under any promise or contract to share the proceeds therefrom, unless such person, firm or corporation shall first obtain from the chief of police of the municipality, wherein such fair, carnival, exhibition or public performance is to be held, a license so to do.

Penalty.

2. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

3. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 210

AN ACT to amend an act entitled "An act to regulate the assessment and collection of taxes upon the shares of the capital stock of banks, banking associations and trust companies incorporated under the laws of the United States, or of this State, and engaged in business within this State," being chapter two hundred and sixty-five of the laws of one thousand nine hundred and eighteen, approved March fourth, one thousand nine hundred and eighteen.

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

Section 2 amended.

1. Section two of the act to which this act is an amendment be and the same hereby is amended to read as follows:

Method of valuing common stock.

2. The value of each share of common stock of each bank, banking association or trust company, shall be ascertained and determined by adding together the amount of the capital, surplus and undivided profits of such bank, banking association or trust company and deducting therefrom the assessed value of the real property of such bank, banking association or trust company including in such deduction the assessed value of all real property owned by a corporation all the stock of which corporation is owned by such bank, banking association or trust company, and also deducting therefrom an amount equal to the aggregate par value of all classes of the issued and outstanding preferred stock of such bank, banking association or trust company, and by dividing the result by the number of outstanding shares of common stock of such bank, banking association or trust company. It being the intention that the shares of preferred stock of such bank, banking association or trust

Preferred stock exempt.

company and the capital represented by such shares shall not be assessed or taxed. No deduction or exemption shall be allowed or made from the value determined as herein provided.

No deductions.

Section 3 amended.

2. Section three of the act to which this act is an amendment be and the same hereby is amended to read as follows:

Statement filed with county board.

3. For purposes of assessment, the chief fiscal officer of every bank, banking association and trust company, organized under the authority of this State, or of the United States, whose principal place of business is located within this State, shall, on or before the tenth day of January in each year, file with the secretary of the board of taxation of the county within which its principal place of business is located a true statement, under the oath of the president or the cashier, or the treasurer of the same, setting forth its name and principal place of business, the names, residences and total number of each class of its stockholders and the number of common or preferred shares held by each, the amount of capital, surplus and undivided profits, as the same are indicated by the books of the company upon the first day of January of the year in and for which such statement is filed, the number of shares of its issued and outstanding preferred stock of all classes and the aggregate par value of each class thereof, the number of shares of its issued and outstanding common stock, and the assessed value of its real property including the assessed value of all real property owned by a corporation all the stock of which corporation is owned by such bank, banking association or trust company. A duplicate of this statement shall be filed, at the same time, with the Commissioner of Banking and Insurance, to remain in his office as a public record. There shall, in addition to such report, be kept at the principal place of business of every such bank, banking association or trust company, a full and correct list of the names and residences of all of each class of stockholders therein, and of the number of shares common or preferred

Statement to show.

Duplicate filed with banking department.

List of shareholders and shares kept.

held by each, which said lists shall be subject to the inspection of the board of taxation of the county within which said bank, banking association or trust company maintains its principal place of business, at all times during business hours.

Section 6 amended.

3. Section six of the act to which this act is an amendment be and the same hereby is amended to read as follows:

Annual ascertainment relative to banks as to capital, stock, value per share and tax levied.

6. The county board of taxation of each county shall, on the fifteenth day of January of each year, ascertain from an inspection of the statements filed, and from any other sources of information which may be open to them, the names and places of business of all banks, banking associations and trust companies in the county, the number of shares of common and preferred capital stock of each issued and outstanding, the aggregate amount of the capital, surplus and undivided profits of each, the number of shares of its issued and outstanding preferred stock of all classes and the aggregate par value of each class thereof, the number of shares of its issued and outstanding common stock, the assessed value of its real property, and the assessed value of all real property owned by a corporation all the stock of which corporation is owned by such bank, banking association or trust company, the true value of all the common capital stock of each issued and outstanding and the true value of a single common share of each, determined in accordance with the provisions of section two of this act, and the amount of tax levied upon the common capital stock of each at the uniform rate. The amount thus ascertained to be due upon the shares of common stock of each bank, banking association and trust company shall be the tax levied and to be paid in accordance with the provisions of this act, subject to review, correction and equalization, as hereinbefore provided. The county board of taxation shall also estimate the amounts of such taxes which will be payable to the county and to any taxing district therein under the provisions of this act, and in fixing the respective tax

Amount of tax.

Amount due county and taxing district.

rates for the current year such sums shall be deducted from the amounts to be raised by taxation.

Tabulation of taxes attached to table of aggregates.

The county board of taxation shall attach to the table of aggregates required to be transmitted to the county collector a tabulation of the taxes so assessed and levied, which tabulation shall not be included among the ratables of any county or taxing districts for any purpose other than the collection of the taxes imposed according to the provisions of this act.

Collection.

The tax imposed in accordance with the provisions of this act shall be collected by the county collector from the bank, banking association and trust company against the common capital stock of which the same is levied, in the same manner and at the same time as the general taxes are collected.

4. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 211

A SUPPLEMENT to an act entitled "An act to amend an act entitled 'An act to provide for the possession of the Delaware and Raritan canal by the State of New Jersey,' approved May third, one thousand nine hundred and thirty-four," approved June eleventh, one thousand nine hundred and thirty-four.

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

Empowered to fix boundaries, etc.

1. In addition to the powers conferred by the act to which this act is a supplement, the Board of Conservation and Development shall have power to agree with the Pennsylvania Railroad Company and/or the United New Jersey Railroad and Canal Company, as to the limits and boundaries of the land vested in the State of New Jersey by virtue of the act to which this act is a supplement and of

section seventeen of an act entitled "An act to incorporate the Delaware and Raritan Canal Company," passed February fourth, one thousand eight hundred and thirty.

2. The Board of Conservation and Development shall have power (a) to grant to any public utility the right to cross the lands of the canal, including the canal itself, upon such conditions as in the judgment of the board may be necessary to protect the State in its use and occupancy thereof; (b) to grant to the State Highway Commission or any other department of the State of New Jersey, or to any county or municipal authority, or any person or corporation owning or occupying lands abutting lands of the canal, an easement for highway, driveway or drainage purposes across or along any canal lands; (c) to sell, subject to the approval of the Governor, any lands not needed for canal purposes; *provided, however,* that no grant or sale shall be made or easement created, which shall interfere with the canal as a waterway for either drainage, recreational, or commercial use. Empowered to grant easements. Proviso.

3. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 212

A SUPPLEMENT to an act entitled "An act to promote home life for dependent children and providing penalties for violations thereof" (Revision of 1932), approved June fourteenth, one thousand nine hundred and thirty-two.

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

1. Whenever it shall be ascertained that a widow who has received aid under the provisions of the act to which this act is a supplement has sufficient means to reimburse the county for all or part of Action to recover.

the assistance granted to her, it shall and may be lawful for such county to bring an appropriate action at law for the recovery of all or part of such moneys as, in the judgment of the county, may be recovered, and such action shall proceed in all respects as other actions for a money debt.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 213

AN ACT to amend an act entitled "An act to provide for the protection, welfare and relief of aged persons in need, and residents in the State of New Jersey, and providing for the administration therefor and dedicating certain income of the State therefor and prescribing penalties for the violation thereof," approved April twenty-fourth, one thousand nine hundred and thirty-one.

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

Section 7 amended.

1. Section seven of the act of which this act is an amendment be and the same hereby is amended to read as follows:

To pledge property to county.

7. Any county welfare board shall require as a condition to granting relief in any case, that all or any part of the property, either real or personal, of a person applying for relief be pledged to said county as a guaranty for the reimbursement of the funds so granted as old age relief pursuant to the provision of this act, and the total amount of the relief so granted shall become a lien upon any lands in the ownership of such person. Before making any grant each county welfare board established pursuant to section four of this act shall take from each applicant a properly acknowledged agreement to reimburse the board of chosen freeholders for

Agreement to reimburse.

all advances granted, in which agreement said applicant shall assign to the board of chosen freeholders, as collateral security for said advances, such part of his personal property as the board shall demand. At any time the county welfare board may execute and file with the clerk of the court of common pleas or register of deeds and mortgages as the case may be, a certificate, in form to be prescribed by the division of old age relief, showing the amount of relief advanced to said person, and when so filed each said certificate shall be a legal claim against both the said person and his estate and shall have the same force and effect as a judgment at law. No levy shall be made upon the real estate while it is occupied by the widow or widower as the case may be, if the said widow or widower is not more than ten years younger than the recipient of the old age relief at the time of his or her death. If the proceeds of sale of any personalty or real estate, as herein provided, exceeds the total amount paid as relief under this act, such excess shall be returned to said person, and in the event of his death such excess shall be considered as the property of the deceased for proper administration proceedings. All funds reclaimed under these provisions shall be allocated to the county and to the State in the same proportion as it was contributed.

Certificate when filed to act as judgment.

No levy to be made.

Refund of excess proceeds.

Allocation of reclaimed funds.

That it shall be the duty of the clerks of the courts of common pleas or register of deeds and mortgages as the case may be to enter on record in a book to be known as "Reimbursement Agreements" the said certificates, and to make a complete alphabetical index to the same; and no clerk or register shall charge any fee therefor. That whenever a county shall have received satisfaction for such judgments, it shall be the duty of the county welfare board to enter an acknowledgment of satisfaction upon the record of said judgments, without charge.

Record kept of agreements.

No fee.

Cancellation of agreements.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 214

AN ACT to change and amend the title of an act entitled "An act to amend an act entitled 'An act respecting any executions' (Revision of 1874), approved April tenth, one thousand nine hundred and thirty-three."

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

Title amended.

1. The title of an act entitled "An act to amend an act entitled 'An act respecting any executions' (Revision of 1874), approved April tenth, one thousand nine hundred and thirty-three," be and the same is hereby changed and amended to read as follows:

New title.

An act to amend an act entitled "A supplement to an act entitled 'An act respecting any execution,' approved March twenty-first, one thousand eight hundred and seventy-four," approved April twelfth, one thousand nine hundred and fifteen.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 215

AN ACT to amend an act entitled "An act authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of ten million dollars for State institutions; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this law to the people at a general election," approved April eighteenth, one thousand nine hundred and thirty.

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

1. Section eleven of the act of which this act is an amendment be and the same hereby is amended to read as follows: Section 11 amended.

11. The proceeds from the sale of said bonds shall be known as "State Institutional Construction Fund." Such fund shall be held for the demand of the State Board of Control of Institutions and Agencies in accord with appropriations made therefor by the Legislature and shall be drawn upon and disbursed as other funds from the State Treasury, and the balance remaining in said "State Institution Construction Fund" shall thereafter be allotted to appropriations now or hereafter made by the Legislature by the State House Commission upon application made by the State Board of Control of Institutions and Agencies. Official name of fund. Disbursement. Use of balance.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 216

AN ACT to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines and to prevent deception in the distribution and sales thereof" (Revision of 1907), approved May twentieth, one thousand nine hundred and seven,' the supplement having been approved May second, one thousand nine hundred and thirty-two, being chapter one hundred and thirty-one of the laws of one thousand nine hundred and thirty-two, and to repeal certain parts thereof."

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

Section 1 amended.

1. Section one of the act to which this act is amendatory is hereby amended to read as follows:

Terms defined:

1. Definitions. For the purpose of this act the following definitions are set up:

Milk;

(a) Milk. Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than eleven and one-half per centum (11½%) of milk solids, and not more than eighty-eight and one-half per centum (88½%) of water fluids, or less than three per centum (3%) of milk fats.

Cream;

(b) Cream. Cream is a portion of milk which contains not less than sixteen per centum (16%) of milk fat and shall not contain any foreign fat or oils.

(c) Milk fat. Milk fat or butterfat is the fat of milk. Milk fat;

(d) Ice cream. Ice cream is hereby defined as the frozen product made from cream with the addition of milk or milk products or eggs, fruit, fruit juices, or nuts, with or without sugar or harmless artificial flavoring, or colors certified by the United States Department of Agriculture and containing not more than one-half of one per centum (½ of 1%) by weight of stabilizers, improvers or similar substances, approved by the Department of Health of the State of New Jersey. Ice cream;

(e) Ice cream mix. Ice cream mix is an unfrozen mixture containing in whole or in part, the ingredients enumerated under the definition for ice cream. Ice cream mix;

(f) Milk products. Milk products is hereby defined as cream, ice cream, ice cream mix, sherbets, cream cheese, or other food for human consumption made from milk and/or cream. Milk products;

(g) Dairy. A dairy or dairy farm is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or delivered to any person. Dairy;

(h) Creamery. Creamery is hereby defined as any establishment where milk or cream is received or stored for sale or distribution by wholesale, or for manufacture of the same into butter, cheese, condensed milk, ice cream or other food for human consumption. Creamery;

(i) Milk plant. A milk plant is any place, or premises, or establishment where milk or milk products are collected, handled, processed, manufactured, stored, bottled, pasteurized, or prepared for distribution. Milk plant;

(j) Pasteurization. Pasteurization is the process of heating every particle of milk or milk products to a temperature of not less than one hundred and forty-two (142) degrees Fahrenheit and holding same at that temperature for thirty (30) consecutive minutes in approved pasteurizing apparatus Pasteurization;

or equipment, or by such other method demonstrated to accomplish the same results.

Sherbet; (k) Sherbet. Sherbet is any frozen, sweetened, fruit flavored product containing five per centum (5%) or less by weight of total milk solids or skimmed milk solids.

Cream cheese. (l) Cream cheese. Cream cheese is the unripened cheese made by the Neufchatel or similar process from whole milk enriched with cream. It contains, in the water-free substance, not less than sixty-five per centum (65%) of milk fat and may contain not more than one-half of one per centum (½ of 1%) by weight of stabilizers, improvers or similar substances, approved by the Department of Health of the State of New Jersey.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 217

AN ACT validating foreclosure proceedings in such cases where foreclosure proceedings were heretofore instituted by and in the name of a bank or trust company which had ceased to exist by reason of its merger or consolidation with another bank or trust company, and to authorize the officers of the old bank or trust company to make conveyance to the new bank or trust company created by such merger.

Preamble. WHEREAS, Heretofore there have been a number of mergers and consolidations between banks and trust companies; and

Preamble. WHEREAS, In the course of such mergers or consolidations there may have been mortgages on real property held in the name of the bank or trust company that ceased to exist by reason of such merger or consolidation; and

WHEREAS, Some of said mortgages on real property may have been inadvertently foreclosed in the name of the bank or trust company which had ceased to exist by reason of such merger or consolidation; and Preamble.

WHEREAS, At the foreclosure sale, the property described in said mortgage may have been purchased in the name of the bank or trust company which had ceased to exist by reason of said merger or consolidation; and Preamble.

WHEREAS, At the time of said merger or consolidation the assets of the merging or consolidating bank or trust company, of whatever kind, whether real, personal or mixed, were deemed to have been fully and finally transferred and vested into the new bank or trust company created by such merger or consolidation; now, therefore, Preamble.

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

1. All foreclosure proceedings of mortgages on real property heretofore inadvertently instituted and terminated in the name of a bank or trust company which had ceased to exist by reason of its merger or consolidation with another bank or trust company are hereby validated and confirmed in every respect; and the president or vice-president and secretary or assistant secretary or treasurer or assistant treasurer, who held office in the old bank or trust company at the time that it ceased to exist by reason of its merger or consolidation with another bank or trust company are hereby authorized and empowered to execute and deliver a deed of conveyance for said lands so purchased at such foreclosure sale to the new bank or trust company created by such merger or consolidation and when this shall have been done the said new bank or trust company shall be deemed to have as good and complete title to said real estate as if such mistake had not been made; *provided,* that no Validating foreclosure proceedings. Certain officers empowered to give deed, etc. Proviso.

proceeding shall have been heretofore instituted in any court of law or equity to set aside the said sale or the deed or any proceedings in connection therewith.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 218

AN ACT to amend and supplement an act entitled "An act concerning shellfish and the propagation, planting, preservation and gathering of clams and oysters in the tidal waters of this State and of crabs in Delaware bay and its tributaries and providing penalties and punishment for violations, and repealing sundry acts relating thereto" (Revision 1931), approved April twenty-first, one thousand nine hundred and thirty-one, as such title was amended by an act approved March twenty-first, one thousand nine hundred and thirty-two, and to repeal certain sections thereof.

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

Section 15 amended.

1. Section fifteen of the act to which this act is an amendment and supplement is hereby amended to read as follows:

Transplanting.

15. Whenever the board deems it necessary for propagation purposes, at any time during the year, it may plant shells upon any oyster bed, or may dredge and transplant shells and oysters from one oyster bed to another, employing boats or vessels propelled either by sails or mechanical power. The board may purchase oysters from another State

May purchase from other States.

and plant them on the natural oyster beds of this State for the benefit of seed production.

Section 35 amended.

2. Section thirty-five of the act to which this act is an amendment and supplement is hereby amended to read as follows:

License required.

35. No person shall catch or take oysters or clams from any of the natural oyster or clam grounds in the waters of this State, without first obtaining a license from the board. Such licenses shall grant the privilege of taking oysters or clams upon any natural oyster bed or clam ground of this State, except such as may be reserved for leasing purposes by the board.

Licensee's privileges.

Section 37 amended.

3. Section thirty-seven of the act to which this act is an amendment and supplement is hereby amended to read as follows:

License fee.

37. The license fee shall be fixed by the board from time to time at not less than one (1) nor more than ten (10) dollars.

Section 45 amended.

4. Section forty-five of the act to which this act is an amendment and supplement is hereby amended to read as follows:

Taking of shell fish, time, Sundays.

45. No person shall dredge upon, or throw, cast or drag an oyster dredge or any other instrument or appliance used for catching clams or oysters, or assist in so doing, or tread for clams, upon any of the lands lying under the tidal waters of this State before sunrise or after sunset, or at any time on the first day of the week commonly called Sunday.

Section 46 amended.

5. Section forty-six of the act to which this act is an amendment and supplement is hereby amended to read as follows:

Seed oysters and clams.

46. Seed oysters of any size and hard shell clams measuring less than one and one-half inches in length caught and taken from any of the natural oyster or clam beds or grounds under the tidal waters of this State shall not be sold and taken out of this State for the purpose of planting on grounds in any other State. No person may sell natural seed oysters or clams in violation of this section nor shall any person purchase or transport such oysters or clams in violation of this section.

Possession evidence of violation.

Possession of such oysters or clams outside of the boundaries of this State shall be prima facie evidence of violation of this section.

Section 52 repealed.

6. Section fifty-two of the act to which this act is an amendment and supplement is hereby repealed.

Section 65 amended.

7. Section sixty-five of the act to which this act is an amendment and supplement is hereby amended to read as follows:

Dredging prohibited except by lessee.

65. No person shall dredge upon or throw, cast or drag an oyster or clam dredge, or any other instrument or appliance used for catching oysters or clams, upon any of the lands of the State lying under the tidal waters of the Delaware bay or Maurice river cove, in this State, below the southwest line, other than land or ground for which such person then holds a lease from the board under this act.

Section 73 repealed.

8. Section seventy-three of the act to which this act is an amendment and supplement is hereby repealed.

Use of power boats forbidden in taking clams.

9. No person shall use or employ any boat or other vessel propelled wholly or in part by steam, naphtha, gasoline, electricity or any other mechanical motive power, or any motor driven apparatus, for the purpose of catching or taking of clams from any of the waters of this State, whereby the soil or bottom on or in which said clams are found is agitated or disturbed by the propeller wheel or wheels of said boat or vessel or by any other motor or mechanically driven appartus thereon for the purpose of catching or taking clams as aforesaid.

Art. 2, Sections 77 to 95 inc., amended.

10. Article two, "penalties and recovery thereof," of title four of the act to which this act is an amendment and supplement is hereby amended to read "Title Four A, Penalties and Recovery Thereof; Forfeiture," and said article two, being sections seventy-seven to ninety-five inclusive of the act to which this act is an amendment and supplement is hereby amended and supplemented as Title Four A to read as follows:

TITLE FOUR A

PENALTIES AND RECOVERY THEREOF; FORFEITURE

A. PENALTIES

Penalties.

77. Except as otherwise in this act provided, any person violating any of the provisions of this act shall be liable to a penalty of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) for the first offense and of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for any subsequent offense, which penalties shall be enforced and recovered as provided in this Title.

B. INSTITUTION OF PROCEEDINGS TO RECOVER PENALTIES

Jurisdiction and venue for recovery of penalties.

78. Proceedings for the recovery of penalties under this act shall be within the jurisdiction of and may be brought before any justice of the peace, district court, recorder or police magistrate, either in the county where the offense is committed or where the offender is first apprehended or where he may reside, and nothing contained in any law heretofore passed shall be construed to prohibit justices of the peace residing within the limits of any city where a district court is or may be established from exercising jurisdiction under this act.

Who may institute proceedings.

79. Proceedings under this act may be instituted by the director, a member of the board, chief of a department or division, captain of a guard boat, guard, or their assistants, or a police officer or constable.

Title of proceedings.

80. Proceedings under this act shall be entitled and shall run in the name of this State with the officer or person instituting the same as prosecutor.

Verification of complaint.

81. A complaint filed in any proceeding under this act, shall be considered duly verified if made under oath or affirmation of the officer or person instituting the proceeding, upon information and belief.

C. PROCESS; SUMMARY HEARING; JUDGMENT; JAIL FOR NONPAYMENT

Issuance of warrant.

82. Upon receiving complaint in writing, duly verified, of the violation of any of the provisions of this act, the justice of the peace, district court, recorder, or police magistrate shall issue a warrant directed to any constable, police officer, director, member of the board, chief of a department or division, captain of guard boat, guard, or their assistants, commanding him to cause the person so complained of to be arrested and brought before such justice, district court, recorder, or police magistrate.

Arrest.

Service of process.

83. The director, members of the board, chiefs of departments, or divisions, captains of guard boats, guards, or their assistants shall have the same power as constables in respect to the service of process in proceedings under this act.

Hearing, judgment.

84. The justice of the peace, district court, recorder or police magistrate before whom the person complained of is brought, shall thereupon in a summary way hear and determine his guilt or innocence, and upon conviction, shall impose upon such person the penalty or penalties prescribed in section seventy-seven of this act, together with the costs of the proceedings.

Penalty.

Arrest without warrant.

85. Where a person is arrested without a warrant pursuant to section fourteen of this act for a violation committed within the view of the arresting officer, such officer shall carry him before a justice of the peace, district court, recorder, or police magistrate in the county wherein the arrest is made, which justice, district court, recorder, or police magistrate shall hear and determine in a summary way the guilt or innocence of such person, after receiving from the officer a complaint, in writing, duly verified, setting forth the nature of the offense.

Adjournment of hearing.

86. Any hearing to be held pursuant to this act may, for good cause shown, be adjourned for a

period not exceeding thirty days from the return of any warrant, or from the date of any arrest without warrant, but in such case the justice of the peace, district court, recorder or police magistrate shall detain the defendant in safe custody unless he shall enter into bond to the person making the complaint, with at least one surety, in double the amount of the penalty, conditioned upon his appearance on the date to which the hearing is adjourned, and thence from day to day until the case is disposed of, and then abiding by the judgment of the justice, district court, recorder or police magistrate unless an appeal therefrom be taken; and such bond, if forfeited, may be prosecuted by the person to whom it is given in any court of competent jurisdiction.

Bond given.

Forfeiture of bond.

87. No person shall be excused from giving evidence in any proceeding under this act, on the ground that it might tend to convict him, or render him liable to proceedings hereunder, but such evidence shall not be received against him in any such proceeding.

Testimony.

88. Proceedings under this act may be instituted on any day of the week including Sunday and process may be served on Sunday.

Proceedings instituted on any day.

89. If any person shall fail to pay the penalty or penalties imposed under this Title, together with the costs of the proceedings, the said justice, district court, recorder, or police magistrate shall commit him to the common jail of the county where the conviction is had, for a period not exceeding ninety days, or until the penalty and costs are paid.

Jail for non-payment of penalties.

D. FEES AND COSTS; MONEYS RECOVERED

90. In proceedings under this act the prevailing party shall recover costs against the other and the fees and costs allowed therein shall be those prescribed for all summary proceedings for penalties before magistrates or other officers.

Fees and costs.

91. Where process is served in proceedings under this act by the director, members of the board,

Fees for service of process.

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chiefs of departments or divisions, captains of guard boats, guards, or their assistants, the fees therefor, computed as provided in section ninety of this act, shall be allowed to such officers or persons for the use of the State.

Moneys to be paid into treasury.

92. All moneys recovered under this act shall be paid in each case to the person making the complaint, who shall pay over the same to the State treasury.

E. APPEALS

Appeals.

93. Any party to a proceeding under this act may appeal from the judgment or sentence of the justice, district court, recorder or police magistrate, to the court of common pleas of the county in which the proceeding was had.

Notices of appeals.

94. The party appealing shall, within ten days after the date of the judgment, serve a written notice of appeal upon the opposite party, pay the costs of the proceedings and deliver to the justice, district court, recorder, or police magistrate a bond to the opposite party in double the amount of the judgment, with at least one sufficient surety, conditioned to prosecute the appeal and to stand to and abide by such further order or judgment as may be made against him.

Bond.

Papers sent to court of common pleas on appeal.

95. Whenever an appeal is taken as aforesaid the justice of the peace, district court, recorder or police magistrate shall send all papers, together with a transcript of the proceedings in the case, to the next term of the court of common pleas of the county, which court shall hear and determine the appeal in the same manner as the case was originally heard and determined.

F. FORFEITURES

Forfeiture of property.

95A. In addition to the penalties prescribed by section seventy-seven of this act, any boat or other vessel or vehicle used or employed in violation of any of the provisions of this act shall be forfeited together with all tongs, dredges, tackle, and furniture and appurtenances thereunto belonging. The

members of the board, the director, the chiefs of departments and divisions, the captains or masters of guard boats, guards, the special officers employed by the board, and the assistants of any of them, and any police officers or constables shall, and any other person may, seize and secure any such boat or other vessel or vehicle and shall immediately thereafter give notice thereof to the court located in the county wherein the seizure is made, who shall, at an appointed time and place, summarily hear and determine whether such boat or other vessel or vehicle was unlawfully used, and if it so appears, make an order directing the confiscation and forfeiture of such boat or other vessel or vehicle to the use of the board, which board may dispose of such boat or vessel or vehicle at its discretion. Order confiscating property.

11. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 219

AN ACT to amend an act entitled "An act to fix and establish a new boundary line between the township of Walpack and the township of Stillwater, in the county of Sussex," approved March twenty-fifth, one thousand nine hundred and thirty-five.

WHEREAS, By the title of the act of which this act is amendatory the design was to fix and establish a new boundary line between the township of Walpack and the township of Stillwater, in the county of Sussex; and, Preamble.

WHEREAS, Through inadvertence and mistake in section one of the act it is recited that the boundary line should be established and fixed between the townships of Walpack and Sparta; now, therefore, Preamble.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Boundary established.

1. The boundary line between the township of Walpack and the township of Stillwater, in the county of Sussex, be and the same is hereby fixed, established and defined as follows:

Description.

Beginning at an old stone heap on the top of the Kittatinny Mountains in the East and West Jersey line; said stone heap is a corner of Hampton township, Sandyston township, Stillwater township and Walpack township; and runs thence (1) in a southwesterly direction to a stone heap, being the fifth corner of Lot No. 11 in the Division of Daniel Harker, recorded in Book B of Divisions, pages 410 et cetera, in the Sussex County Surrogate's Office, at Newton, New Jersey; being also a corner to one of the lots described in a deed of conveyance from Hugh McDanolds and wife to Garret R. Pittenger, dated May 18, 1895, and recorded in Sussex County Clerk's Office, at Newton, New Jersey, in Deed Book B-9, pages 390 et cetera; thence (2) still in a southwesterly direction to a stone heap at the fourth corner of a tract of sixty-five and eighty-six hundredths acres, more or less, being the second tract described in a deed of conveyance from Mary E. Warner et al. to Lester Van Horn, dated August 28, 1913, and recorded in Sussex County Clerk's Office, at Newton, New Jersey, in Deed Book E-11, pages 280 et cetera; thence (3) still in a southwesterly direction to a large rock, being the second corner of a tract of one hundred and thirty-one acres more or less, being the first tract described in a deed of conveyance from Mary E. Warner et al. to Lester Van Horn, dated August 28, 1913, and recorded in Sussex County Clerk's Office, at Newton, New Jersey, in Deed Book E-11, pages 280 et cetera; thence (4) still in a southwesterly direction to a heap of stones, being the twenty-eighth corner of a tract of one thousand one hundred and

eighty-two and seventy hundredths acres, described in a deed of conveyance from The Browning Land Company to Ervin W. Cummings, dated July 22, 1927, and recorded in Sussex County Clerk's Office, at Newton, New Jersey, in Deed Book 301, pages 464 et cetera; thence running the remaining courses, in a reverse direction along the lines of the deed last referred to above (5) south sixty-two degrees fifteen minutes west, thirty chains and seventy-six links to a heap of stones; thence (6) south twenty-seven degrees west, eight chains to a heap of stones, corner of Andrew Ogden's land; thence (7) south fifty-five degrees forty-five minutes west, thirty chains to heap of stones, corner of now or formerly Austin Colgate's land and land of Andrew Ogden; thence (8) south fifty-nine degrees fifteen minutes west, twenty-seven chains to a heap of stones on a rock; thence (9) south fifty-eight degrees forty-five minutes west, sixteen chains and eighty links to a high heap of stones; thence (10) south fifty-eight degrees thirty minutes west, eighty-three chains to a high set stone; thence (11) south sixty-one degrees fifteen minutes west, twenty-eight chains to a white oak stump with stones on the top; thence (12) south sixty-five degrees west, approximately forty chains to a point in the division line between Sussex and Warren counties.

2. This act shall take effect immediately.

Approved May 18, 1935.

CHAPTER 220

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning district courts' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," approved March twenty-ninth, one thousand nine hundred and twenty-six.

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

Section 16 amended.

1. Section sixteen of the act to which this act is an amendment be and the same is hereby amended so as to read as follows:

To be judge of small claims.

16. The judge of the district court as now established shall be the judge of the division of small claims during his term as district court judge.

Office hours of clerk.

The office hours of the clerk shall be as now, but the judge may fix for the hearing of cases any time between the hours of nine o'clock in the forenoon and five o'clock in the afternoon.

Assistant clerk.

The judge of the district court may appoint one additional clerk to be an assistant clerk to the clerk of the district court, whose duty it shall be to assist the clerk in the duties of the district court and of the division of small claims and whose salary shall

Salary.

not be more than twelve hundred dollars ($1,200.00), except that if such additional clerk is an assistant clerk to the clerk of the district court of a city of the first class in this State, the governing body of such city may, in its discretion, fix his salary in the same manner and not to exceed the same amount as the salaries of other assistant clerks of that court are fixed.

Approved May 20, 1935.

CHAPTER 221

AN ACT to amend and supplement an act entitled "An act concerning banks, trust companies and savings banks having shares of capital stock," approved April twelfth, one thousand nine hundred and thirty-three, as amended.

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

1. Section one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Section 1 amended.

1. Any State bank or trust company now or hereafter incorporated or existing under any law of the State of New Jersey and any savings bank now or hereafter authorized to and which heretofore has issued or may hereafter issue shares of capital stock (herein sometimes termed "institutions") is hereby authorized, subject to the approval of the Commissioner of Banking and Insurance, upon the incorporation thereof, or from time to time by amending its charter or certificate of incorporation, to provide for the issuance of one or more classes of preferred stock and for the increase, decrease, retirement or conversion of any class of preferred stock now or hereafter issued.

Classes of stock issuable.

Preferred stock of any class issued under the provisions of this act shall be included in determining whether the institution has the minimum amount of capital stock now or hereafter required by law; and any such institution may, simultaneously with the issuance of any such preferred stock, or subsequent to the issuance thereof, subject to the approval of the Commissioner of Banking and Insurance, decrease the aggregate par value of its common stock by reducing the number of shares or the par value per share thereof; *provided, however,* that the aggregate par value of the common

Status of preferred stock.

May reduce common stock.

Proviso.

stock or of the preferred stock and common stock shall at no time be less than the minimum capital stock required by law for such institution. Notwithstanding any other provisions of law, the par value per share of preferred stock or common stock of any such institution may be fixed at not less than one dollar ($1.00) per share.

Fixing par value of stock.

Section 2 amended.

2. Section two of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Amending charter:

2. Such amendment to a charter or certificate of incorporation shall be made in the following manner: The board of directors shall pass a resolution declaring that the issuance of such preferred stock and said amendment are advisable and calling a meeting of the stockholders to take action thereon;

Resolution;

Meeting;

the meeting shall be held upon not less than ten (10) days' written notice, given by mail; if not less than two-thirds in interest of the holders of each class of stock voting by classes shall vote in favor of the issuance of such preferred stock and of such amendment, a certificate thereof shall be signed by the president or a vice-president and by the secretary or assistant secretary or cashier or assistant cashier under the corporate seal, acknowledged or proved as in the cases of deeds of real estate, and such certificate shall be submitted to the Commissioner of Banking and Insurance for his approval, and upon his approval shall be filed in the Department of Banking and Insurance, and upon the filing of the same the charter or certificate of incorporation shall be deemed to be amended accordingly. The charter or certificate of incorporation, or the resolution of the board of directors and the certificate of amendment shall specify the amount, priority and the rights, preferences and privileges of the holders of each class of such preferred stock issued or to be issued and the par value of each share thereof, the rate of dividends to be paid thereon, the retirement price thereof (if subject to retirement), and the amount to be distributed on account of each share upon liquidation.

Certificate filed with commissioner;

Charter to specify privileges, etc.;

Any class of stock issued pursuant to amendments to the charter or certificate of incorporation adopted in the manner herein provided may be given such preferences and priorities, or may be made subject to such limitations or restrictions, with respect to any preferred stock outstanding at the date of adoption of such amendments as the certificate of amendments may provide. Limitations.

The charter or certificate of incorporation, or the resolution of the board of directors and the certificate of amendment may also contain provisions for the retirement of any such preferred stock, the conversion of any such preferred stock into common stock, the decrease in par value of any outstanding preferred stock, and for such increase in the authorized issue of common stock as may be necessary to effect any such retirement or conversion, or for the decrease of the common stock pursuant to the provisions of section one; *provided, however,* that no conversion may be authorized at a value less than the par value of such common stock, and that upon any such retirement not more than the par value of the shares retired shall be charged against or paid out of the capital of the institution, and that no such retirement shall be made which will reduce the aggregate capital stock below the minimum capital stock required by law for such institution. Retirement, conversion, etc., of preferred stock. Proviso.

No such retirement shall be made except after thirty (30) days' prior written notice thereof to the Commissioner of Banking and Insurance, unless with his written approval, or in accordance with the express provisions of the certificate of incorporation or of amendment thereof approved by the Commissioner of Banking and Insurance. Upon the retirement or conversion of any such shares, a certificate thereof shall be signed by the president or a vice-president and by the secretary or assistant secretary or cashier or assistant cashier, under the corporate seal, acknowledged or proved as in the case of deeds of real estate, and shall be filed in the Department of Banking and Approval of commissioner. Certificate of conversion or retirement of shares filed.

Insurance within thirty (30) days after such retirement or conversion.

Section 3 amended.

3. Section three of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Dividends.

3. The rate of dividends to be paid on such shares of preferred stock shall be expressed in the charter or certificate of incorporation or certificate of amendment thereof, and shall not exceed six per centum (6%) per annum of the par value thereof, or of the purchase price thereof at the time of original issue, whichever is greater; and such dividends shall be cumulative, and the holders of such preferred stock shall have such priorities, preferences, privileges and voting rights, and such stock shall be subject to retirement, or conversion into common stock, in such manner and on such terms and conditions as may be provided in the said certificate of amendment or incorporation. Notwithstanding any other provision of law, after providing for all expenses, interest and taxes accrued or due from said bank, or trust company, dividends may be declared and paid upon any one or more classes of preferred stock of such bank or trust company out of profits; *provided,* that after giving effect to the payment of such dividends, the unimpaired capital of the bank or trust company paying the same is not less than the aggregate par value of its preferred stock of all classes at the time outstanding, or the minimum capital required by law for such bank or trust company, whichever sum is the greater.

Dividends on preferred stock.

Proviso.

Section 5 amended.

4. Section five of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Dividends on common stock.

5. No dividends shall be declared or paid on common stock until the cumulative dividends on preferred stock shall have been paid in full, or declared and funds set apart for the payment thereof, and if such institution is placed in voluntary liquidation or is liquidating under the authority of the Commissioner of Banking and Insurance after said commissioner has taken possession of the property

and business of such institution, or if a receiver is appointed therefor, no payments shall be made to the holders of common stock until the holders of preferred stock shall have been paid in full the par value of such stock, plus an amount equal to all accumulated dividends (whether or not earned or declared) or such other or different amount as may be expressed in the charter or certificate of incorporation or certificate of amendment.

Section 7 amended.

5. Section seven of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Reorganization of certain banks.

7. Any such bank, trust company or savings bank which is not permitted or licensed by the Commissioner of Banking and Insurance, or by the Secretary of the Treasury if said bank or trust company is a member bank of the Federal Reserve System, to perform all of its usual banking functions, or which now is or may hereafter become insolvent, or the possession of the property and business of which now has been or hereafter may be taken by the Commissioner of Banking and Insurance, or for which a receiver now has been or hereafter may be appointed by any court of competent jurisdiction, or which the Commissioner of Banking and Insurance may direct to reorganize or suspend its normal and usual banking business, may be reorganized and permitted to resume its normal and usual business or to continue with its normal and usual banking business, upon such terms and conditions as may be approved by the Commissioner of Banking and Insurance and by the Court of Chancery, after notice of the terms and provisions of such proposed reorganization plan and of the day set for the hearing thereof by said court shall have been given to the depositors, creditors and stockholders of the institution in such manner as may be provided by law or as may be prescribed by the court, which notice may be given to the depositors, creditors and stockholders by mail or by publication in such manner as the court may direct, and upon such approval of said proposed reorgani-

zation plan, or any modification if contemplated by said plan, the same shall become effective and binding upon all the depositors, creditors and stockholders of such institution.

Section 8 amended.

6. Section eight of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Approval of plan:

8. No such plan shall be approved by the Court of Chancery unless upon the hearing thereof as hereinabove provided the court shall determine:

Fair plan;

(a) That said plan is fair and equitable in its provisions as to depositors, creditors and stockholders;

Consent by 75% of depositors and creditors;

(b) That depositors and creditors holding and owning claims aggregating not less than seventy-five per centum (75%) of the aggregate amount of deposits and other claims against the institution as shown by the books of such institution, exclusive of deposits and other claims proposed to be paid in full under the terms of said plan or the payment of which is ascertained by the court to be adequately secured, have consented thereto in writing;

Two-thirds consent by stockholders;

(c) That stockholders owning at least two-thirds in interest of each class of its outstanding capital stock, as shown by the books of such institution,

Proviso.

shall have consented thereto in writing; *provided, however,* that if the Court of Chancery shall determine that such institution is insolvent, or that the interest of such class of stockholders will not be affected adversely by the plan, then such consent shall not be required.

Persons acting in fiduciary capacity may act.

Any person acting as executor, administrator, trustee, guardian, or in any other fiduciary capacity, and all banks, savings banks, trust companies, insurance companies and other corporations, within this State, and all officials of this State, the several counties, municipalities and school districts therein, and of any public commission or body created under the laws of this State, shall, with respect to any claims against or deposit in or stockholding or other interest in any institution affected by such

plan, whether as creditors, stockholders or otherwise, have power (in addition to and not in derogation of any statutory or other powers) to take any action or give any consent, and enter into any agreement or plan authorized by the provisions of this act.

Failure to file consent deemed to consent.

The court may, by order, direct that within a reasonable time, to be fixed by the order, notice of which shall be given in such manner as may be directed therein, any party in interest who has not consented in writing to the proposed plan of reorganization, shall file his dissent thereto with the court, or as the court may direct, and may order that any party in interest who shall fail to file such dissent within the time prescribed by the court, shall be deemed as having assented to the plan of reorganization or any modification thereof approved by the court, and shall be bound thereby in the same manner and to the same extent as if such party had consented in writing thereto.

Notice of proceedings.

Any application or proceeding in the Court of Chancery to obtain approval of a plan of reorganization shall be considered to be a suit or action in the Court of Chancery and the said court shall have power by general rule or by special order to provide for such notice of any proceedings in any application under this act as shall be reasonable, considering the character of the proceedings and the number of persons who may be interested, and such notice shall be sufficient for all purposes, and may be given by mail, or publication, as the court may determine, and no failure of any person in interest to receive such notice shall affect the validity of any proceedings or order, or action taken under this act, and the court generally shall have the power to make such orders and decrees as may be necessary or appropriate to effectuate the purposes of this act, and may exercise in the course of the proceedings all of its inherent jurisdiction, and all of the power and authority conferred upon it by this or any other statute of this State.

Appeals.

All persons aggrieved by any order or decree of the Court of Chancery made pursuant to the provisions of this act may appeal from the same or any part thereof to the Court of Errors and Appeals; and all such appeals shall be made within forty days after filing the order or decree appealed from.

Section 9 added.

7. The act to which this act is an amendment be and the same is hereby amended and supplemented by adding thereto the following new section:

Plan of reorganization.

9. Any such plan of reorganization, among other provisions, may include provision for (a) the issuance and sale of one or more classes of preferred stock as hereinabove provided; (b) the issuance of preferred stock of any class to depositors or creditors for any portion of the claims of such depositors and creditors; (c) the transfer to corporate or other trustees of any portion of the assets of said institution for the benefit of the depositors, creditors or stockholders; (d) such modifications thereof as may be approved by the Commissioner of Banking and Insurance and by the court.

May include issuing of preferred stock, etc.

Payment to creditors, etc., objecting to reorganization plan.

The court, in any such case, may ascertain and determine the amount of the liabilities and the liquidating value of the assets of such institution, and the amount which any depositor or creditor or stockholder objecting to the consummation of the reorganization plan is entitled to receive or recover in payment of his claim against such institution, and the court may order provision to be made for payment of such amount, or for setting aside for the benefit of such persons a pro rata share of the assets or charging thereon a pro rata share of the liabilities, or the equivalent thereof, as they may be properly and equitably entitled to; *provided, however,* that the court shall not be required so to do if it be determined by the court to be equitable and just that said dissenting person be bound by the provisions of such plan to accept such provision as made for him by said plan.

Proviso.

8. The act to which this act is an amendment be and the same is hereby amended and supplemented by adding thereto the following new section: Section 10 added.

10. Should one or more sections, subsections or portions, even if included in a single sentence or phrase, of this act, or the application thereof to any institution or any person or circumstances, for any reason be considered by any court or be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof or the application of such provisions to other institutions or other persons or circumstances, but shall be confined in its operation to the specific provisions, or persons or circumstances, as to which this act is so held unconstitutional or invalid. Severability of sections.

9. Nothing in this act is intended to repeal the provisions of chapter four of the laws of nineteen hundred and thirty-four, or to prevent the reorganization of any such institution under the provisions of any other law of this State. Not to affect chapter 4, P. L. 1934.

10. This act shall take effect immediately.

Approved May 20, 1935.

CHAPTER 222

AN ACT to amend and supplement the act entitled "An act respecting the Court of Chancery" (Revision of 1902), approved April third, one thousand nine hundred and two, as supplemented by an act approved April eighth, one thousand nine hundred and nine.

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

1. Section eighty-one of the act to which this is an amendment be and the same is hereby amended to read as follows: Section 81 amended.

Deposit of moneys in name of clerk.

81. The Chancellor may cause any moneys brought into court, to be deposited by the clerk, in his name as clerk of the Court of Chancery in any of the banks or trust companies of this State to the credit of the cause to which it belongs; and on the resignation, death or removal of the clerk, all moneys so deposited shall be carried to the account of his successor in office, and said banks or trust companies shall take notice thereof and transfer such accounts accordingly.

Carried to successor upon death, etc.

Section 1 amended.

2. Section one of the supplement of the act to which this is an amendment be and the same is hereby amended to read as follows:

Investment of moneys remaining on deposit.

1. The Chancellor may cause any moneys brought into court or remaining on deposit therein to be invested in the bonds and other securities of the United States or in interest-bearing bonds of such character and description as are or may be lawful investments for moneys deposited with savings banks of this State; or in bonds secured by mortgages which shall be a first lien upon improved real estate situate in this State worth at least double the amount loaned thereon; and for the purpose of making such investments, moneys remaining to the credit of different persons or causes may be commingled. The moneys so deposited or invested, and the securities in which the same may be invested, shall be from time to time accounted for, invested, transferred, reinvested, or otherwise disposed of, as the Chancellor shall deem reasonable and proper; and the interest and income derived from such investments, after deducting expenses, losses and reserves for the protection thereof shall be apportioned to the several parties entitled thereto at such rate as the Chancellor shall from time to time determine.

Accounting.

Income from investments apportioned.

Rules and regulations.

The Chancellor shall from time to time make such rules and regulations respecting such deposits, the investment thereof and the interest or income, if any, to be paid or credited thereon as to him shall appear just and right and for the interest

of all persons concerned and the security of the funds.

Section 2 amended.

3. Section two of the supplement of the act to which this is an amendment be and the same is hereby amended and supplemented to read as follows:

Administration of funds.

2. The Chancellor may, from time to time, employ some suitable persons and assistants, to be selected by him, to exercise general care and supervision, subject to the orders of the Chancellor, over the funds, investments and securities from time to time remaining in the court and fix the compensation and salaries for such persons to be paid either out of the general income of the funds, or out of any fund for the benefit of which special services may be rendered, as may be equitable and just. Whenever the demands for payment from monies so brought into or remaining on deposit with the court shall exceed the amount of cash on hand or reduce such cash balance to a sum which the Chancellor finds insufficient to pay demands for withdrawals and other necessary and anticipated payments, the Chancellor may meet such demands for payment and restore the cash balance to such sum as he may find necessary by temporarily borrowing the cash necessary by a note or notes executed by him as Chancellor and countersigned by the clerk of the court, pledging as security for the payment thereof such securities in which investments of said funds have been made and as in the judgment of the Chancellor shall be found proper.

May borrow to restore funds sufficiently to meet withdrawals.

4. This act shall take effect immediately

Approved May 20, 1935.

CHAPTER 223

AN ACT for the appointment of a board of visitors to the State Agricultural College.

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

Visitors to State Agricultural College.

1. The board of visitors to the State Agricultural College shall hereafter consist of one member from each county in this State, to be appointed by the Governor, with the advice and consent of the Senate. Seven of said members shall be appointed for a term of one year, seven for a term of two years, and seven for a term of three years. At the expiration of each term of such members their successors shall be appointed for a term of three years. All vacancies occurring during any term shall be filled for the unexpired term only.

Term.

Vacancies.

2. This act shall take effect immediately.

Approved May 20, 1935.

CHAPTER 224

A SUPPLEMENT to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Terms: Pupil;

1. The term "pupils" as used in this act is to be defined as resident pupils in average daily attendance.

The term "average daily attendance" as used in this act refers to average daily attendance during the latest school year for which reports are available when apportionments are made. Average daily attendance;

The term "district" as used in this act refers to Article VI districts, Article VII districts, boards of education for county vocational schools, union graded districts or regional boards of education, town districts, and consolidated districts. District;

The term "elementary attendance" as used in this act includes attendance in grades from the kindergarten or preprimary to the eighth, inclusive, and includes attendance in continuation schools and vocational schools of children of elementary school grade. Elementary attendance;

The term "high school attendance" as used in this act includes attendance in grades nine to twelve, inclusive, and includes attendance in continuation schools, and vocational schools of pupils of high school grade, attendance in evening schools, and of postgraduate students. High school attendance;

The phrase "minimum cost of the foundation program" as used in this act refers to all expenditures, exclusive of expenditures for debt service and capital outlay. Minimum cost of the foundation program.

2. There is hereby created a fund to be known as the State public school fund to be used for the support of the public schools throughout the State and the equalization of educational opportunity therein. State public school fund created.

The State Treasurer, during each school year, shall pay into such fund an amount certified to be necessary to carry into effect the provisions of this act from the funds available for public schools from the railroad property tax, the income from the State school fund, the interest on the surplus revenue fund of one thousand eight hundred and thirty-seven any part of which in the hands of any county treasurer shall be paid to the State Treasurer for the benefit of this fund, any funds which may hereafter be dedicated to public schools, and funds made available by the Legislature. How fund is to be formed.

Amount apportioned to each district.

3. There shall be apportioned and paid as minimum aid to each school district in the State an annual amount, including any amount received as manual training aid, in accordance with section two hundred and five, chapter one, pamphlet laws of one thousand nine hundred and three, special session, equal to thirteen dollars ($13.00) for each resident elementary pupil and twenty-two dollars ($22.00) for each resident high school pupil in average daily attendance in such district during the school year next preceding such appointment. Like apportionments shall be made to boards of education sending such pupils to other districts. Should the funds appropriated for the support of public education be in excess of the amount required to carry out the provisions of section four of this act and provide in addition thereto a minimum of State aid of not less than thirteen dollars ($13.00) per elementary pupil and twenty-two ($22.00) per high school pupil as hereinbefore provided, such excess amount shall be distributed in such a manner as to increase the minimum amount per elementary pupil and the minimum amount per high school pupil proportionately.

Distribution of excess.

Equalization aid.

4. In addition to the minimum aid provided by section three of this act, certain districts shall be entitled to receive equalization aid to be paid from the public school fund. The amount of such equalization aid which such a district shall be entitled to receive in any year shall be the excess, if any, of the cost of maintaining the foundation program as hereinafter defined over the sum of an amount equivalent to a computed yield of 4.75 mills on each dollar of equalized value of property subject to municipal taxation within such district, the guarantee allowance of thirteen dollars ($13.00) per elementary pupil and twenty-two dollars ($22.00) per high school pupil, and the total amounts to be allotted such district from all other State sources but exclusive of Federal aid for vocational education, State aid for libraries, and for pupils as defined in section thirteen of this act; *provided*,

Amount of equalization aid.

Proviso.

that for the attendance of pupils in county vocational schools and for the attendance of pupils in vocational courses in school districts, approved by the State Commissioner of Education, the total amount of State aid granted per pupil in average daily attendance shall be not less than fifty-seven dollars ($57.00) for each pupil of elementary grade in average daily attendance and ninety-eight dollars ($98.00) for each pupil of high school grade in average daily attendance; and fifty-seven dollars ($57.00) for each pupil in average daily attendance in classes for foreign-born residents and/or classes for adult illiterates; *and provided, further,* that the cost of the foundation program in a regional high school operated under a regional board of education shall be prorated among its constituent elementary districts in accordance with the average daily attendance of pupils sent from each such elementary district to the regional high school, and the additional amount of equalization and other State aid to which each such elementary district would be entitled on account of such addition to the cost of its foundation program shall be apportioned and paid to the custodian of moneys for the regional high school board. Proviso.

5. The equalized value of the taxable property subject to municipal taxation in any district shall be the true value of such property for that year as fixed by the State Tax Commissioner, multiplied by such percentage as the total assessed valuation of all such property taxable by those municipalities within the State which, judged from the latest available equalization data, are entitled to receive aid under this section, as shown on the table of ratables for the year one thousand nine hundred and thirty bears to the total true value of all such taxable property for the current year, as determined by the said tax commissioner; *provided,* that when and if in the judgment of said tax commissioner the total true value of such taxable property is greater than it was in the year one thousand nine hundred and thirty, the assessed valuation for the year one thou- Determining true value for taxation. Proviso.

sand nine hundred and thirty shall be increased proportionately for the purpose of determining the percentage that equalized valuation shall be of true valuation.

State tax commissioner to certify value of property, etc.

On or before the first day of August of the year one thousand nine hundred and thirty-five and on or before the first day of January in each year thereafter, the State Commissioner of Taxation shall certify to the Commissioner of Education the value of such taxable property within each district entitled to receive aid under section four of this act, the ratio which such valuation in each district bears to the equalized value of property within the district, and the ratio which the assessed value of all such property in the State bears to the equalized value of said property, as specified in section four of this act. If in the opinion of the school authorities of any district not so included as eligible for aid under section four of this act, the cost of the foundation program and the equalized value of property in the district as defined above are such as to entitle the district to aid under section four, they may petition the State Commissioner of Education to request the State Tax Commissioner to review the case. Upon such request from the Commissioner of Education, the State Tax Commissioner shall review the case and, if in his judgment the equalized value of such property in the district entitles the district to aid under section four of this act, he shall instruct the Commissioner of Education to add the data for the district concerned to the latest certified list available at the time the Commissioner of Education requested the review.

Petition to review.

Findings upon review.

Use of funds received.

6. All funds received by any district and the board of education thereof in accordance with sections three and four of this act shall be used to pay current operating expenses. No district shall continue to participate in the benefits of State aid, as herein provided, after July first, one thousand nine hundred and thirty-seven, which has not expended during the preceding year for current operating

District not to benefit.

expenses, exclusive of expenditures for debt service and permanent improvements other than maintenance, an equivalent of the computed cost of the foundation program, as hereinafter defined.

Amount of aid.

The amount of aid to which each school district is entitled under the provisions of sections three and four of this act in any year prior to July first, one thousand nine hundred and thirty-eight, shall not be less than the excess, if any, of the total aid to which it was entitled in the school year 1932-33 over the theoretical yield of a tax of 2.75 mills on property subject to municipal taxation in such district in the year 1932-33, except as a reduction in such aid may be justified by a decrease in average daily attendance. In the case of a reduction, any aid shall be in proportion to the reduction in average daily attendance, unless additional aid is warranted according to the operation of section three and/or section four.

In case of reduction.

Method of determing cost of foundation program by districts:

7. For the purpose of this act the minimum cost of the foundation program shall be determined as follows, on the basis of the data of the preceding school year:

One teacher;

(a) For the attendance in a district employing only one teacher there shall be allowed one thousand four hundred and eighty-two dollars ($1,482.00).

Two or more teachers;

(b) For the attendance in a district employing two or more teachers and with thirty-six or fewer elementary pupils there shall be allowed eighty-two dollars and thirty-three cents ($82.33) for each such pupil; *provided,* that for the elementary attendance in any district with two or more teachers there shall be allowed at least one thousand four hundred and eighty-two dollars ($1,482.00).

Proviso.

Attendance under 260 pupils;

(c) For the elementary attendance in a district employing two or more teachers and with from thirty-seven to two hundred and sixty elementary pupils, inclusive, there shall be allowed two thousand nine hundred and sixty-four dollars ($2,964.00) for the first thirty-six such pupils and fifty-three dollars ($53.00) for each additional pupil.

Attendance over 260 pupils;

(d) For the elementary attendance in a district with two hundred and sixty-one or more elementary pupils there shall be allowed fifty-seven dollars ($57.00) for each such pupil.

High school grades of 51 pupils;

(e) For high school attendance in each district having attendance in grades nine to twelve, inclusive, and which has fifty-one or fewer high school pupils, there shall be allowed one thousand nine hundred and sixty dollars ($1,960.00) for the first twelve such pupils and one hundred and fifty dollars and seventy-seven cents ($150.77) for each such additional pupil.

High school grades 52 to 660 pupils;

(f) For high school attendance in each district having attendance in grades nine to twelve, inclusive, and which has from fifty-two to six hundred and sixty high school pupils, there shall be allowed seven thousand eight hundred and forty dollars ($7,840.00) for the first fifty-one such pupils and ninety-three dollars and thirty-three cents ($93.33) for each such additional pupil.

High school grades over 661 pupils;

(g) For high school attendance in any district having attendance in grades nine to twelve, inclusive, and which has six hundred and sixty-one or more high school pupils, there shall be allowed ninety-eight dollars ($98.00) for each such pupil.

District grading;

(h) The allotments for districts which do not have pupils attending all four grades nine to twelve, inclusive, shall be calculated in the same manner as the allotments for districts having attendance in such grades, except as follows: Any district offering work in grades nine, ten, and eleven only shall have its high school allotment reduced by twenty per centum (20%); any district offering work in grades nine and ten only, shall have its high school allotment reduced by thirty-five per centum (35%); any district offering work in grade nine only shall have its high school allotment reduced by forty-five per centum (45%).

Transferred pupils;

(i) For each elementary pupil in average daily attendance sent to another district, for whom tuition is paid by the sending district, fifty-seven dollars ($57.00) shall be allowed to the sending

district. For each high school pupil in average daily attendance sent to another district, for whom tuition is paid by the sending district, ninety-eight dollars ($98.00) shall be allowed to the sending district.

Afflicted children;

(j) For each special class for physically or mentally handicapped children approved by the Commissioner of Education there shall be allowed one thousand four hundred and eighty-two dollars ($1,482.00); *provided, however,* that each special class for physically or mentally handicapped children operating on the high school level shall be allowed one thousand nine hundred and sixty dollars ($1,960.00); *provided,* that to avoid duplication the average daily attendance of such approved classes shall not be included in the average daily attendance for which aid is allotted under sections four and seven of this act. For physically handicapped children, other than those in classes, appropriation shall be made in accordance with chapter fifty-four, pamphlet laws one thousand nine hundred and twenty-eight, entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three,' which said supplement was approved February eleventh, one thousand nine hundred and eighteen," approved March nineteenth, nineteen hundred and twenty-eight.

Proviso.

Proviso.

Making appropriation.

Rural districts;

(k) In any rural district in which the maintenance of small schools is approved as necessary by the State Commissioner of Education, the attendance in each such school so approved shall be computed as if the school were a separate district.

Unnecessary district;

(l) On or after July first, one thousand nine hundred and thirty-six, if and when the Commissioner of Education and the county superintendent of schools shall determine that the existence of any rural or village school district is unnecessary as a part of an economical and efficient school system,

the attendance therein shall be computed at the rate of fifty-seven dollars ($57.00) for each elementary pupil and ninety-eight dollars ($98.00) for each high school pupil.

Transportation cost added.

(m) To the cost of the foundation program as hereinbefore defined there shall be added three-fourths of the cost of transportation approved by the county superintendent of schools in accordance with rules and regulations established by the State Board of Education. Such rules and regulations shall consider the effects of sparsity of population and of other conditions reasonably beyond the control of the local district.

Apportionment of public school funds.

8. Public school funds shall be apportioned by the Commissioner of Education. For the purpose of making such apportionment, the county superintendent of schools of each county shall make and transmit to the Commissioner of Education, on or before a date which the commissioner shall designate, a report of the average daily attendance of all pupils in each district within the county, resident and nonresident, and a financial statement of the expenditures of each district, and such report shall be in such form and shall contain such other information as the Commissioner of Education may require, and shall be sworn to before a notary public or other official authorized by law to administer oaths.

Payment of apportionments.

9. The amount of all apportionments made to the districts, as provided in this act, shall be distributed to such districts in semiannual payments to be made on or before October first and on or before April first of each school year. The Commissioner of Education shall certify to the State Comptroller the amount of such semiannual payment to be made to each school district, and the State Comptroller shall draw his warrant on the State Treasurer in favor of the custodian of each school district in the amount certified by the Commissioner of Education.

Reapportionment by Commissioner of Education.

10. The Commissioner of Education is hereby empowered and it shall be his duty to reapportion

the amount due any district from the public school fund when, as, and if it shall appear to him that the attendance in or condition of the schools therein have changed to such an extent as to create an emergency, and to render such reapportionment as is necessary to enable the board of education thereof to maintain the schools thereof upon the foundation program as hereinbefore defined. When the apportionment shall have been made for any year and a part of any district becomes a new school district or a part of another school district, or comes partly under the authority of a regional board of education, the Commissioner of Education shall reapportion such allotment, among the districts affected, or between the district and the regional board as the case may be, on an equalized basis in accordance with the principles of this act.

District must comply with requirements.

11. In order to participate in any apportionment made according to the provisions of this act, a district shall comply with the regulations and standards for the equalization of opportunity prescribed by law, or formulated by the State Board of Education pursuant to law. Failure to comply with any regulation or standard shall result either in the withholding of all aid to which the district is entitled under the operation of this act, or in the withholding of that part of the aid which in the judgment of the Commissioner of Education is sufficient to meet the costs of maintaining such regulation or standard.

Result of failure.

Overdue tuition of transported pupils.

12. When pupils are sent from one district to another and any amounts of tuition for such pupils are two months or more overdue, the State Commissioner of Education shall pay such claims as he allows to the receiving district, up to fifty-seven dollars ($57.00) per elementary pupil and ninety-eight dollars ($98.00) per high school pupil in average daily attendance per year, and charge the same to the sending district in the next regular semiannual apportionment, with interest at six per centum (6%).

Pupils residing on government property.

13. Whenever there shall be certified to the Commissioner of Education by any school district in this State the names of pupils who on February first have been attending its public schools for at least three months and who are approved by the county superintendent as residents of such school district residing on property belonging to the State or county which is not taxable, or as residents of such school district by reason of their being inmates of charitable institutions located therein or by reason of their receiving board and maintenance in a private residence or residences in the school district at the expense of any public body, or because of being located therein at the direction of any society or agency of this State having for its objective the care and welfare of indigent, neglected or abandoned children, and whenever there shall be certified to the Commissioner of Education by any school district in this State the names and record of attendance of pupils residing on a United States Government Reservation for whom up to February first such district has been providing free school facilities, there shall be apportioned to such district in all such cases, from the public school fund, for each such pupil thus residing in the district and attending its public schools, the sum of forty-five dollars ($45.00).

Children in care of beneficial societies.

Apportionment for nurses.

14. The Commissioner of Education, when making apportionments to districts, shall apportion three hundred dollars ($300.00) to each district for each full time registered nurse employed; *provided,* such nurse is qualified for such employment under rules of the Commissioner of Education, approved by the State Board of Education. When such nurse renders part-time service to a district, the commissioner shall apportion to each such district fifty per centum (50%) of the cost of such part-time service; *provided,* no apportionment in excess of one hundred dollars ($100.00) shall be made to any such district. Nurses employed on April first, one thousand nine hundred and thirty,

Proviso.

Proviso.

are held for apportionment purposes to meet the qualifications above set forth.

Deductions for sundry attendants.

15. The Commissioner of Education, when making apportionments to the districts of a county in which one or more supervisors of child study, attendance officers, helping teachers, and/or medical inspectors have been appointed in accordance with law, shall deduct from the amount apportioned to each district of such county an amount proportionate to the cost of the foundation program in such district so that the sum of all the amounts reserved from the districts of the county shall be the amount of salary of such supervisors of child study, attendance officers, helping teachers, and/or medical inspectors and the further sum of five hundred dollars ($500.00) each, or so much thereof as in his judgment may be necessary, for the traveling expenses of each supervisor of child study and/or helping teacher, the sum of seven hundred and fifty dollars ($750.00), or so much thereof as in his judgment may be necessary, for the traveling expenses of each medical inspector and/or attendance officer. The amount so deducted shall remain in the hands of the State Treasurer and shall be subject to the orders of the Commissioner of Education for the payment of the salaries of such supervisors of child study, attendance officers, helping teachers, and/or medical inspectors and the expenses actually incurred by them in the performance of their official duties.

Traveling expenses.

Disposition of amounts deducted.

Paying salaries of various attendants.

The salary of each supervisor of child study, attendance officer, helping teacher, and/or medical inspector shall be paid in ten equal monthly installments by the State Treasurer on the warrant of the State Comptroller and such warrant shall be drawn only upon the certificate of the Commissioner of Education. Traveling expenses shall be paid in the same manner but only upon the submission of detailed expense accounts supported, where possible, by vouchers and approved by the county superintendent and the Commissioner of Education.

Proviso—if funds available.

16. This act shall take effect immediately; *provided, however,* that it shall not become effective until and unless legislation, is enacted which provides State revenues from other than general property taxes sufficient in amount to carry out the provisions of this act. When this act becomes effective with the necessary revenues, any act, or parts of acts inconsistent with the provisions of this act are thereby repealed to the extent of such inconsistency.

Repealer.

Approved May 21, 1935.

CHAPTER 225

AN ACT to amend an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred thirty-one.

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

1. Section two hundred five of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Section 205 amended.

205. Excepting resolutions determining or altering the form of notes or bonds or providing for their sale, execution or delivery, and resolutions amendatory thereof or supplemental thereto, such resolutions shall be published in a newspaper circulating in the municipality and shall take effect immediately upon such publication. Resolutions not required to be published shall take effect immediately upon adoption by the proper officials of such municipality. Thirty days after taking effect all resolutions shall be conclusively presumed to have been duly and regularly adopted by such municipality, and to comply with the provisions of this and every other law, and the validity of any

Resolutions published.

Resolutions effective upon passage.

Validity.

such resolution shall not thereafter be questioned by either a party-plaintiff, or a party-defendant, except in a suit, action, or proceeding commenced prior to the expiration of such thirty days.

Sections 209-b, 209-c, and 209-d added.

2. Article two of the act to which this act is an amendment be and the same hereby is amended by inserting after section two hundred nine-a three new sections numbered and to read as follows:

Resolution may contain recital of security:

209-b. To the end that the principal of and interest on the notes or bonds issued hereunder may be further secured and thereby a more favorable sale or exchange effected, any resolution authorizing the issuance of notes or bonds hereunder may contain provisions which shall be a part of the contract with the holders of such notes or bonds as to (a) the amount to be included in any budget or tax ordinance or to be appropriated by or raised by taxation in the municipality in each year for debt service and for reserve or sinking funds, which amount may be expressed in dollars, percentage of total assessed valuations or both, or otherwise; (b) the setting aside of reserve or sinking funds, and the amount, securing, regulation, investment, application and disposition thereof; (c) the pledging, depositing or trusteeing of moneys to be applied to the payment of the principal of and interest on the notes or bonds, and the securing of such deposits; (d) the pledging of taxes, special assessments and other revenues or moneys of the municipality, which are due or to become due, directly to the payment of the principal of and interest on the notes or bonds, or to reserve or sinking funds; (e) the use and application of unanticipated income or surplus revenue or both of the municipality; (f) limitations effective for not exceeding ten years from the effective date of such resolution or resolutions on the amount or nature of borrowing or incurring of indebtedness by the municipality; (g) the holding of lawful tax sales of property against which there may then or thereafter be outstanding delinquent taxes or assessments or other charges and the foreclosing of the right of redemption with

Appropriation for debt service;

Reserves;

Security of deposits, etc.;

Pledging of revenues;

Use of surplus revenue;

Debt limit;

Holding of tax sales;

respect to tax titles theretofore or thereafter purchased by the municipality; (h) the inclusion in any budget of appropriations as reserves for uncollected taxes, and the amount, computation and disposition thereof and of the proceeds of the tax levy therefor; (i) the performance by the municipality of all or any specified provisions of any law relating to the preparation, adoption, and administration of budgets and the levying of taxes in municipalities; (j) appointment of a fiscal agent by the municipality and the powers and duties thereof; (k) the terms and conditions upon which any such resolution or any contract entered into thereby may be amended, rescinded or repealed; (l) any other or further course of conduct on the part of the municipality which may tend to improve its credit standing. Any municipality adopting a resolution containing any provision authorized hereunder shall have and possess all of the powers necessary and appropriate for the performance thereof. The provisions of any such resolution shall be enforceable by mandamus or other appropriate action or proceeding at law or in equity instituted by the commission or by the holder of any note or bond on behalf of all the holders of such notes or bonds, whether or not there shall have been any default in the payment of the principal of or interest on any such notes or bonds.

Reserves for uncollected taxes;

As to budgets;

Fiscal agent;

Terms and conditions of resolution;

Sundry provisions.

Municipality to have power, etc.

Enforcement of provisions.

Moneys paid to sinking fund commission.

209-c. Any resolution authorizing the issuance of notes or bonds hereunder may provide that any sums required pursuant to such resolution to be set aside by the municipality for reserve or sinking funds shall be paid to the sinking fund commission of such municipality, and all moneys so paid to such commission shall be held and applied by it only as in such resolution provided and shall not be commingled with any other moneys held by such commission. The provisions of an act entitled "An act concerning sinking funds and sinking fund commissions," approved March twenty-ninth, one thousand nine hundred and seventeen, as amended and supplemented, in so far as they relate to the

Act not to apply.

creation, setting aside or maintenance of sinking funds and the investment, application and disposition thereof, shall have no application with respect to notes or bonds issued under this act or any reserve or sinking funds provided therefor.

Cancellation of bonds.

209-d. Any resolution authorizing the issuance of notes or bonds hereunder may provide that the notes, bonds or other obligations of the municipality then held by the sinking fund commission thereof shall be cancelled and that other property or funds in the custody of such commission shall be applied to the payment of other indebtedness of the municipality as in such resolution provided, and said commission shall cancel said notes, bonds or other obligations and apply such property or funds accordingly; *provided, however,* that nothing herein contained shall be deemed to permit, without the consent of such holder, the impairment of any rights of the holder of any note, bond or other obligation of the municipality for the security or payment of which any such notes, bonds, obligations, property or funds shall be held.

Payment of indebtedness.

Proviso.

Section 210 amended.

3. Section two hundred ten of the act to which this act is an amendment be and the same hereby is amended to read as follows:

Issuing details.

210. All notes or bonds issued under this act may be subject to such terms of redemption, with or without premium, and contain such provisions, conditions and limitations with respect to the acceleration of the obligation to pay the principal thereof upon such default in the payment of interest on or principal of any bonds or notes, or in respect to the provisions concerning debt service and sinking fund payments, as the resolution authorizing their issuance may provide. Any notes or bonds issued under this act in exchange for any instrument issued under any other act may be authorized by such resolution to contain a provision that, in case of default in payment of the principal of or interest on any such note or bond, the holder thereof shall not only have all his rights and remedies thereunder, but in addition shall be rein-

Recourse in case of default.

vested with such of the rights or remedies which he would have had were he then the owner and in possession of the instrument in exchange for which such note or bond shall have been issued as may be specified in such resolution. Such notes or bonds may contain such reference to any special covenants or provisions contained in the resolution authorizing their issuance and such other terms, conditions or provisions not inconsistent herewith deemed by the commission to give said notes or bonds a higher degree of marketability as the resolution or resolutions determining the form of the notes or bonds may provide. All notes or bonds issued under this act containing any one or more of such references, terms, provisions or conditions shall be deemed negotiable instruments, the provisions or limitations of any other law to the contrary notwithstanding; *provided, however,* that nothing in this section shall be construed to impair the negotiability of any other instruments negotiable under other laws of this State.

Special covenants.

Deemed negotiable instruments.

Proviso.

4. This act shall take effect immediately.

Approved May 22, 1935.

CHAPTER 226

AN ACT to amend and supplement an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May twenty-second, one thousand eight hundred and ninety-four, and amendments thereof and supplements thereto.

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

Section 4 amended and secs. 4-F and 4-G added.

1. Section four of the act to which this act is an amendment and supplement is hereby amended to

read as follows, and is hereby supplemented by the addition of two new subsections to be known as subsections 4-F and 4-G, which shall follow immediately after subsection 4-E.

Application.

4. All persons hereafter commencing the practice of medicine or surgery in any of its branches in this State shall apply to said board for license so to do. Said board shall, except as herein otherwise provided, examine all qualified applicants for license to practice medicine or surgery in accordance with the provisions of this act. Every applicant for examination shall present to the secretary of said board, at least ten days before the commencement of the examination at which he or she desires to be examined, a written application for admission to such examination on a form or forms provided by said board, together with satisfactory proof that the applicant is more than twenty-one years of age, of good moral character, and a citizen of the United States or has declared his or her intention of becoming such citizen. Such applicant shall also present to said board a certificate from the Commissioner of Education of this State, showing that before entering a medical or professional college he or she had obtained an academic education consisting of a four years' course of study in an approved public or private high school or the equivalent thereof:

Examination.

Form of application.

Age and citizenship.

Academic education.

One year premedical education.

A. No persons who have matriculated after the first day of July, one thousand nine hundred and sixteen, shall be admitted to examination for license to practice medicine and surgery, unless he shall present to said board a certificate from the Commissioner of Education of this State, showing that in addition to, and subsequent to, obtaining the preliminary and academic education above mentioned and prior to commencing his or her study in a medical or professional college, he or she had completed a satisfactory course of one year in a college or school of art and science approved by the Commissioner of Education of this State, during which year he or she had studied either

French or German, and also chemistry, physics and biology; *provided, however,* that the board may in its discretion, admit to examination for license to practice medicine and surgery any person who by reason of having been engaged in the naval or military service of the United States shall be unable to appear before said board for examination prior to July first, one thousand nine hundred and nineteen.

Proviso.

Two years premedical education.

B. No person who has matriculated after the first day of July, one thousand nine hundred and seventeen, shall be admitted to examination for license to practice medicine or surgery, unless he shall present to said board a certificate from the Commissioner of Education of this State, showing that in addition to, and subsequent to, obtaining the preliminary and academic education mentioned in the first paragraph of this section and prior to commencing his or her study in a medical or professional college, he or she had completed a satisfactory course of two years in a college or school of art and science approved by the Commissioner of Education of this State, during which two years he or she had studied either French or German, and also chemistry, physics and biology.

Applicant to have M. D. degree.

C. Every applicant for admission to examination for a license to practice medicine or surgery shall, in addition to the above requirements, prove to said board that he has received a diploma conferring the degree of doctor of medicine or degree of doctor of osteopathy from some legally incorporated medical or professional college of the United States, which college, in the opinion of said board, was in good standing at the time of the issuance of said diploma, or a diploma or license conferring the full right to practice all of the branches of medicine and surgery in some foreign country, and further prove that prior to the receipt of such diploma from any such medical or professional college of the United States, or such diploma or license conferring the right to practice medicine and surgery, as aforesaid, he had studied medicine, in

College to be in good standing.

Proof of course of study.

all of its branches, not less than four full school years, including four satisfactory courses of lectures of at least seven months each, in four different calendar years in some legally incorporated and registered American or foreign medical or professional college or colleges in good standing in the opinion of said board; such applicant, if he has graduated after the first day of July, one thousand nine hundred and sixteen, shall in addition to the above requirements, further prove to said board that after receiving such degree, diploma or license, he has served as an interne for at least one year in a hospital approved by said board; *provided, however,* that candidates for license to practice medicine and surgery who were graduated from an approved medical college prior to July fourth, one thousand nine hundred and three, and have been in continuous and reputable practice of medicine for at least five years since graduation, may be admitted to the examination of said board upon submission of satisfactory evidence of good moral character, and of the fact that he or she is a citizen of the United States or has declared his or her intention of becoming such citizen, and of the fact that such applicant has completed three courses of medical lectures in an approved medical college in different calendar years, and has obtained a competent academic education according to the standard at that time as determined by the Commissioner of Education of this State; *provided, however,* that the records of the board and such license shall state that such license was issued to any such applicant under the first exemption contained in this section.

Proof of internship.

Proviso.

Proviso.

D. Candidates for license to practice medicine or surgery who were graduated from an approved medical college prior to July fourth, one thousand eight hundred and ninety-four, and have been in continuous and reputable practice of medicine since graduation may be admitted to such examination of this board upon the submission of satisfactory evidence of good moral character, and of the fact

Certain practitioners admitted to examinations.

that he or she is a citizen of the United States or has declared his or her intention of becoming such citizen, and of two courses of medical lectures in an approved medical college in different calendar years, and of the fact that such applicant has obtained a competent academic education according to the standard at that time as determined in the case of nongraduates of academic institutions by the Commissioner of Education of this State; it being *further provided, however,* that the records of such board and such license shall state that any such applicant was licensed under the second exemption contained in this section.

Proviso.

Examination fee.

E. Upon the approval of the application for examination, such applicant shall deposit with the treasurer of said board the sum of twenty-five dollars as an examination fee, and shall thereupon be entitled to admission to such examination. In case said applicant fails to pass the examination, he may be re-examined at the next regular examination held by said board without the payment of an additional fee. Each applicant shall sign his or her name opposite a number in a book kept for that purpose by the secretary of said board and shall mark his or her examination paper with said number, and shall be known to the members of said board only by such number until his or her papers have been examined and marked. Any applicant for license to practice medicine or surgery, upon proving that he or she has been examined by the licensing board of another State, may, in the discretion of said board of medical examiners of this State, be granted a license to practice medicine or surgery without further examination, upon payment to the treasurer of said board of a license fee of one hundred dollars; *provided, however,* that such applicant shall furnish proof that he or she can fulfill the requirements demanded in the other paragraphs of this section relating to applicants for admission by examination. In any such application for a license without examination, all questions of academic requirements of other States

Re-examination without fee.

Testee assigned number.

May grant license upon proof of being examined in another State.

Proviso.

Academic requirements of other States approved.

shall be determined by the Commissioner of Education of this State.

Probationary licenses granted aliens.

Applicants examined and licensed in accordance with the provisions of this act who, when admitted to the licensing examination, were citizens of a foreign country, and who had declared intention of becoming citizens of the United States, shall, upon passing the examination, be issued a license valid for six years from the date of such declaration of intention and upon failure of such licensee to furnish evidence of his having actually become a citizen his license shall become invalid and automatically become revoked and his registration shall be annulled.

Application by osteopathic physicians.

F. Until November first, one thousand nine hundred and forty-one, any person licensed to practice osteopathy in this State, and desiring to enter upon the practice of medicine and surgery, shall make application to said board for a license to do so; applicants for examination shall present to the secretary of said board, at least ten days before the commencement of the examination at which he or she is to be examined, a written application on a form or forms provided by said board, and a fee of twenty-five dollars ($25.00), together with satisfactory proofs, that the applicant has served for a period of two years as an interne or resident surgeon in an osteopathic or medical hospital approved by the said board, or has completed an approved post-graduate course of two years in a school or college of osteopathy or medicine approved by the said board, *provided,* that any person duly registered or licensed to practice osteopathy in the State of New Jersey who presents satisfactory proof that he or she has had at least three years of practice in surgery in a hospital approved by the State Board of Medical Examiners of New Jersey, shall be admitted by the board to examination as to his or her qualifications for the practice of medicine and surgery without being required to prove that he or she has had two years' experience as an interne or has completed a two

Fee.

Proviso.

Scope of examination.

years' post-graduate course in surgery. Such examinations shall consist of the subjects, materia medica, therapeutics and surgery, and shall consist of the same questions as are given to the medical candidates for license to practice medicine and surgery. The osteopathic applicant shall be admitted to the regular examination at the same time and place the regular examinations are held. To each applicant for a license to practice medicine and surgery receiving a grade of not less than seventy-five per centum (75%) the board shall forthwith issue a license to practice medicine and surgery in this State.

Admitted to regular examinations.

License granted.

Professional college defined.

G. For the purposes of this section a professional college shall be taken to mean a medical college or osteopathic college; *provided, however,* that in all instances, such college shall be approved by the State Board of Medical Examiners.

Proviso.

Section 9 amended.

2. Section nine of the act to which this act is an amendment and supplement is hereby amended to read as follows:

Prohibitory provisions not to apply.

9. The prohibitory provisions in this act as amended shall not apply to the commissioned surgeons of the United States Army, Navy or Marine Hospital Service while so commissioned or to lawfully qualified physicians or surgeons residing in other States or foreign countries meeting registered physicians and surgeons of this State in consultation, or to legally qualified physicians or surgeons of another State taking charge of the practice of a legally qualified physician or surgeon of this State temporarily during the latter's absence therefrom, and upon the written request to said board therefor, or to any physician or surgeon of another State or foreign country, and duly authorized under the laws thereof, to practice medicine and surgery therein; *provided,* that such practitioner shall not open an office or a place for the practice of his profession within the borders of this State; or to any one while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or

Proviso.

asylum; or to the practice of dentistry by any legally qualified and registered dentist, or to the ministration to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug or material remedy, or to the practice of optometry by any person holding a valid certificate of registration under an act entitled "An act to regulate the practice of optometry, to license optometrists, and to punish persons violating the provisions thereof," approved April seventeenth, one thousand nine hundred and fourteen, or any act supplementary thereto and amendatory thereof, or to the practice of chiropody by any legally licensed chiropodist, or to any person claiming the right to practice medicine and surgery in this State who has been practicing therein since before the fourth day of July, one thousand eight hundred and ninety; *provided,* said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of said board, was in good standing at the time said diploma was issued, or the giving of treatment by electricity by any person resident of this State who has been continuously engaged in giving treatment by electricity herein during the past fourteen years; *provided,* that said person has graduated from a legally incorporated electrotherapeutic school in good standing, or to the practice of pharmacy by any legally licensed and registered pharmacist of this State, but this exception shall not be extended so as to give said licensed pharmacist the right and authority to carry on the business of a dispensary, unless said dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State, or to the practice of veterinary medicine, surgery or dentistry in any of its branches by any legally licensed and registered veterinary physician, surgeon or dentist of this State, or to any professional nurse, masseur or electrician while operating in each par-

Proviso.

Proviso.

ticular case under the specific direction of a regularly licensed physician or surgeon, or to any person or persons while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician and surgeon.

Section 15 added.

3. AND BE IT ENACTED that the act to which this act is an amendment and supplement is hereby supplemented by the addition of a new section to be known as section fifteen.

Chap. 217, P. L. 1913, repealed.

15. An act entitled "An act to regulate the practice of osteopathy," approved April second, one thousand nine hundred and thirteen, and all acts supplementary thereto and amendatory thereof are hereby repealed; *provided, however,* that any person holding a valid license heretofore issued in due course by virtue of the provisions of the act above mentioned, shall be authorized to continue to practice osteopathy, as hereinafter defined, pursuant to said license, as though the act under which said license had been issued had not been repealed.

Proviso.

Academic requirements in osteopathy prior to April 2, 1913.

A. Any person who, prior to April second, one thousand nine hundred and thirteen, has matriculated in a legally incorporated school or college of osteopathy, requiring personal attendance and in good standing in the opinion of the State Board of Medical Examiners, and who is more than twenty-one years of age, of good moral character, and has obtained a certificate from the Commissioner of Education of this State showing that such person before entering such school or college of osteopathy had obtained an academic education consisting of a four years' course of study in an approved public or private high school, or the equivalent thereof, and has been duly graduated with a degree of doctor of osteopathy, having, prior to the receipt of the diploma conferring such degree, attended and completed not less than three full courses of not less than nine months each, in three different years, shall, upon proof of such facts and application filed with said board upon a form or forms provided by said board, at least ten days before the

examination at which he or she is to be examined, be admitted to an examination for a license to practice osteopathy, as hereinafter defined, which examination shall be in the following subjects: Anatomy, physiology, pathology, histology, toxicology, and dietetics, chemistry, obstetrics, gynecology, osteopathic and physical diagnosis, principles of surgery, medical jurisprudence, bacteriology, theory and practice of osteopathy and any such other subjects as the board may elect; *provided, however,* that the records of such board and such license shall state that such license was issued to any such applicant under the first exemption contained in this section; *it being further provided, however,* that this paragraph shall cease to be effective on and after January first, one thousand nine hundred and thirty-six.

Scope of examination.

Proviso.

Proviso, paragraph inoperative.

B. Any person who shall have received the degree of doctor of osteopathy after the first day of July, one thousand nine hundred and fifteen, and prior to the first day of July, one thousand nine hundred and thirty-five, shall be admitted to examination for license to practice osteopathy, as hereinafter defined, upon proof made to said board that he or she has attended and completed not less than four full courses of not less than eight months each, in four different calendar years, in a school or college of osteopathy, requiring personal attendance prior to the granting of such diploma and conferring of such degree, *provided,* that such applicant shall in all other respects comply with and qualify under the provisions of the preceding paragraph of this section; *provided, however,* that the records of such board and such license shall state that such license was issued to any such applicant under the second exemption contained in this section; it being *further provided, however,* that this paragraph shall cease to be effective on and after January first, one thousand nine hundred and thirty-six, except for the purpose of paragraph (C) herein.

Academic requirements in osteopathy prior to July 1, 1935.

Proviso.

Proviso.

Proviso, paragraph inoperative.

Academic requirements after October 1, 1935.

C. Any person who shall have matriculated in a school or college of osteopathy on or before the first day of October, one thousand nine hundred and thirty-five, shall be admitted to examination for license to practice osteopathy, as hereinafter defined, upon proof made to said board that he or she has attended and completed not less than four full courses of not less than eight months each, in four different calendar years, in a college or school of osteopathy, requiring personal attendance prior to the granting of such diploma and conferring of such degree, *provided,* that such applicant shall in all other respects comply with and qualify under the provisions of paragraph A of this section; *provided, however,* that the records of such board and such license shall state that such license was issued to any such applicant under the third exemption contained in this section; it being *further provided, however,* that this paragraph shall cease to be effective on and after July first, one thousand nine hundred and thirty-nine.

Proviso.

Proviso.

Proviso, paragraph inoperative.

Practice of osteopathy defined.

D. Within the meaning of the provisions of this section the practice of osteopathy shall include the diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity, physical or mental condition; *provided, however,* that a license to practice osteopathy shall not permit the holder thereof to prescribe or administer drugs for internal use in the treatment of any human disease, pain, injury, deformity, physical or mental condition or to perform such surgical operations as require cutting.

Proviso.

4. This act shall take effect immediately.

Approved May 23, 1935.

CHAPTER 227

AN ACT to amend an act entitled "An act to regulate elections" (Revision 1930), approved April eighteenth, one thousand nine hundred and thirty.

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

1. Article VII, paragraph eighty-two, section three of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Art. VII, Par. 82, Sec. 3, amended.

Filing of Appointments.

Par. 82, Sec. 3. The appointment of challengers shall be filed with the county board not later than the second Tuesday preceding any election. No person shall be appointed a challenger under this act who is not a registered voter in the county in which the district is located in which such person is appointed to serve, and no appointed challenger shall serve in any district other than that to which appointed.

Appointment of challengers.

Requirements.

2. This act shall take effect immediately.

Approved May 23, 1935.

CHAPTER 228

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers,' approved April twenty-first, one thousand nine hundred and eleven," which supplement was approved the twelfth day of March, one thousand nine hundred and thirty-five.

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

Section 1 amended.

1. Section one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Records kept within the State.

1. Every public utility shall at all times keep within this State all records, books, accounts, documents and other writings relating to contracts entered into, transactions had, services rendered, business done and property within this State, and shall at no time remove any of such records, books, accounts, documents or writings from this State without the consent in writing of the Board of Public Utility Commissioners first had and obtained.

Proviso.

Provided, however, that the Board of Public Utility Commissioners may by order in writing grant consent and permission under such regulations and conditions as it may see fit to impose for the keeping of any of such records, books, accounts, documents and other writings outside of the State in such cases as the board may determine that such consent or permission may be of financial advantage to the customers of the public utility within this State. Such consent or permission so granted may be revoked by the board at any time without notice. A public utility granted such consent or

To produce records upon notice.

permission shall on the notice in writing of the Board of Public Utility Commissioners produce such records, books, accounts, documents and other writings at such time and place within this State as said board may designate.

Section 5 amended.

2. Section five of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Certain railroads, etc., exempt.

5. The provisions of this act shall not apply to any public utility subject to the jurisdiction of the Interstate Commerce Commission operating, managing or controlling a steam railroad or railway express within this State.

3. This act shall take effect immediately.

Approved May 23, 1935.

CHAPTER 229

AN ACT to amend an act entitled "A further supplement to an act entitled 'An act concerning mortgages' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," approved February sixth, one thousand nine hundred and thirty-five.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory is hereby amended so as read as follows:

Canceling mortgage.

1. In addition to the methods prescribed and authorized for the cancellation of any mortgage pursuant to the provisions of the act to which this act is a further supplement, it shall be lawful for the county clerk or register of deeds and mortgages of any county of this State and such officials are hereby authorized and empowered to cancel of rec-

ord any mortgage presented for cancellation which shall contain an authorization so to do over the signature of the chairman or vice-chairman of the board of directors, or an assistant to the chairman or an assistant to the vice-chairman, or treasurer, deputy treasurer, assistant deputy treasurer, regional treasurer, or assistant regional treasurer, of any agency or instrumentality of the Federal government.

Who authorized to cancel.

2. This act shall take effect immediately.

Approved May 23, 1935.

CHAPTER 230

AN ACT making an appropriation for alterations and additions to armories at Orange, Red Bank, Salem and Mount Holly, in this State, and the acceptance of a grant of money from the Federal Works Administration for that purpose.

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

Armory changes.

1. The State Military Board is hereby constituted a commission to make alterations and additions to armories at Orange, Red Bank, Salem and Mount Holly upon sites deeded to the State of New Jersey for that purpose, and to suitably equip same when erected, at a total cost not exceeding one hundred eighty-five thousand dollars ($185,000.00).

Allowances.

Federal grant.

2. The State Military Board in behalf of the State of New Jersey is hereby authorized to make application for and accept from the Federal Public Works Administration a grant of moneys, which moneys, if granted, shall be used to meet obligations incurred by authority of this act.

3. The State Military Board is hereby authorized to enter into contracts for additions and alterations of said armories, which contracts shall be made dependent upon the receipt of a grant of money from the Federal Public Works Administration. Contracts.

4. For the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of one hundred eighty-five thousand dollars ($185,000.00). The amount of money granted by the Federal Public Works Administration shall be applied by the State Comptroller as a credit to the appropriation authorized under this section. Appropriation.

5. This act shall take effect immediately.

Approved May 23, 1935.

CHAPTER 231

AN ACT to empower municipalities to establish a workmen's compensation insurance fund.

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

1. That it shall be lawful for the governing body of any municipality to appropriate money for a fund to be designated and known as "The Workmen's Compensation Insurance Fund." The money so appropriated shall be held by the treasurer of the municipality and deposited in some national or State bank or trust company in the name of the municipality and shall remain there as a trust fund for the purpose of paying obligations of the municipality for which the municipality may from time to time become liable under an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, es- May appropriate for fund. Moneys held in trust.

tablishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven, and the acts amendatory and supplementary thereto.

Maintaining fund.

2. The said governing body of a municipality may appropriate thereto any amount of money under their control not raised for or appropriated to any other purpose and may add to such fund yearly in the same manner, or by raising such amount in the tax levy, as they may yearly decide and fix upon.

Deposit and use of money appropriated.

3. The money appropriated and raised by taxation, or otherwise, from year to year shall be added to the fund above referred to and deposited as required in the first section of this act and may only be used for the purposes referred to in this act; *provided,* that if the governing body of said municipality shall decide to discontinue said fund, then the said fund shall become part of the surplus revenue of the said municipality immediately upon the adoption of a resolution to that effect by said governing body.

Proviso.

Not to prevent placing of insurance.

4. Nothing herein contained, however, shall prevent the said municipality from placing insurance in any insurance company authorized to do business in this State, nor to pay compensation in the same manner as now provided by law.

5. This act shall take effect immediately.

Approved May 31, 1935.

CHAPTER 232

AN ACT to amend an act entitled "An act to regulate the practice of pharmacy in this State," approved March nineteenth, one thousand nine hundred and one, and the amendments thereto.

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

1. Section four of the act of which this act is amendatory be and the same hereby is amended to read as follows: Section 4 amended.

4. Every person applying for registration as a pharmacist under this act shall be not less than twenty-one years of age, shall be a citizen of the United States, or shall have declared his or her intention so to become a citizen of the United States, shall be of good moral character, and not a chronic or persistent inebriate, and not addicted to the use of any narcotic drug, and shall have not less than four years' practical experience obtained in accordance with the rules and regulations of the Board of Pharmacy under a registered pharmacist in a registered pharmacy where prescriptions of medical practitioners are compounded and drugs are sold at retail and which registered pharmacy is approved by the Board of Pharmacy for such purpose; at least one year of such experience must have been had in a pharmacy in the United States within five years of the date of the application for registration as a pharmacist; *provided,* that a credit of not more than three years may be given in lieu of store experience for an equal time spent in a course of study and laboratory instruction in a school of pharmacy, approved by the Board of Pharmacy, and shall have been duly graduated from a four-year course given in a school of pharmacy complying with the rules and regulations of the Board of Pharmacy of the State of New Jersey, Requirements for applicants for registration. Proviso.

and shall present to the board a certificate from the Commissioner of Education of this State showing that such applicant, before entering the school of pharmacy, had obtained an education equivalent to the standard established by the Board of Pharmacy of the State of New Jersey; the requirements of this section of the act relating to the certificate of preliminary education and to a graduation from a school of pharmacy shall not become operative until September first, one thousand nine hundred and twenty, nor shall the requirement of the act relating to the certificate of preliminary education apply to any applicant for registration as a pharmacist who was a graduate of an approved school of pharmacy prior to September first, one thousand nine hundred and twenty; and each applicant before examination shall pay to the secretary of the Board of Pharmacy a fee of twenty-five dollars, and upon passing an examination satisfactory to said board, he or she shall receive from said board a certificate of registration to practice pharmacy in this State; *provided,* that the Board of Pharmacy is hereby authorized to conduct written examinations in the theoretical subjects for applicants for registration, at any time after the applicant has been graduated from a college of pharmacy meeting the requirements of the board; *provided, however,* that no candidate shall be examined in practical pharmacy and laboratory work until he or she has met all of the requirements for registration provided in the law and rules of the board, including one year of practical experience served under the supervision of a registered pharmacist, subsequent to graduation from an approved college of pharmacy, in a pharmacy approved by the board for such purpose; *provided further,* that successful passing of the examination in theoretical subjects shall confer no rights or privileges upon the applicant in connection with the practice of pharmacy in this State; the board may waive the examination of any applicant for registration who is registered in the District of Columbia or any

Requirements not to apply.

Fee.

Proviso.

Proviso.

Proviso.

Reciprocal certificates granted.

State or Territory or insular possession of the United States, or any foreign country that has an equivalent standard for registration, and if the Board of Pharmacy of the District of Columbia, or such other State or Territory or insular possession of the United States, or such foreign country, shall grant to pharmacists or assistant pharmacists registered in accordance with this act, the same privilege to practice pharmacy in the District of Columbia, or in such other State or Territory or insular possession of the United States, or in such foreign country; such reciprocal registration of certificates shall be subject to such rules and regulations as may from time to time be made by the Board of Pharmacy of the State of New Jersey, and each applicant for such reciprocal registration shall pay a fee of twenty-five dollars for registration; all duly registered assistant pharmacists in good standing on the record books of the Board of Pharmacy on April eighteenth, one thousand nine hundred and thirty-two shall be entitled to all the privileges of a registered pharmacist during the temporary absence of the registered pharmacist in charge, but shall not be entitled to engage in business on their own account, or as a manager to conduct a pharmacy or drug store; every pharmacist owning, conducting or employed in any drug store or pharmacy, and every registered assistant pharmacist employed in any drug store or pharmacy, shall conspicuously display his or her certificate of registration and renewal of certificate in said pharmacy or drug store, and any failure so to do shall be prima facie evidence that such person is not a registered pharmacist; every pharmacy in this State must have displayed on a sign, so as to be read from the outside, the name of the registered pharmacist who is in charge; and every registered pharmacist and every registered assistant pharmacist shall, annually, on such date as the Board of Pharmacy shall prescribe, pay to the secretary of the board a registration renewal fee of

Reciprocal registration fee.

Display certificate.

Name of pharmacist displayed.

Renewal fee.

two dollars, in return for which he or she shall receive a renewal certificate of registration.

Temporary absence defined.

The term temporary absence as used in this section shall mean an absence of not more than four hours in any one day of twenty-four hours.

Probationary license granted aliens.

Applicants examined and licensed in accordance with the provisions of this act who, when admitted to the licensing examination, were citizens of a foreign country, and who had declared intention of becoming citizens of the United States, shall, upon passing the examination, be issued a license valid for six years from the date of such declaration of intention and upon failure of such licensee to furnish evidence of his having actually become a citizen, his license shall become invalid and automatically become revoked and his registration shall be annulled.

Act effective.

2. This act shall take effect July first, one thousand nine hundred and thirty-six.

Approved May 31, 1935.

CHAPTER 233

AN ACT authorizing any city in this State to convey to the State, without public advertising, lands not otherwise appropriated or used for any other public purpose, for a nominal consideration, for the erection of an armory thereon, when an appropriation for such purpose has already been made by the State.

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

May convey lands without advertising.

1. Whenever any sum has been appropriated for the erection of an armory in any city of this State, the governing body of any such city is hereby authorized, by resolution, without public adver-

tising, to convey, for a nominal consideration, to the State of New Jersey, for the erection of an armory thereon, lands not otherwise appropriated or used for any other public purpose and the State of New Jersey is hereby authorized to accept such a conveyance for the purpose aforesaid.

2. This act shall take effect immediately.

Approved May 31, 1935.

CHAPTER 234

AN ACT to amend an act entitled "An act concerning the militia of the State" (Revision of 1925), approved March tenth, one thousand nine hundred and twenty-five.

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

1. Section one of article I of the act to which this act is an amendment be and the same is hereby amended to read as follows: Sec. 1, Art. 1, amended.

1. Persons Subject to Militia Duties. The militia shall consist of all able-bodied male citizens of this State, and all other able-bodied males who have or shall have declared their intentions to become citizens of the United States, who, in the case of the Naval Militia shall be more than seventeen years of age and in the case of the National Guard and Unorganized Militia shall be more than eighteen years of age, and except as hereinafter provided, not more than forty-five years of age, and such other persons as may upon their own application be enlisted or commissioned therein, and said militia shall be divided into three classes, the National Guard, the Naval Militia and the Unorganized Militia. Persons subject to militia duties. Classes.

Section 10 added to Article XV.

2. Article XV of the act to which this act is an amendment be and the same is hereby amended by adding an additional section, which shall be known as section ten, as follows:

Inactive Naval Militia.

10. There Shall Be an Inactive Naval Militia. With the approval of the commanding officer of the Naval Militia, enlisted men of the Naval Militia may be assigned to the Inactive Naval Militia and reassigned to the Naval Militia.

3. This act shall take effect immediately.

Approved June 3, 1935.

CHAPTER 235

AN ACT to amend an act entitled "An act imposing taxes upon the sale or delivery of alcoholic beverages and providing for the collection thereof," approved December fourth, one thousand nine hundred and thirty-three.

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

Section 202 amended.

1. Section two hundred two of the act to which this act is an amendment be and the same is hereby amended to read as follows:

202. Power to examine.

Commissioner empowered to examine records, etc.

The commissioner shall have power, whenever he deems it expedient, to make or cause to be made by his deputies, supervisors, auditors or investigators, an examination or investigation of the books, records, papers, vouchers, accounts and documents of any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation, solicitation, or sale of alcoholic beverages, or in purchasing, transferring, selling or agreeing to sell receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, and as well of the premises of any

such person, for the purpose of administering the provisions of this act or of any other act of this State imposing taxes upon the sale or delivery of alcoholic beverages. It shall be the duty of every such person, and of every director, officer, agent or employee of every such person to exhibit to the commissioner, his deputies, supervisors, auditors or investigators, all of the books, records, papers, vouchers, accounts and documents of the said person and as well of the premises of said person, and to facilitate as far as it may be in his or their power so to do any such examination or investigation. It shall be lawful for the commissioner, his deputies, supervisors, auditors and investigators to take any oath or affirmation of any person signing a deposition, statement, return or report required by the commissioner in the administration of this act or any other act of this State imposing taxes upon the sale or delivery of alcoholic beverages.

Exhibit records.

May examine under oath.

2. Section two hundred three of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Section 203 amended.

203. Power to conduct hearings.

The commissioner or his deputies, supervisors, auditors or investigators shall have power to conduct hearings and to administer oaths to, and to examine under oath any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation, solicitation or sale of alcoholic beverages or in purchasing, transferring, selling or agreeing to sell receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages and the directors, officers, agents and employees of any such person and as well all other witnesses, relative to the alcoholic beverage business of such person, in respect to any matter incident to the administration of this act or any other act of this State imposing taxes upon the sale or delivery of alcoholic beverages.

Empowered to conduct hearings.

Section 204 amended.

3. Section two hundred four of the act to which this act is an amendment be and the same is hereby amended to read as follows:

204. Power to subpœna witnesses; fees.

Empowered to subpœna witnesses.

The commissioner shall have power by subpœna, to compel the attendance of witnesses and the production of any books, records, papers, vouchers, accounts and documents of any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation, solicitation or sale of alcoholic beverages, or in purchasing, transferring, selling or agreeing to sell receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, or of any other person, at any such hearing. The fees of the witnesses required to attend any such hearing shall be the same as those allowed to witnesses appearing in the

Witness' fees.

Supreme Court. Such fees shall be paid in the manner provided for the payment of other expenses incident to the administration of this act.

Section 401 amended.

4. Section four hundred one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

401. Payment of tax.

Payment of tax.

The taxes imposed by this act shall be due and payable at the time of the first sale or delivery, as the case may be, in this State. In case the tax so imposed has not been paid or secured by the person making the sale or delivery, or causing the delivery to be made, then the purchaser or the person accepting delivery shall also be liable to the tax and

May postpone payment.

the payment thereof. The commissioner, upon such terms and conditions as he may prescribe, may permit a postponement of payment until a subsequent resale thereof and in any case may permit a postponement to a date not later than the fifteenth day of the month next following the month in which the sales or resales or deliveries so taxed

Construing.

were made. Nothing herein contained shall be con-

strued to relieve any subsequent seller of liability to pay the tax upon any sale or delivery should payment thereof not have been made. When alcoholic beverages are delivered into a bonded warehouse, the commissioner may further postpone and by rule and regulation fix the time and method of payment of the tax.

Paying tax.

5. Section four hundred three of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Section 403 amended.

403. Certification of debt; judgment; procedure thereon.

As an additional or alternative remedy, the commissioner may issue a certificate to the clerk of the Supreme Court or to the clerk of the court of common pleas of any county, that any person is indebted under this act in an amount named in such certificate and thereupon the clerk to whom such certificate shall have been issued shall immediately enter upon his record of docketed judgments the name of such person, the amount of the debt so certified and the date of making such entries; and the making of the entries shall have the same force and effect as the entry of a docketed judgment in the office of such clerk, and the commissioner shall have all of the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action at law upon contract. Every person who shall be licensed to manufacture, distribute, transport, store, warehouse, import, offer for sale or sell alcoholic beverages, or to sell receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, under any law of this State shall by the acceptance of such license be deemed to have consented to the procedure set forth in this section.

Docketing judgment.

Licensee deemed to accept procedure.

Section 501 amended.

6. Section five hundred one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

501. Reports to the commissioner.

Monthly report by licensee.

Every person who, within this State shall manufacture, distribute, transport, store, warehouse, import, offer for sale or sell any alcoholic beverages or shall purchase, transfer, sell or agree to sell receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, shall file with the commissioner on or before the fifteenth day of each month a report under oath, on such form as the commissioner shall prescribe, which report shall disclose the amount of alcoholic beverages manufactured, distributed, transported, stored, warehoused, withdrawn from storage, imported, purchased and sold and the number and kind of receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages purchased, transferred, sold and agreed to be sold, by such person during the preceding month, and such other information as the commissioner may require. Every such person shall pay to the commissioner upon the filing of such report the amount of tax which shall be due from such person by reason of sales or deliveries of alcoholic beverages, unless previously paid. Any such person who shall fail to file any such report on the day when the same shall be due, shall forfeit as a penalty for each day thereafter until said report is filed the sum of five dollars ($5.00) to be collected as hereinabove provided. Such penalty shall not continue to accrue after the suspension or revocation of the license of any such person. Any such person who shall fail to pay any such tax on the day when the same shall be due shall forfeit as a penalty an amount equivalent to five per centum of said tax to be collected as hereinabove provided. The commissioner, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of any penalty herein imposed.

Filing fee.

Penalty for failure to report.

Penalty to accrue.

Failure to pay penalty.

May remit where failure was excusable.

7. Section five hundred two of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section 502 amended.

502. Records to be kept.

Every person who, within this State shall manufacture, import, distribute, transport, store, warehouse, sell or offer for sale alcoholic beverages, or who shall engage in purchasing, transferring, agreeing to sell or selling receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, shall keep complete and accurate records of all alcoholic beverages purchased, sold, manufactured, improved, brewed, fermented, distilled, produced, stored, warehoused, withdrawn from storage, imported or transported and of all receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages. Such records shall be of a kind and in the form prescribed by the commissioner and shall be safely preserved for two (2) years in such a manner as to insure permanency and accessibility for inspection by the commissioner or any duly authorized employee of said commissioner. All such records shall be kept and maintained in this State; *provided, however,* that the commissioner may, in his discretion, permit the records of any such person to be kept and maintained at a place outside of this State to be designated by him. Records to be kept. Form and preservation of records. Records kept in State. Proviso.

Approved June 3, 1935.

CHAPTER 236

A SUPPLEMENT to an act entitled "An act to establish a uniform standard of weights and measures in this State, to establish a Department of Weights and Measures, and provide penalties for the use of other than standard or legal weights and measures," approved April twenty-fourth, one thousand nine hundred and eleven.

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

Standards for lumber and lumber products.

1. Grade, measure and trade name of lumber and lumber products heretofore or hereafter approved, adopted and issued by manufacturers associations covering specie and kind shall be the authorized standards for lumber and lumber products by which all county and municipal standards of weights and measures in this State shall be tried, proved and sealed.

Delivery tickets.

2. No person, firm or corporation shall deliver or cause to be delivered any lumber or lumber product without each delivery being accompanied by a delivery ticket and duplicate thereof. On both tickets there shall be distinctly and indelibly expressed in ink or otherwise, the specie, grade, quantity and trade name of the lumber or lumber product contained in the truck or other vehicle used in such delivery, the name of the purchaser thereof, the destination at which delivery is to be made, and the name of the dealer from whom purchased. One of such tickets shall be delivered to the person, firm or corporation receiving such lumber or lumber products or to his representative and the other ticket shall be retained by the seller of the lumber or lumber products.

Form of delivery ticket.

Inspectors certified.

3. The trade association of the retail lumber and lumber products dealers of the State of New Jer-

sey, known as the New Jersey Lumbermen's Association, a New Jersey corporation, shall by its secretary and under its seal certify to the State Superintendent of Weights and Measures, the names, addresses and qualification of inspectors appointed by it for the purpose of inspection of lumber and lumber products under the terms of this act. The State Superintendent of Weights and Measures shall thereupon appoint all such persons, lumber inspectors in and for his department. Each lumber inspector shall, before entering upon his duties, make oath faithfully to execute his trust as a lumber inspector. Said State Superintendent of Weights and Measures shall issue a certificate of such appointment or designation and shall keep a record of the same. When said New Jersey Lumbermen's Association shall by its secretary and under its seal certify to said Superintendent of Weights and Measures that any lumber inspector is no longer employed by it, said Superintendent of Weights and Measures shall notify said lumber inspector of such fact and shall strike his name from his list of lumber inspectors and require the return of the credentials issued to said lumber inspector.

Appointment of inspectors.

Oath.

4. The State Superintendent of Weights and Measures shall not be called upon to pay and shall not be responsible for any salary, fees, wages or expenses of such lumber inspectors, but the same shall be paid by said New Jersey Lumbermen's Association.

Expenses paid by Lumbermen's Association.

5. Lumber inspectors shall have full power and authority to inspect and measure any lumber or lumber products while in transit from the dealer to the purchaser, after the same have been delivered to the purchaser or after they have been incorporated in the building or structure in which they have become a part. He shall also have full power and authority to inspect the delivery slips issued with any shipment and all records of the person, firm or corporation selling or delivering said lum-

Powers and authority of inspectors.

ber or lumber products, in connection with the lumber or lumber products so delivered.

Penalties.

6. Any deviation from the authorized standards herein or hereafter adopted, where said deviation indicates an intention to defraud shall for the first offense be liable to a penalty of not less than twenty-five dollars ($25.00) or more than fifty dollars ($50.00) and for a second offense be liable for a penalty of not less than fifty dollars ($50.00) or more than one hundred dollars ($100.00) and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars ($100.00) or more than two hundred dollars ($200.00) or imprisonment for not less than thirty days or more than ninety days or both, the amount of said penalty to be determined as aforesaid in the discretion of the district court or police magistrate having jurisdiction and if any person or persons shall fail to pay the penalty or penalties as imposed, together with the cost of prosecution, the said court or police magistrate shall issue execution against the goods and chattels and body or bodies of the defendant or defendants as provided in section thirty-nine of the act to which this is a supplement with the same force and effect; *provided, however,* that the period of attention of ten days provided therein shall in this case be extended to a period of not exceeding ninety days; *and provided, further,* that the action to recover any penalty under this supplement may be brought in the name of the State of New Jersey by a lumber inspector appointed as hereinabove set forth, with the same procedure as if brought by any duly appointed superintendent.

Proviso.

Proviso.

Approved June 3, 1935.

CHAPTER 237

A SUPPLEMENT to an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight.

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

Requirements before conducting insurance business.

1. No association incorporated under the act to which this act is a supplement shall undertake to provide any specified benefit in the event of disablement by accident or sickness to any member, or to any other person, or contract with any of its members to pay death benefits as permitted by such act until such association shall have complied with the requirements of this act and the Commissioner of Banking and Insurance shall have issued to such association a certificate of authority setting forth that such association has complied with the requirements of this act and that it is authorized to provide benefits in the event of disablement by accident and/or sickness and/or to contract with members to pay death benefits as permitted by the act to which this act is a supplement within the limitations of the certificate of incorporation of such association.

2. Certificate of authority may be issued.

Issuing certificate of authority.

The Commissioner of Banking and Insurance may issue such certificate of authority to any such association when it shall have filed with the Department of Banking and Insurance a certified copy of its charter or certificate of incorporation, a copy of each type or kind of membership application and membership certificate to be issued, a copy of its dues, fees, contributions and assessment schedule or rate table, a copy of its constitution and by-laws, and a statement of its financial condition and busi-

ness in such form and detail as the Commissioner of Banking and Insurance may require, signed and sworn to by its president and secretary, or other proper officers; *provided, however,* that before the issuance of any such certificate of authority to transact business by the Commissioner of Banking and Insurance, the said association shall have established the guarantee fund and reserves hereinafter provided for and required, or shall have provided for the establishment of such reserves in accordance with this act under the direction, supervision and approval of the said Commissioner of Banking and Insurance; *provided, further,* that no change, alteration or amendment in or to any instrument, schedule or other paper so filed with the said commissioner shall become effective or operative until the same shall have been first filed with said commissioner.

Proviso.

Proviso.

3. Certificate of membership.

Certificate of membership issued.

Contents.

A. Every association shall issue to each of its members a certificate of membership under its seal setting forth the name of the member, the specific benefits to which such member is entitled either for disability caused by accident or illness or for death benefits, the amount of dues, fees, contributions and assessments payable on such certificate, the time when and place where payable, the name and relationship of the member to the beneficiary, if any, and such other provisions as may hereinafter be required; and may contain such other provisions as to the association may seem proper, provided the same are not contrary to the provisions of this act.

Sundry provisions.

Limits number of certificates.

May increase amount of certificate.

B. No association shall issue more than two certificates of membership to any member, but may within limitations of this act, increase the amount of benefits payable in any membership upon application of any member, and such increase shall not be deemed or construed to be the issuance of a new certificate, but may be restricted to all the limitations in payments of benefits as is herein provided in the issuance of a certificate of member-

ship, provided such increase and a statement of limitation of payment benefits be endorsed on the membership certificate or duplicate thereof. Proviso.

C. The application for and certificate of membership together with the constitution and by-laws of the association in effect at the time of the issuance of such certificate of membership, shall constitute the entire contract between the member and the association. Contract.

4. Certificate benefit limitations.

The maximum amount of death benefits and benefits for disability by accident or illness that may be granted in any certificate of membership by an association subsequent to the date when this act becomes effective, shall be as follows: Schedule of maximum benefits:

A. Death benefit limitations.

Under the age of two (2) years, the sum of fifty dollars ($50.00); Death;

Between the ages of two (2) and three (3) years, the sum of one hundred dollars ($100.00);

Between the ages of three (3) and four (4) years, the sum of one hundred fifty dollars ($150.00);

Between the ages of four (4) and five (5) years, the sum of two hundred dollars ($200.00);

Between the ages of five (5) and six (6) years, the sum of two hundred fifty dollars ($250.00);

Between the ages of six (6) and seven (7) years, the sum of three hundred dollars ($300.00);

Between the ages of seven (7) and eight (8) years, the sum of three hundred fifty dollars ($350.00);

Between the ages of eight (8) and nine (9) years, the sum of four hundred dollars ($400.00);

Between the ages of nine (9) and ten (10) years, the sum of four hundred fifty dollars ($450.00);

Between the ages of ten (10) and fifty-five (55) years, the sum of five hundred dollars ($500.00);

Between the ages of fifty-six (56) and sixty (60) years, the sum of four hundred dollars ($400.00);

Between the ages of sixty-one (61) and sixty-five (65) years, the sum of three hundred dollars ($300.00):

Proviso; *Provided,* that nothing herein contained shall prohibit any association from establishing a minimum and/or maximum age limits within above limitations at which certificate of membership may be issued.

B. Disability benefit limitations.

Disability; Sickness or accident benefits of not more than the sum of twenty dollars ($20.00) per week, and no association shall provide in its membership certificate for benefits or payments of any kind to any living member except in the event of disablement by accident or sickness.

C. Beneficiary limitations.

Beneficiary. Any person having an insurable interest in a member of any association may be named as beneficiary in any membership certificate providing for death benefits.

5. Age limitations.

Age limitation. No association shall admit to membership a person above the age of sixty-five years, nor shall it issue to any member certificates of membership the total benefits of which exceed the limitations above set forth.

A. Disease limitations.

Disease limitations. Any association may prohibit or restrict the payment of benefits to any member or beneficiary named in any certificate of membership for disability and/or death caused by certain disease or injuries suffered or sustained by any member before or within a specified time after the issuance of certificate of membership, and may provide for refund of dues, fees, contributions and assessments paid by such member on said certificate of membership less expenses for carrying the same on the books of the association including commissions paid

to agent and any benefits theretofore paid, provided such limitations or prohibitions are contained in the membership certificate.

6. Limitations of benefits.

Benefit limitations.

Any association may limit or restrict the time before which any benefits are payable under any membership certificate and fix and determine a minimum benefit payable, provided such restrictions or limitations are set forth in membership certificate and are not contrary to or in violation of the following provisions; excepting as herein expressly provided.

A. In case of disability.

Schedule of disability benefits.

(1) Six (6) days after notice to any association shall be the maximum continuous duration of each disability for which no benefits may be payable, and thereafter six (6) days continuous duration of such disability shall be the maximum period for which no benefits shall be payable.

(2) Six (6) months shall be the maximum period after date of membership certificate before which no benefits may be payable.

(3) Three (3) weeks shall be the minimum number of weekly benefits payable during second six months membership certificate is in force.

(4) Six (6) weeks shall be the minimum number of weekly benefits payable during any one period of twelve (12) months a certificate of membership is in force, irrespective of the date of issuance of certificate, excepting as above provided.

B. Death benefits.

Minimum death benefits.

Except as herein otherwise provided the death benefits on any one membership certificate in force during the first six months from date of issue shall be not less than one-fourth of the maximum death benefit payable on such certificate and thereafter shall increase in not less than a like amount at the expiration of each six month period from date of issue.

7. Payment of dues, fees, contributions and assessments.

Payment of dues, etc.

Any association may provide for the collection of dues, fees, contributions and assessments by agents or collectors, but that the failure of such agent or collector of such association to collect said dues, fees, contributions and assessments shall not relieve the member from the payment of the same at the main office of the association, provided a statement to that effect is contained in the certificate of membership.

A. Grace period.

Period of grace.

Every membership certificate shall provide for a grace period of at least two weeks for the payment of dues, fees, contributions or assessments upon certificates providing for benefits for disability by accident or sickness only, and for a grace period of at least four weeks for the payment of dues, fees, contributions or assessments upon membership certificates providing for death benefits only, and for a grace period of at least two weeks for the payment of dues, fees, contributions or assessments upon a membership certificate providing for benefits for both disability and death not exceeding one hundred dollars ($100.00), during which period the respective benefits will remain in full force and effect and the failure of a member to pay the dues, fees, contributions or assessments within the respective grace periods shall relieve the association from any liability to pay the respective benefits.

8. Lapse of certificate.

Certificate may lapse.

Any membership certificate may be lapsed for nonpayment of dues, fees, contributions, assessments or otherwise, and thereafter no benefits shall be payable thereunder, and all dues, fees, contributions and assessments paid thereon shall be forfeited by such member and shall not be refunded to the member, excepting that if default be made in the payment of dues, fees, contributions and assessments upon any membership certificate providing

for death benefits exceeding one hundred dollars ($100.00), after the same shall have been in force continuously for three years, for which a reserve has been established according to the Standard Industrial Table of Mortality as hereinafter provided, there shall be secured to such member at death, a stipulated form of benefit, the net value of which shall be at least equal to the entire reserve held by the association on account of the membership certificate, less a specified percentage of not more than three per centum (3%) of the face amount of such membership certificate, and a provision to that effect shall be contained in every certificate of membership so issued.

9. Reinstatement.

Reinstatement of certificate.

Any association may reinstate and/or revive a lapsed membership certificate, unless otherwise expressly herein provided to the contrary, upon satisfactory proof by the member to the association that the member would be eligible to membership in the association in the same and like manner as if such member were then applying for original membership, and the payment to the association of all dues, fees, contributions or assessments then in arrears, together with any reinstatement fee that may be chargeable; *and may further provide,* that such reinstated member shall not be entitled to receive any benefits under said membership certificate for a period of not more than one calendar month from the date of such reinstatement, or benefits thereafter on account of disability suffered or sustained during such period of one calendar month, or death resulting therefrom, and should any member of any association be so precluded from receiving any benefits, all dues, fees, contributions and assessments paid on such certificate of membership after such reinstatement, less the expenses for carrying same on the books of such association including commissions paid to agent shall be refunded, providing a statement to this effect is contained in the membership certificate.

Proviso.

10. Application for membership.

Application for membership.

A. Every applicant for membership in or for increase of benefits on membership certificate of an association shall sign a written application in such form as the association may determine. No association shall, after a certificate or increase thereon has been issued and in force for three years during the lifetime of the member avail itself of any defense to a claim for any benefit under such certificate unless expressly so provided in such membership certificate or on account of any statement or answer to an interrogatory by the member in the application for membership, unless such claim is contested by the association for fraud or misrepresentation. Every association shall upon request of a member or beneficiary named in any certificate, who shall have presented a claim for benefits, give a copy of the application for membership to such member or beneficiary. Nothing herein contained shall prohibit or restrict any association from employing agents or solicitors.

Certificate noncontestable after 3 years.

Copy of application furnished.

Agents.

Payment when age misstated.

B. If the age of any member has been understated in any application, the amount payable under the certificate issued thereon shall be only in such sum as the dues, fees, contributions and assessments paid by such member would have purchased at the correct age of such member, in accordance with the rate table in effect at time of issuance of said membership certificate. *Provided, however,* that if the correct age of such member at the time of issuance of such certificate and/or increase thereon be above the age limitation specified herein or by any association as hereinbefore provided, no benefits whatever shall be payable under such membership certificate and/or increase thereon, but the association shall refund the dues, fees, contributions and assessments paid therefor, less the expenses of carrying such membership certificate and/or increase thereon on its books, including agent's commission or fees paid and any benefits theretofore paid thereunder.

Proviso.

11. Special fees or dues.

Except as hereinafter provided the following limitations as to special fees or dues shall apply to every such association transacting business in this State under the provisions of this act. Schedule of special fees and dues:

(a) Initial membership fee shall not exceed three dollars ($3.00) per certificate and may not be collected from any member whose previous membership lapsed less than one year prior to application for a reinstatement or renewal membership. Membership;

(b) The initial registration fee shall not exceed one dollar ($1.00) per certificate and may not be charged more than once to any member. Registration;

(c) The fee for reinstatement of any lapsed certificate of membership shall not exceed one dollar ($1.00) per certificate, and a reinstatement fee shall only be charged to a member who rejoins the association within one year after the lapse of previous membership. Reinstatement.

12. Assessments.

Should the operation of business of any association become jeopardized for any reason, it may levy or make an assessment or assessments against all of its members; *provided,* that no assessment or assessments shall be made against any member in any one year in excess of an amount equal to ten per centum (10%) of the annual dues, fees, contributions and assessments paid by such member, based upon the amount of dues, fees, contributions and assessments paid by such member at the time such assessment is made; *and provided, further,* that any and all assessments made upon direction of the Commissioner of Banking and Insurance as herein provided shall not be deemed or construed to be included in the above limitation. May levy assessments. Proviso. Proviso.

A. In the absence of any provisions in the constitution or by-laws of any association regarding notice to members of any assessment required herein to be made, notice thereof in writing, signed by any officer of the association directed to their Notice of assessment.

last known post office address of each member mailed with proper postage thereon prepaid shall be and constitute sufficient notice of such assessment.

Failure to pay assessment lapses certificate.

B. Any and all assessments made against members of any association shall be paid by members within four weeks from the date of mailing of notice of such assessment, and the failure of any member to pay assessment within such time shall lapse the membership certificate of such member, and such a lapsed certificate shall not thereafter be reinstated or revived.

13. Proofs of disability or death.

Proof of disability or death.

Any association may provide that before the payment of any benefit under any certificate, the member shall file proofs satisfactory to the association of such claim for benefits and may provide that such proofs in case of disability be filed at regular stated intervals and in case of death within thirty (30) days from date of death; *provided, however,* that no association shall, after any certificate has been in force for a period of three (3) years, during the life time of a member avail itself of any defense to a claim for any benefit under such certificate on account of any statement or answer to an interrogatory made by the member under the certificate excepting as herein provided.

Proviso.

Medical or physical examination.

Nothing herein contained shall be deemed or construed to prevent any association from making or causing to be made such physical or medical examination of any member presenting proof of claim for benefits as it may deem proper, and refusal by member of such examination shall relieve any association from payment of benefits, provided it is so stated in certificate of membership.

14. Payment of benefits.

Payment of benefits.

Every association shall pay all claims for benefits within three months after satisfactory proofs of such claims have been filed with it and if any benefit

for which any association is liable remains unpaid for a period of six months from the date upon which the said proofs are filed with the association and such claim is uncontested by the association for fraud or misrepresentation on the part of the member, and in the event of inability to pay such association may be deemed insolvent.

Amount of payment.

(a) Whenever the amount of any benefit payable under any certificate of membership increases at stated periods according to the length of time said certificate is in force, the amount payable thereon shall be the same as stated at the period of time of increase last past; and any such benefits and statement of such increase with the stated periods shall be contained in the certificate of membership.

15. Creating and maintenance of a guarantee fund.

Guarantee fund maintained.

Every such association shall accumulate and maintain a guarantee fund of five thousand dollars ($5,000.00). Such fund if not already acquired shall be accumulated in the following manner: a minimum of one thousand dollars ($1,000.00) shall be accumulated and the same deposited in bank to the credit of the guarantee fund before such an association shall be authorized to transact business under the provisions of this act, and in addition thereto the sum of not less than five per centum (5%) of the dues, contributions and assessments collected after the effective date of this act until such guarantee fund shall be five thousand dollars ($5,000.00); such guarantee fund to be held for the purpose of paying benefits arising under its certificates of membership. In case such fund or any portion thereof shall be used by the association for the purpose of paying benefits under any certificate of membership and the amount thereof thereby reduced to less than the amount provided above, the amount of such deficiency shall be made up and restored to such fund within six months thereafter.

Method of accumulating fund.

Deficiency made up within six months.

16. Reserve fund.

To establish reserve fund.

Every such association shall in addition to the above guarantee fund, establish a reserve fund on all membership certificates to be issued after this act takes effect and shall select one of the following methods for establishing the same, and every certificate to be issued after this act becomes effective shall contain a statement of the method so selected.

Methods of establishing fund:

Benefit fund 50% dues, fees, etc.;

A. Such association shall establish a benefit fund and into such fund shall be placed fifty per centum (50%) of all dues, fees, contributions and assessments collected by such association on each and every membership certificate to be issued after this act takes effect the same being in force continuously for one year, the first payment on any such certificate of membership being made toward that fund out of the dues, fees, contributions and assessments collected thereon beginning with the second year; and from such benefit fund shall only be paid all benefits and costs of defending or prosecuting suits incurred under such certificates of membership; or

Payments from fund;

4% reserve fund;

B. Such association shall accumulate and maintain a minimum reserve on all or portions of certificates of membership to be issued after this act becomes effective providing for death benefits, based upon the Standard Industrial Table of Mortality with interest at four per centum (4%) per annum; and on all or portions of certificates of membership to be issued after this act becomes effective providing for disability benefits, a minimum reserve of an amount equal to fifty per centum (50%) of one week's average dues, fees, contributions or assessments paid therefor; said average to be computed by the association.

Minimum;

Fund reaccumulated;

C. Should any part of such reserve and/or guarantee fund at any time be used for the payment of any benefits under a membership, or for any reason fall below the amounts herein required, the same shall be reaccumulated by such association within six months.

D. On and after January first, one thousand nine hundred and thirty-seven, no certificate of membership contracting to pay death benefits exceeding one hundred dollars ($100.00) shall be issued by any association unless there be contained therein a provision specifying the basis of a reserve to be maintained on such certificate of membership, the legal minimum standard for which shall be the Standard Industrial Table of Mortality with interest at the rate of four per centum (4%) per annum. Basis of reserve stated in certificate.

17. Investments of reserves.

Any and all reserves required by any association to be accumulated and maintained by this act, may be held in cash or may hereafter be invested only in such manner as is approved by law for life insurance companies. Investment of reserves.

18. Annual report.

Every such association transacting business in this State shall annually, on or before the first day of March, file in the Department of Banking and Insurance a statement, subscribed and sworn to by its president and secretary, or in their absence, by two of its principal officers, showing its financial condition at the close of business on the thirty-first day of December of the year last preceding, and its business for that year, which statement shall be in such form and contain such matters as the Commissioner of Banking and Insurance shall prescribe; said commissioner may also address inquiries to any such association or its officers in relation to its condition or affairs, or any matter connected with its transactions, and it shall be the duty of the officers of such association to promptly reply in writing to all such inquiries; for good cause shown the commissioner may extend the time within which any such statement may be filed. Annual report. Form of report.

19. Penalty for neglect to file statement or reply to inquiries.

Penalty for failure to report, etc.

Any such association that neglects to make and file its annual statement in the form and within the time provided by the last preceding section or neglects to reply in writing to inquiries of the Commissioner of Banking and Insurance within such reasonable time as may be specified by him shall forfeit twenty-five dollars ($25.00) for each day's neglect, and upon notice by the Commissioner of Banking and Insurance to that effect its authority to do new business in this State shall cease while such default continues.

20. Examinations.

Examination by commissioner.

The Commissioner of Banking and Insurance shall have the power, whenever he deems the same expedient, to make or cause to be made an examination of the assets and liabilities, method of conducting business and all other affairs of every such association authorized or which has made application for authority to transact business in this State. For the purpose of such examination the commissioner may commission and employ such persons to conduct the same or to assist therein as he may deem advisable, which examination may be conducted in any State in which the association examined has an office, agent or place of business.

May employ assistants.

Expenses paid by association.

The reasonable expenses of such examination shall be fixed and determined by the Commissioner of Banking and Insurance, and he shall collect the same from the association examined, which shall pay same on presentation of a detailed account of such expense.

Expenses when association is insolvent.

In case any association, after such examination, shall be declared by the Court of Chancery to be insolvent, the expense of such examination, if unpaid, shall be taxed in the costs of the proceedings in the Court of Chancery and paid out of the assets of the association.

Further payment, etc., prohibited.

No association shall, either directly or indirectly, pay, by way of gift, credit or otherwise, any other

or further sum to the commissioner or to any person in the employ of the Insurance Department, for extra service or for purposes of legislation, or for any other purpose whatsoever.

21. Proceedings against insolvent and unsafe associations.

Proceedings against insolvent, etc., associations.

Whenever any such association authorized under the provisions of this act shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, or whenever the Commissioner of Banking and Insurance shall ascertain, as a result of examination as authorized by this act, or in any other manner, that any such association is exceeding its powers or violating the law or that its condition or methods of business are such as to render the continuance of its operations hazardous to the public or its members or that the assets of such association are less than its liabilities including a guarantee fund and/or reserve fund required by the provisions of this act, said commissioner shall have authority to apply to the Court of Chancery for an injunction restraining such association from the transaction of any further business, or the transfer or disposal of its property in any manner whatsoever, and the court, being satisfied of the sufficiency of the application, may order an injunction and appoint a receiver, with power to sue for, collect, receive and take into his possession all the goods and chattels, rights, and credits, moneys and effects, lands and tenement, books, papers, choses in action, bills, notes, and property of every description belonging to such association, and sell and convey and assign the same, and hold and dispose of the proceeds thereof under the directions of the Court of Chancery.

22. Fees.

Schedule of fees for enforcement of act.

Every association to which this act shall be applicable shall pay the following fees to the Commissioner of Banking and Insurance for enforcement of the provisions of this act, viz.:

For filing its application and charter, ten dollars ($10.00);

For filing each annual statement, five dollars ($5.00);

For each copy of any paper filed in the Department of Banking and Insurance, twenty cents ($0.20) a sheet or folio of one hundred words and one dollar ($1.00) for certifying the same.

23. Penalties.

Penalties.

Any officer, employee or agent of any association doing business in this State who shall twist or attempt to practice twisting—meaning unfair comparison of certificates, misstatements as to financial condition of any association or the integrity of its officers, with intent to have association member drop certificate of membership in present association and apply for membership in another association which he represents—or who shall issue or circulate, or cause or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any certificate issued by any such or other association or benefits or advantages promised thereby, or the dividends or shares of surplus to be received thereon, or rebate, refund or waive any or all dues, or fees, or offer so to do, or use any name or title of any certificate or class of certificates misrepresenting the true nature thereof, or any person who shall with intent to defraud make or cause to be made any false statement in any application for membership, proofs or other instrument to be filed with or presented to any association or violate any of the provisions of this act, excepting failure to file annual statement as hereinbefore provided, shall suffer a penalty of five hundred dollars ($500.00) for each offense, and costs of suit; all penalties provided by this act shall be sued for and collected by the Commissioner of Banking and Insurance in an action upon contract in the nature of an action for debt in the name and benefit of the State.

24. Act not applicable to certain associations or companies.

Act not to apply to certain associations and companies.

The provisions of this act shall not apply to any corporation, society, or association carrying on the business of life, health or accident insurance for profit or gain nor to fraternal beneficiary societies as defined in section one of "An act regulating fraternal beneficiary societies, orders or associations," approved March eleventh, one thousand eight hundred and ninety-three, nor shall it affect or apply to any supreme, grand or subordinate lodges of the Ancient Order of Free and Accepted Masons, Independent Order of Odd Fellows, Improved Order of Red Men, Junior Order of United American Mechanics, Knights of Pythias, Patriotic Order Sons of America, Patriotic Order of America, Foresters of America, Companions of the Forest of America, Fraternal Order of Beavers, Ladies' Auxiliary, Ancient Order of Hibernians, Fraternal Order of Eagles, Ordine Figli d'Italia of America, Daughters of America, Sons and Daughters of Liberty, Knights of Columbus, nor to similar orders, nor to any mutual association which admits to membership only members of such societies, orders, or associations, associations formed exclusively of employees of one or more counties, cities, boroughs, towns, townships, villages, or school districts of the State, firemen's relief and patrolmen's benevolent associations, any firemen's or policemen's organization, employees of a designated firm, business house or corporation, nor to plans operated by any hospital or group of hospitals approved by the Department of Institutions and Agencies which offer to subscribers free hospital service when needed.

Construing.

The provisions of this act shall not be construed to confer upon the Commissioner of Banking and Insurance any right of supervision, any right of investigation or any jurisdiction or authority whatever, with respect to any corporation, society or association exempt therefrom as provided in this

section or any subordinate, affiliate, or auxiliary body thereof, now in existence or hereafter to be created whether such subordinate, affiliate, or auxiliary body is incorporated under the act to which this act is a supplement or not; nor shall it be construed to confer upon the Commissioner of Banking and Insurance any right of supervision, any right of investigation, or any jurisdiction or authority whatever, with respect to any corporation, society or association not incorporated under the provisions of the act to which this act is a supplement, or any subordinate, affiliate, or auxiliary body thereof, now in existence or hereafter to be created, whether such subordinate, affiliate, or auxiliary body is incorporated under the act to which this act is a supplement or not. Nothing in this act shall be construed to give any department of the State the right to pass upon alleged defects and alleged illegalities in the charters of the said exempt corporations, societies or associations, or any subordinate, affiliate or auxiliary body thereof.

Constitutionality.

25. If section twenty-four of this act shall be held unconstitutional or invalid in whole or in part this entire supplement shall be null and void and of no further force or effect, but if any other section, clause or provisions of this act, shall be held unconstitutional or invalid, such determination shall not be held to affect any other clause, section or provisions hereof.

Act effective.

Proviso.

26. This act shall take effect on September first, one thousand nine hundred and thirty-five; provided no existing association who has applied for a certificate of authority on or prior to such date shall be prohibited from the transaction of its business prior to November first, one thousand nine hundred and thirty-five, unless the Commissioners of Banking and Insurance shall have refused the issue of such certificate of authority pursuant to the provisions of this act.

Approved June 7, 1935.

CHAPTER 238

A SUPPLEMENT to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-five, and regulating the disbursement thereof," approved June eleventh, one thousand nine hundred and thirty-four.

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

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the State fund for the several purposes herein specified, and for supplying deficiencies in former appropriations. Appropriation for deficiencies.

ATTORNEY-GENERAL'S DEPARTMENT

Attorney-General's Department.

Expenses incurred by the State in the prosecution and trial of State of New Jersey vs. Bruno Richard Hauptmann	$75,000 00

STATE HOUSE COMMISSION

State House Commission.

Set of Compiled Statutes, et cetera, for Disabled Veteran of World War, pursuant to Chapter 287, Laws of 1927	$675 00
Additional allowance for printing and binding of the revision of the laws of the State of	

	New Jersey, prepared by the Commission on Revision and Consolidation of Public Statutes pursuant to P. L. 1925, Chapter 73, page 244	13,500 00	
			$14,175 00

STATE PURCHASING DEPARTMENT

Printing

State Purchasing Department.

Additional allowance for printing and circulating laws		$5,000 00

STATE ATHLETIC COMMISSIONER

Athletic Commissioner.

Additional allowance for compensation for other assistants, fiscal year 1933-1934		$2,187 50

LEGISLATURE

Legislature.

Additional allowance for indexing Journal and Minutes and other incidental and contingent expenses ...		$30,000 00

COURT OF CHANCERY

Court of Chancery.

Additional allowance for compensation of Advisory Masters and their official stenographers	$7,685 00	
Services rendered and disbursements incurred in connection with the Chancery Investigation	$35,000 00	
		$42,685 00

COURT EXPENSES

Additional allowance for payments to counties for services of judges of court of common pleas, at the rate of $40.00 per diem holding Circuit Court, pursuant to Chapter 316, Laws of 1931, for previous fiscal years		$12,800 00	Court expenses.

LAW AND EQUITY REPORTS

Additional allowance for publication of Chancery reports	$15,300 00		Legal reports.
Additional allowance for publication of law reports	2,500 00		
		$17,800 00	

DEPARTMENT OF COMMERCE AND NAVIGATION

Balance of State's share agreed to be paid the borough of Deal, Monmouth county, in the construction of jetties along the ocean front		$10,634 31	Commerce and Navigation.

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

Additional allowance for maintenance and operation of the Delaware and Raritan canal		$12,000 00	Conservation and Development.

STATE BOARD OF TENEMENT HOUSE SUPERVISION

Additional allowance for compensation for assistants and other employees		$3,083 00	Tenement houses.

COMMISSIONER OF EDUCATION

Commissioner of Education.

Reimbursement of school districts for one-half of the excess cost for the education of crippled children within the several school districts of the State as provided in Chapter 54, Laws of 1928		$47,712 86

The moneys in this item appropriated shall be deducted in the same manner as the moneys heretofore appropriated to the Superintendent of Public Instruction are required to be deducted pursuant to Chapter 65, Laws of 1909.

INDUSTRIAL EDUCATION

Industrial Education.

Additional allowance for payments to schools for manual training, pursuant to article 22, section 230, School Laws of 1903, for the school year 1933-1934.	$70,018 73	
Additional allowance for payments to schools for manual training, pursuant to article 22, section 230, School Laws of 1903, for the school year 1934-1935.	70,918 08	
		$140,936 81

Payments under this account to be made pursuant to Chapter 2, Laws of 1920.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH, BORDENTOWN

Manual Training School Bordentown.

Additional allowance for fuel, light and power, fiscal year 1933-1934..	$2,276 56	
Additional allowance for salaries, other officers and employees	600 00	
Additional allowance for fuel, light and power.	1,600 00	
Additional allowance for farm, stable and grounds supplies	600 00	
Additional allowance for telephone and telegraph	200 00	
		$5,276 56

Payments under this account to be made pursuant to Chapter 65, Laws of 1909.

SCHOOL FOR THE DEAF

School for the Deaf.

Construction of dormitory and room for supervisor in basement of girls' building	$2,378 00	
Furniture and bedding..	1,311 05	
		$3,689 05

Payments under this account to be made pursuant to Chapter 65, Laws of 1909.

STATE TEACHER'S COLLEGE AND STATE NORMAL SCHOOL, TRENTON

Trenton Teacher's College.

Additional allowance for fuel, light and power, fiscal year 1933-1934..	$5,600 00	
Additional allowance for telephone and telegraph, fiscal year 1933-1934	1,100 00	
		$6,700 00

Payments under this account to be made pursuant to Chapter 65, Laws of 1909.

DEPARTMENT OF AGRICULTURE

Department of Agriculture.

Additional allowance for Dutch Elm Disease Control	$25,000 00

NATIONAL GUARD

Armory Construction

National Guard.

Additional allowance for construction and equipment of an armory in Jersey City..	$390,000 00	
Compensation, hospitalization and medical attendance due to injuries in National Guard service under the provisions of Chapter 46, Laws of 1925, article 13	1,315 39	
		$391,315 39

STATE CONVENTION OF THE DISABLED AMERICAN VETERANS OF THE WORLD WAR

Veterans' convention.

Expenses attending the reception and entertainment of the honorably discharged, wounded, injured or disabled soldiers, sailors and marines of the State of New Jersey and proper and legitimate expenses incurred therewith, at the State Convention of the Disabled American Veterans of the World War, of the State of New Jersey, to be held in Long Branch, New Jersey, on May twenty-fifth, in the year one thousand nine hundred and thirty-five; *provided,* that such expenses shall be disbursed by the Adjutant-General under such regulations as may be prescribed by the State Treasurer $1,000 00

Proviso.

$846,995 48

2. This act shall take effect immediately.

Approved June 7, 1935.

CHAPTER 239

AN ACT making appropriations for the support of the State government and for several public purposes for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-six, and regulating the disbursement thereof.

ANTICIPATED REVENUES OF THE GENERAL STATE FUND FOR THE FISCAL YEAR 1935-36

Free balance.

Estimated free balance, July 1, 1935		$2,724,602 68

Revenues

Anticipated revenues.

Transfer inheritance taxes	$6,400,000 00	
Less: Refunds, estates and counties	400,000 00	
		$6,000,000 00
Main Stem R. R. taxes		10,300,000 00
Miscellaneous corporation taxes		3,300,000 00
Beverage taxes		4,800,000 00
Beverage licenses		650,000 00
Foreign insurance corporation tax		1,200,000 00
Department of Banking and Insurance		1,000,000 00
Secretary of State		250,000 00
Clerk in Chancery		400,000 00
Clerk of the Supreme Court		180,000 00
Interest on deposits		30,000 00
Real Estate Commission		85,000 00
Commissions		35,000 00
Judicial fees		25,000 00

Shell Fisheries	25,000 00
Department of Labor	65,000 00
Dividends	20,000 00
Athletic Commissioner	50,000 00
State Auditor	75,000 00
Department of Health	104,000 00
Tenement House Supervision	2,000 00
Board of Fish and Game Commission	260,000 00
State Tax Department, Public Utility Division	25,000 00
Manual Training and Industrial School for Colored Youth	60,000 00
School for the Deaf	2,000 00
Glassboro Normal School	28,000 00
State Normal School, Jersey City	32,000 00
State Normal School, Newark	40,000 00
State Normal School, Paterson	18,000 00
State Normal School, Montclair	165,000 00
State Normal School, Trenton	161,000 00
Agricultural Experiment Station	97,125 00
Department of Agriculture	30,050 00
Rehabilitation Commission	7,500 00
Colony for Feeble Minded Males, New Lisbon	160,000 00
Colony for Feeble Minded Males, Woodbine	145,000 00
Home for Disabled Soldiers, Menlo Park	5,000 00
Home for Disabled Soldiers, Vineland	13,000 00
North Jersey Training School, Totowa	140,000 00
Reformatory at Annandale	11,000 00
Reformatory at Rahway	16,500 00
Reformatory for Women, Clinton	15,000 00
Sanatorium for Tuberculous Diseases	125,000 00
State Home for Boys	7,000 00
State Home for Girls	2,500 00
State Hospital—Greystone Park	775,000 00

State Hospital—Marlboro	355,000 00
State Hospital—Trenton	600,000 00
State Prison	500 00
State Prison Farm—Bordentown ..	8,000 00
Village for Epileptics	285,000 00
Vineland State School	215,000 00
Miscellaneous sources	50,000 00
Total revenues	$33,050,175 00

Transfers

Transfers.

Commerce and Navigation, from School Fund	$27,028 48
State Water Policy Commission, from Water Supply Fund	40,555 00
Rehabilitation Commission, from Federal Aid and Workmen's Compensation Tax Fund	189,531 90
Vocational Schools, from Federal Aid Fund	33,047 63
Total transfers	$290,163 01
Total anticipated in the State fund	$36,064,940 69

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

Annual appropriations.

1. The following sums or so much thereof as may be necessary, be and they are hereby appropriated out of the State fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirtieth day of June, in the year one thousand nine hundred and thirty-six, and shall be available for expenditure during said fiscal year, and for a period of three months thereafter to pay obligations incurred during said fiscal year only. At the expiration of said three months' period all unexpended balances, unless specifically held by contracts on file with the

Unexpended balances to lapse into treasury.

Comptroller of the Treasury, shall lapse into the State treasury, or in case of appropriations from special funds shall lapse to the credit of such special funds.

A. Executive and Administrative

A 1. Attorney-General's Department

Attorney-General's Department.

Salaries:		
Attorney-General ...	$7,000 00	
Assistant Attorney-General	7,500 00	
Assistant Attorney-General	6,000 00	
Assistant Attorney-General	6,000 00	
Assistant Attorney-General	6,000 00	
Assistant Attorney-General	6,000 00	
Second Assistant Attorney-General	9,000 00	
Senior legal assistant.	6,500 00	
Senior legal assistant.	6,500 00	
Legal assistant	5,500 00	
Principal law clerk ..	3,000 00	
Senior law clerk-stenographer	2,400 00	
Compensation for other assistants	12,360 00	
		$83,760 00
Materials and Supplies:		
Stationery and office supplies	$900 00	
Law books	400 00	
Vehicular transportation supplies	1,000 00	
Office equipment	400 00	
		2,700 00

Miscellaneous Expenses:		
Traveling expenses ..	$800 00	
Other miscellaneous expenses	700 00	
Expenses in connection with escheat cases	100 00	
		1,600 00

Division of Securities

Division of securities.

Salaries:		
Assistant Attorney-General	$7,500 00	
Special Assistant Attorney-General	4,000 00	
Investigator	1,980 00	
Compensation for clerks and stenographers	5,340 00	
		18,820 00
Materials and Supplies:		
Stationery and office supplies	$500 00	
Office equipment	100 00	
		600 00
Miscellaneous Expenses:		
Expenses of investigations	$4,000 00	
Telephone, telegraph and postage	900 00	
		4,900 00
		$112,380 00

A 2. BUDGET COMMISSION

Budget Commission.

Salaries:		
Budget officer	$7,000 00	
Accountant	5,200 00	
Compensation for assistants	6,420 00	
		$18,620 00
Materials and Supplies:		
Stationery and office supplies	$200 00	
Vehicular transportation supplies	200 00	
		400 00
Miscellaneous:		
Printing	$5,000 00	
Other miscellaneous expenses	750 00	
		5,750 00
		$24,770 00

A . CIVIL SERVICE COMMISSION

Civil Service Commission.

Salaries:		
Commissioners	$18,000 00	
Chief examiner and secretary	10,000 00	
Assistant chief examiner	5,700 00	
Assistant secretary ..	3,180 00	
Examiners and monitors	32,100 00	
Clerical employees and janitors, present $82,180.00; new $1,920.00	84,100 00	
		$153,080 00

Materials and Supplies:		
Stationery and office supplies	$7,000 00	
Office equipment	1,200 00	
Vehicular transportation supplies	800 00	
		9,000 00
Miscellaneous:		
Traveling expenses	$1,500 00	
Advertising	900 00	
Printing	100 00	
Rent	300 00	
Other miscellaneous expenses	300 00	
		3,100 00
Additions and Improvements:		
One new car		1,000 00
		$166,180 00

A 4. Comptroller's Department

Comptroller's Department.

Salaries:		
Comptroller	$6,000 00	
Chief clerk and deputy comptroller	7,000 00	
Head clerk bookkeeper	3,000 00	
Clerical services	25,060 00	
		$41,060 00
Materials and Supplies:		
Stationery and office supplies		4,000 00
Miscellaneous:		
Premium on surety bonds	$300 00	
Other miscellaneous expenses	1,000 00	
		1,300 00

Audit Department

Audit Department.

Salaries:		
Chief auditor	$6,000 00	
Assistants and clerical services	19,200 00	
		25,200 00
Miscellaneous:		
Traveling expenses		100 00

Accounting Division

Accounting Division.

Salaries:		
Chief accountant	$6,000 00	
Assistant chief accountant	3,600 00	
Senior accountants ..	7,200 00	
Calculating machine operator-typists ...	7,500 00	
		24,300 00
Materials and Supplies:		
Stationery and office supplies		600 00
Miscellaneous:		
Traveling expenses ..	$1,200 00	
Printing and binding.	100 00	
		1,300 00
		$97,860 00

A 5. Commissioner of Finance

Commissioner of Finance.

Salaries:		
Commissioner	$10,000 00	
Deputy commissioner.	6,000 00	
Compensation for assistants	8,300 00	
		$24,300 00

Materials and Supplies:		
Stationery and office supplies		1,500 00
Miscellaneous:		
Other miscellaneous expenses		800 00
		$26,600 00

A 6. Emergency Fund

Emergency Fund.

For the Governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, and to cover any incidental personal expense or the expenses of commissioners appointed by him under statute, or in his discretion		$10,000 00

A 7. Executive Department

Executive Department.

Salaries:		
Governor	$20,000 00	
Secretary to the Governor	5 000 00	
Executive clerk	3,600 00	
Assistant secretary to Governor	4,000 00	
Compensation for assistants	17,000 00	
		$49,600 00
Materials and Supplies:		
Stationery and office supplies		2,000 00

Miscellaneous:		
Maintenance, cottage at Sea Girt and entertainment therein.	$15,000 00	
Maintenance of Secretary to the Governor during encampment	1,000 00	
Other miscellaneous expenses	1,300 00	
		17,300 00
		$68,900 00

A 8. Secretary of State

Secretary of State.

Salaries:		
Secretary	$6,000 00	
Assistant Secretary of State	3,000 00	
Chief clerk	7,000 00	
Head clerk	4,500 00	
Confidential clerk	3,700 00	
Election clerk	4,500 00	
Compensation for assistants	30,240 00	
		$58,940 00
Materials and Supplies:		
Stationery and office supplies		7,000 00
Miscellaneous:		
Election expenses ...	$25,000 00	
Photostating copies of certificates of incorporation	2,500 00	
Other miscellaneous expenses	1,000 00	
Preserving early records	500 00	
		29,000 00

Additions and Improvements:		
Vault equipment		1,400 00
		$96,340 00

A 9. State Auditor's Department

State Auditor's Department.

Salaries:		
Auditor	$7,500 00	
Head auditor	4,500 00	
Principal auditors and examiner	12,400 00	
Auditors and junior auditors (State) ..	25,920 00	
Auditors and other employees (municipal)	35,460 00	
Junior auditors and audit clerks, new ..	14,880 00	
Clerks, new	1,920 00	
Confidential clerk	1,800 00	
Stenographers, clerks and other employees	9,900 00	
Expenditures for special investigations, chapter 266, Laws of 1918, sec. 3B ...	8,200 00	
Expenditures required by chapter 60, Laws of 1934	4,760 00	
		$127,240 00
Materials and Supplies:		
Stationery and office supplies	$2,600 00	
Office equipment	1,200 00	
		3,800 00

Miscellaneous Expenses:		
Traveling expenses ..	$25,000 00	
Other miscellaneous expenses	325 00	
Printing and binding.	1,200 00	
		26,525 00
		$157,565 00

A 10. State House Commission

State House Commission.

Salaries and Wages:		
Custodian, State House	$4,500 00	
Chief engineer—electrician	3,400 00	
Superintendent of State House Annex and State office building	4,000 00	
Compensation for assistants and helpers, present, $195,460.00; new, $1,200.00	196,660 00	
		$208,560 00
Materials and Supplies:		
Heat, light, power and electricity	$50,000 00	
Stationery and office supplies, furniture and carpets	5,000 00	
Other materials and supplies	12,000 00	
		67,000 00
Current repairs		25,000 00

Miscellaneous:		
Capitol post office, postage	$100,000 00	
Telephone and telegraph, State Departments in Trenton	48,000 00	
Insurance	1,500 00	
Freight and express	500 00	
Maintenance of Stacy Park and Capitol and annex grounds	4,000 00	
Other miscellaneous expenses	500 00	
		154,500 00
Rentals for State Departments in Newark:		
Court of Chancery	$15,715 00	
Board of Public Utility Commissioners	21,900 00	
Department of Banking and Insurance	6,650 00	
Department of Labor	29,445 00	
State Board of Tenement House Supervision	11,662 00	
Commission for the Blind	10,000 00	
Attorney - General's Department	3,200 00	
Rentals for State Departments in Trenton:		
Budget Commission	1,710 00	
Department of Weights and Measures	2,400 00	
Department of Agriculture	15,500 00	
Department of Police	6,600 00	
State Employees' Retirement System	2,500 00	
Department of Labor	15,000 00	

Commission on Revision and Consolidation of Public Statutes	4,695 00	
Rental for building for State exhibits at Trenton Fair	5,000 00	
Department of Conservation and Development	780 00	
Rentals in Other Cities:		
Associate Justices' offices	6,240 00	
Rooms for Courts, Atlantic City, Jersey City, Camden, Elizabeth and Toms River	40,070 00	
State Board of Children's Guardians, Trenton, Jersey City and Morristown ...	10,290 00	
		$209,357 00
		$664,417 00

A 11. Treasurer's Department

Treasurer's Department.

Salaries:		
Treasurer	$6,000 00	
Cashier and deputy treasurer	6,000 00	
Secretary	3,000 00	
Head clerk	3,000 00	
Compensation for other assistants ...	28,860 00	
		$46,860 00

Materials and Supplies:		
Stationery and office supplies		2,500 00
Miscellaneous:		
Premiums on surety bonds for Treasurer, deputy treasurer and employees	$1,210 00	
Other miscellaneous expenses	400 00	
		1,610 00
		$50,970 00

A 12. State Purchasing Department

State Purchasing Department.

Salaries and Wages:		
State Purchasing Commissioner	$5,625 00	
Chief clerk and buyer	5,625 00	
Supervisors of purchases (5)	14,400 00	
Compensation for assistants and clerical services	12,910 00	
		$38,560 00
Materials and Supplies:		
Stationery and office supplies	$2,400 00	
Vehicular transportation supplies	500 00	
Office equipment	300 00	
		3,200 00
Miscellaneous:		
Traveling expenses ..	$450 00	
Advertising, pursuant to chapter 70, Laws of 1930	2,000 00	
		2,450 00

Unclassified:		
Refund of Processing Tax to State Purchase Fund		25,000 00
Printing		
Miscellaneous:		
Legislative printing .	$75,000 00	
Printing and binding public documents ..	20,000 00	
Printing and circulating laws	7,500 00	
		102,500 00
		$171,710 00

A 13. State Athletic Commissioner

State Athletic Commissioner.

Salaries:		
Commissioner	$5,000 00	
Compensation for other assistants ...	22,300 00	
		$27,300 00
Materials and Supplies:		
Stationery, office supplies and equipment		500 00
Miscellaneous:		
Traveling and incidental expenses.		5,200 00
		$33,000 00

A 14. Municipal Finance Commission

Municipal Finance Commission.

Expenses of operation of municipal finance commission, pursuant to the provisions of chapter 340, Laws of 1931	$25,000 00

B. Legislative

B 1. Legislature

Legislature

Salaries:		
Senators and members of General Assembly	$40,833 32	
Compensation for officers and employees	35,000 00	
		$75,833 32
Materials and Supplies:		
Manuals of the Legislature	$5,000 00	
Toilet and other necessary articles to be furnished by the State House Commission	200 00	
		5,200 00
Miscellaneous:		
Indexing Journal and Minutes and other incidental and contingent expenses ..	$50,000 00	
Council of State governments	1,000 00	
		51,000 00
		$132,033 32

C. Judicial

C 1. Clerk in Chancery

Clerk in Chancery.

Salaries:		
Clerk in Chancery ..	$6,000 00	
Chief clerk	5,500 00	
Law clerks (2)	7,100 00	
Compensation for assistants	75,000 00	
		$93,600 00

Materials and Supplies:		
Stationery, office supplies and other materials		7,500 00
Miscellaneous:		
Premium on surety bonds		600 00
		$101,700 00

C 2. CLERK OF THE SUPREME COURT

Clerk of Supreme Court.

Salaries:		
Clerk of the Supreme Court	$6,000 00	
Chief clerk	5,500 00	
Compensation for assistants	39,320 00	
		$50,820 00
Materials and Supplies:		
Stationery and office supplies	$3,000 00	
Other materials and supplies	400 00	
		3,400 00
Miscellaneous:		
Other miscellaneous expenses		900 00
		$55,120 00

C 3. COURT OF CHANCERY

Court of Chancery.

Salaries:		
Chancellor	$19,000 00	
Vice-Chancellors	180,000 00	
Secretaries to Vice-Chancellors	20,000 00	
Chancellor's secretary	2,000 00	

New Jersey State Library

Compensation and traveling expenses of sergeants-at-arms	35,000 00	
Compensation and allowance of advisory masters and their official stenographers	22,000 00	
Compensation of stenographers, and for services pursuant to section 103, chapter 158, Laws of 1902	53,000 00	
		$331,000 00
Materials and Supplies:		
Stationery and office supplies		3,000 00
Miscellaneous:		
Postage for Vice-Chancellors		1,000 00
		$335,000 00

C 4. COURT OF ERRORS AND APPEALS

Court of Errors and Appeals.

Salaries:		
Compensation of judges of the Court of Errors and Appeals, at $40.00 per diem	$45,000 00	
Compensation of officers	3,500 00	
		$48,500 00
Miscellaneous:		
Printed or typewritten copies of draft of opinions under the direction of the presiding judge	$2,000 00	

Binding State cases, briefs, et cetera, and printing lists of causes, et cetera ...	2,000 00	
		4,000 00
		$52,500 00

C 5. COURT OF PARDONS

Court of Pardons.

Salaries:		
Compensation of judges of the Court of Pardons, at $20.00 per diem	$2,500 00	
Compensation of clerk and stenographer	1,350 00	
		$3,850 00
Materials and Supplies:		
Stationery and office supplies		300 00
Miscellaneous:		
Other miscellaneous expenses		75 00
		$4,225 00

C 6. COURT EXPENSES

Court expenses.

Payments to counties for services of judges of court of common pleas at the rate of $40.00 per diem holding Circuit Court, pursuant to chapter 316, Laws of 1931	$27,000 00

C 7. Law and Equity Reports

Legal reports.

Salaries:		
Chancery reporter ...	$500 00	
Supreme Court reporter	500 00	
		$1,000 00

C 8. Stenographic Reporters

Court reporters.

For amount to be refunded to various counties in this State for salaries of stenographic reporters appointed by the justices of the Supreme Court, pursuant to chapter 81, of the Laws of 1901	$57,650 00

C 9. Supreme Court

Supreme Court.

Salaries:		
Chief Justice	$19,000 00	
Associate justices ...	144,000 00	
Circuit Court judges .	224,000 00	
Salaries of secretaries to justices of the Supreme Court, pursuant to chapter 249, Laws of 1928	18,000 00	
Compensation for assistants	2,000 00	
Board of Bar Examiners, salary of members, secretary, assistant secretary and messenger	16,150 00	
		$423,150 00

Materials and Supplies:		
Stationery and office supplies		200 00
Miscellaneous:		
Expenses of Board of Bar Examiners incurred by court order, including disbarment proceedings.		3,500 00
		$426,850 00

C 10. Commission on Revision and Consolidation of Public Statutes

Revision of Laws.

Salaries:		
Compensation for employees		$63,487 80
Materials and Supplies:		
Stationery and office supplies		1,000 00
Miscellaneous:		
Traveling expenses ..	$250 00	
Postage, express and other miscellaneous expenses	300 00	
Printing	4,500 00	
		5,050 00
		$69,537 80

C 11. Judicial Council

Judicial Council.

Salaries:		
Secretary		$1,800 00
Materials and Supplies:		
Stationery and office supplies		500 00
Miscellaneous:		
Expenses of investigations, printing, and other incidental expenses		2,300 00
		$4,600 00

D. Regulative

D 1. Board of Commerce and Navigation

Commerce and Navigation.

Salaries:		
Director	$9,000 00	
Assistant chief engineer	1,200 00	
Consulting engineer	1,200 00	
Assistant secretary	3,480 00	
Office engineer	3,900 00	
Hydrographic engineer	3,900 00	
Senior hydrographic engineer	3,300 00	
Other assistants, public hearings, searches, surveys, witnesses on trespasses, et cetera	25,151 20	
		$51,131 20
Materials and Supplies:		
Stationery and office supplies	$1,250 00	
Office equipment	500 00	
		1,750 00
Miscellaneous:		
Traveling expenses	$3,000 00	
Telephone and telegraph	550 00	
Rents	6,840 00	
Insurance on boats	500 00	
Expenses in connection with riparian surveys	1,000 00	
Operation cars and boats	400 00	
Other miscellaneous expenses	1,200 00	
Insurance on autos	100 00	
		13,590 00

Expenditures for Inland Waterways:		
Lights and buoys, Lake Hopatcong, Cranbury Lake and Mohawk Lake	$1,000 00	
Maintenance of navigation lights, Cape May-Manasquan river	2,000 00	
Maintenance Bay Head-Manasquan Canal, in lieu of other legislation ...	50,000 00	
Construction of bulkheads and jetties in Delaware bay, Cape May county	15,000 00	
		68,000 00
Additions and Improvements:		
Two new cars	$500 00	
Rent of work boat ...	600 00	
		1,100 00
Appropriation for administration expenses receivable from School Fund pursuant to chapter 223, Laws of 1922, estimated as 40 per centum of the total appropriations.		
		$135,571 20

D 2. Board of Fish and Game Commissioners

Fish and Game Commissioners.

For salaries and wages, and for the expenses of maintenance and operation of the New Jersey Board of Fish and Game Commissioners to include the expenses of administration and of the fish hatchery and game farms.

All receipts from hunters' and anglers' licenses pursuant to the provisions of chapter 152 of the Laws of 1914; chapter 120, Laws of 1915, chapter 125 of the Laws of 1922, and amendments.

All receipts, licenses and sales pursuant to the provisions of chapter 153 of the Laws of 1918.

All fines pursuant to the provisions of chapter 247 of the Laws of 1911.

Use of receipts.

All such receipts as are above set forth, and any balance of receipts that may not have been disbursed on or before the end of the fiscal year ending June thirtieth, one thousand nine hundred and thirty-five, are hereby appropriated to the Board of Fish and Game Commissioners, but there may only be expended of said receipts and balance the amounts as itemized below, and for bills incurred during the fiscal year ending June thirtieth, one thousand nine hundred and thirty-five, and no portion of any receipts shall lapse into the general funds of the State; *provided, however,* that an excess may be expended and is hereby appropriated above the amounts herein below indicated when expressly approved by the State House Commission, but limited to the amount of the receipts of the board for the fiscal year.

Proviso.

Salaries and Wages:

Executive secretary ..	$5,000 00
Assistant secretary ..	2,880 00

Assistant protectors, wardens, superintendents and other officers and employees	140,175 00	
		$148,055 00
Materials and Supplies:		
Food	$52,000 00	
Heat, light, power, water, gas and electricity	5,500 00	
Stationery and office supplies	1,600 00	
Vehicular transportation supplies	22,950 00	
Purchase of live fish and game	27,000 00	
Farm and stable supplies	7,400 00	
Household, clothing, and ground supplies	4,900 00	
		121,350 00
Current repairs		6,800 00
Miscellaneous:		
Printing	$3,000 00	
Hunting and fishing licenses and buttons	7,500 00	
Traveling expenses ..	5,050 00	
Telephone and telegraph	1,700 00	
Postage	1,800 00	
Insurance	3,000 00	
Freight and express..	250 00	
Other miscellaneous expenses	4,300 00	
		26,600 00

Additions and Improvements:		
Motor vehicles and equipment	$9,100 00	
Office equipment	300 00	
Building coops and pens	5,000 00	
Rabbit pens	1,000 00	
		15,400 00
		$318,205 00

D 3. Board of Public Utility Commissioners

Public Utility Commissioners.

Salaries:		
Members of the board	$36,000 00	
Counsel (2)	14,500 00	
Assistant counsel	3,500 00	
Secretary	7,000 00	
Chief engineer, Bureau of Utilities	9,000 00	
Chief engineer, bridges and grade crossings	7,500 00	
Chief engineer, Bureau of Railroads	6,500 00	
Deputy chief engineer, Division of Rates and Research	7,000 00	
Engineers, inspectors, clerks, stenographers and other employees	126,041.50	
Reporting hearings	10,000 00	
		$227,041 50
Materials and Supplies:		
Stationery and office supplies	$3,000 00	
Office equipment	700 00	
		3,700 00

Miscellaneous:		
Traveling expenses ..	$9,000 00	
Telephone and telegraph	1,800 00	
Other miscellaneous expenses	500 00	
Printing	3,000 00	
		14,300 00
		$245,041 50

D 4. Board of Shell Fisheries

Board of Shell Fisheries.

Salaries:		
Director	$3,000 00	
Chiefs of bureaus ...	2,760 00	
Captains of boats, crews, guards, clerks, et cetera: present, $32,940.00; new, $2,720.00	35,660 00	
		$41,420 00
Materials and Supplies:		
Fuel and power	$3,500 00	
Stationery and office supplies	150 00	
		3,650 00
Current repairs		2,500 00
Miscellaneous:		
Traveling expenses ..	$2,500 00	
Insurance	770 00	
Surveying and mapping	300 00	
Rent of offices	120 00	
Rent of boat	900 00	
Telephone and telegraph	100 00	
Other miscellaneous expenses	1,000 00	
		5,690 00

Additions and Improvements:		
Purchase of oyster shells, in order to restore depleted natural oyster beds, and further for the purpose of shelling beds	$10,000 00	
Services of one small guard boat for Delaware bay	2,500 00	
Repair of boat	2,500 00	
Dynamiting drum-fish in waters of Ocean and Atlantic counties	4,000 00	
		19,000 00
		$72,260 00

D 5. County Boards of Taxation

County Tax Boards.

For salaries of members of the county boards of taxation	$131,400 00

D 6. Department of Banking and Insurance

Department of Banking and Insurance.

Salaries:		
Commissioner	$6,000 00	
Deputy Commissioner, Bureau of Banking	7,500 00	
Assistant Deputy Commissioner, Bureau of Banking ...	4,200 00	
Deputy Commissioner, Bureau of Insurance	7,500 00	
Deputy Commissioner, Bureau of Building		

and Loan Associations	7,500 00	
Chief, Compensation Rating and Inspection Bureau	5,000 00	
Assistant Deputy, Bureau of Insurance..	4,800 00	
Assistant Deputy, Bureau of Building and Loan Associations	4,140 00	
Investigator	3,480 00	
Statistician	3,000 00	
Bank examiners	121,560 00	
Small Loan, et cetera, Examiners	6,900 00	
Chief Insurance Examiner	7,500 00	
Assistant Chief Insurance Examiners ...	32,400 00	
Insurance Examiners	46,860 00	
Special Insurance Examiners	9,000 00	
Building and Loan Association Examiners	203,580 00	
Actuary	7,500 00	
Chief Assistant Actuary	4,500 00	
Assistant Actuary ...	4,000 00	
Chief, License Division	3,900 00	
Cashier	3,300 00	
Chief, Division Personal Loan Agencies	4,200 00	
Auditor, Bureau of Insurance	2,520 00	
Clerks, stenographers and other employees	96,880 00	
New Employee, Building and Loan Division	960 00	
		$608,680 00

Materials and Supplies:		
Stationery and office supplies and equipment		3,000 00
Miscellaneous:		
Traveling expenses	$90,000 00	
Appraisals of real estate	250 00	
Freight, express and cartage	400 00	
Subscriptions	250 00	
Compiling and printing valuations	450 00	
Rents	3,360 00	
Telephone and telegraph	1,500 00	
Printing	10,000 00	
Other miscellaneous expenses	1,000 00	
Membership fee, National Association of State Banks and convention expenses	125 00	
		107,335 00
		$719,015 00

D 7. Department of Conservation and Development

Administration

Conservation and Development.

Salaries:		
State Geologist and Director	$7,500 00	
Administrative assistant	3,000 00	
Other employees	9,600 00	
		$20,100 00
Materials and supplies		1,450 00
Current repairs and replacements		100 00
Miscellaneous		450 00
Additions and improvements		50 00

Geologic and Topographic Surveys

Surveys.

Salaries:		
Assistant Geologist ..	$4,200 00	
Topographic engineer	3,600 00	
		7,800 00
Materials and supplies		75 00
Miscellaneous expenses		3,500 00

State Museum

Museum.

Salaries:		
Curator	$3,600 00	
Other employees	22,680 00	
		26,280 00
Materials and supplies		1,200 00
Current repairs and replacements....		3,800 00
Miscellaneous expenses		1,100 00
Additions and improvements		850 00

Forestry Supervision, Investigation and Co-operation

Forestry.

Salaries:		
State Forester	$5,800 00	
Land agent	4,500 00	
Other employees, present, $9,600.00; new, $3,600.00	13,200 00	
		23,500 00
Materials and supplies		350 00
Current repairs and replacements ...		400 00
Miscellaneous expenses		6,000 00

State Forests

State forest.

Salaries:		
Senior Assistant Forester	$2,880 00	
Other employees, present, $29,585.00; new, $1,080.00	30,665 00	
Labor (per diem)	5,000 00	
		38,545 00

Materials and supplies		1,700 00
Current repairs and replacements ...		6,000 00
Miscellaneous expenses, tax lieu on State forests		9,500 00
Additions and improvements		1,500 00

State Forest Nurseries and Reforestation

Forest nursery.

Salaries:		
Senior Assistant Forester	$3,000 00	
Other employees	9,330 00	
Labor (per diem)	4,000 00	
		16,330 00
Materials and supplies		3,000 00
Current repairs and replacements ...		750 00
Miscellaneous expenses		2,000 00
Additions and improvements		1,000 00

State Parks

State parks.

Salaries:	
Supervisors, guards and other employees, present, $25,930.00; new, $1,940.00	$27,870 00
Materials and supplies	3,700 00
Current repairs and replacements ...	6,500 00
Miscellaneous expenses	1,035 72

Preventing and Extinguishing Forest Fires

Forest fires.

Salaries:		
State fire warden	$4,200 00	
Other employees	73,190 00	
Labor (per diem) on fire lines	5,000 00	
		82,390 00
Materials and supplies		1,200 00
Current repairs and replacements ..		4,000 00
Miscellaneous expenses		14,500 00
Additions and improvements		400 00
Extraordinary Expenses:		
Fire fighting costs		15,000 00

Delaware and Raritan Canal

Unclassified:		Delaware and Raritan canal.
Maintenance and operation of the Delaware and Raritan Canal ...	40,000 00	
	$373,925 72	

D 8. Department of Health

Salaries:		Department of Health.
Director	$6,500 00	
Chief, Bureau of Administration	5,400 00	
Registrar, Bureau of Vital Statistics	4,800 00	
Chief, Bureau of Local Health Administration	4,500 00	
Chief, Bureau of Food and Drugs	4,800 00	
Chief, Bureau of Public Health Education	4,500 00	
Chief, Bureau of Sanitary Engineering ..	5,500 00	
Chief, Bureau of Chemistry	4,800 00	
Chief, Bureau of Bacteriology	4,800 00	
Senior Sanitary Engineer, Bureau of Engineering	3,600 00	
Veterinarian	3,900 00	
District Health Officers	17,680 00	
Assistant Epidemiologists, Local Health Administration (2).	7,800 00	

Engineers, inspectors, investigators, laboratory employees, present $149,340.00; new, $3,648.00	152,988 00	
		$231,568 00
Materials and Supplies:		
Stationery and office supplies	$2,500 00	
Office equipment	1,250 00	
Engineering supplies	1,600 00	
Vehicular transportation supplies	4,000 00	
Laboratory supplies .	16,000 00	
Laboratory Receipts, estimated	900 00	
		26,250 00
Miscellaneous:		
Printing	$4,785 00	
Traveling expenses ..	18,000 00	
Other miscellaneous expenses	1,250 00	
Rental of tabulation machines	1,100 00	
Binding current volumes of birth, marriage and death certificates	500 00	
Expenses in carrying out the provisions of Assembly Bill No. 89 (carriers of communicable diseases) provided said bill becomes a law..	2,500 00	
		28,135 00
Additions and Improvements:		
Laboratory equipment	$1,250 00	
Replacing automobiles	4,950 00	
		6,200 00

Bureau of Child Hygiene

Salaries	$77,179 84		Child Hygiene.
Materials and supplies..	1,600 00		
Other miscellaneous expenses	21,600 00		
		100,379 84	

Bureau of Venereal Disease Control

Salaries	$16,320 00		Venereal Disease Control.
Materials and supplies.	6,400 00		
Miscellaneous expenses.	2,900 00		
		25,620 00	

Milk Plant License Bureau

Salaries	$7,560 00		Milk Plant License Bureau.
Materials, supplies and miscellaneous expenses	4,700 00		
Additions and improvements	50 00		
		12,310 00	

Barber License Bureau

Salaries	$12,300 00		Barber License Bureau.
Materials, supplies and miscellaneous expenses	3,775 00		
		16,075 00	

Shell Fish Bureau

Salaries	$9,960 00		Shell Fish Bureau.
Materials and supplies..	885 00		
Miscellaneous expenses.	4,300 00		
		15,145 00	

Ice Cream License Bureau

Salaries	$1,800 00		Ice Cream License Bureau.
Materials and supplies..	150 00		
Miscellaneous expenses.	600 00		
Purchase of automobile	600 00		
		3,150 00	

Toxoid Distribution Bureau

Toxoid Distribution Bureau.

Salaries	$960 00	
Materials and supplies..	16,575 00	
Miscellaneous expenses.	300 00	
		17,835 00
		$482,667 84

D 9. Department of Labor

Department of Labor.

Salaries:		
Commissioner of Labor	$6,000 00	
Deputy Commissioners Workmen's Compensation (4)..	28,000 00	
Deputy Commissioners of Labor (2)...	13,400 00	
Referee	3,600 00	
Supervisor, informal hearings	5,000 00	
Chief, Bureau of Industrial Statistics ..	4,200 00	
Employment Service..	89,140 00	
Examiners, inspectors, clerks and other employees, present $204,582.00, new $1,800.00	206,382 00	
Bureau for Women and Children	3,365 00	
Wage Collection Division	3,360 00	
		$362,447 00
Materials and Supplies:		
Stationery and supplies	$6,000 00	
Office equipment	900 00	

Coal, Jersey City, Trenton and Paterson	2,000 00	
Photographing, blueprinting and drafting supplies	100 00	
Vehicular transportation supplies	1,000 00	
Lighting, power service and water	2,250 00	
		12,250 00
Current repairs		200 00
Miscellaneous:		
Traveling expenses	$20,000 00	
Telephone and telegraph	3,000 00	
Rent, Jersey City, Paterson or other cities	9,560 00	
Other miscellaneous expenses	3,000 00	
Printing	3,900 00	
Preparation and distribution of industrial directories and bulletins	1,000 00	
Expenses for Industrial Museum of Safety Campaign	800 00	
		41,260 00
		$416,157 00

D 10. Department of Weights and Measures

Department of Weights and Measures.

Salaries:		
Superintendent	$5,000 00	
Compensation for assistants	15,840 00	

Eight inspectors and one clerk, Coal Statute Enforcement ..	15,360 00	
		$36,200 00
Materials and Supplies:		
Seals	$600 00	
Stationery and office supplies	525 00	
Vehicular transportation supplies	1,400 00	
Other materials and supplies	100 00	
Equipment and supplies, Coal Statute Enforcement	1,000 00	
		3,625 00
Current repairs		100 00
Miscellaneous:		
Traveling expenses, including samples purchased	$4,200 00	
Traveling expenses, Coal Statute Enforcement	3,640 00	
Insurance	325 00	
Other miscellaneous expenses, including garage rent	400 00	
Printing and binding.	500 00	
		9,065 00
Additions and Improvements:		
Replacement of heavy-duty scale testing truck, including test weights		6,500 00
		$55,490 00

D 11. HEALTH OFFICERS, PORT OF PERTH AMBOY

Perth Amboy Health Officer.

Health officer of the Port of Perth Amboy, for salary, pursuant to chapter 328, Laws of 1906	$1,000 00
Deputy health officer	250 00
	$1,250 00

D 12. STATE BOARD OF TAX APPEALS

Board of Tax Appeals.

Salaries:		
President	$6,500 00	
Members of board ...	18,000 00	
Secretary	6,000 00	
Compensation for other assistants, present, $31,460.00; new, $1,920.00	33,380 00	
		$63,880 00
Materials and Supplies:		
Stationery and office supplies	$4,000 00	
Vehicular transportation supplies	600 00	
		4,600 00
Miscellaneous:		
Traveling expenses ..	$4,000 00	
Other miscellaneous expenses	300 00	
Printing "Report of Cases"	400 00	
		4,700 00
		$73,180 00

D 13. STATE BOARD OF TENEMENT HOUSE SUPERVISION

Board of Tenement House Supervision.

Salaries:		
Secretary and executive officer	$7,000 00	
Compensation for assistants and other employees	89,180 00	
		$96,180 00
Materials and Supplies:		
Stationery and office supplies	$400 00	
Office equipment	50 00	
Other materials and supplies	150 00	
Vehicular transportation supplies	1,000 00	
		1,600 00
Miscellaneous:		
Traveling expenses ..	$550 00	
Other miscellaneous expenses	250 00	
Postage	750 00	
Telephone and telegraph	450 00	
Garage rent	60 00	
Printing	200 00	
		2,260 00
Additions and Improvements:		
Automobile exchange		1,000 00
		$101,040 00

D 14. Real Estate Commission

Real Estate Commission.

Salaries and Wages.		
Commissioners	$12,000 00	
Secretary	5,000 00	
Chief examiner and investigator	4,500 00	
Other employees	21,060 00	
		$42,560 00
Materials and Supplies:		
Stationery and office supplies	$700 00	
Office equipment	50 00	
		750 00
Miscellaneous:		
Traveling expenses ..	$3,500 00	
Rent	3,600 00	
Postage	1,700 00	
Telephone and telegraph	700 00	
Printing	1,500 00	
Other miscellaneous expenses	570 00	
Insurance and bond premiums	230 00	
		11,800 00
		$55,110 00

D 15. Department of State Police

Department of State Police.

Salaries:		
Colonel and superintendent	$9,000 00	
Major and deputy superintendent	5,000 00	
Captains (3)	10 °90 00	

Lieutenants (5)	15,000 00	
Captain, detectives ..	3,600 00	
Noncommissioned officers, troopers, et cetera	486,250 00	
Medical and surgical services	7,000 00	
		$536,650 00
Materials and Supplies:		
Food	$23,000 00	
Clothing	20,000 00	
Heat, light, power, water and electricity	9,000 00	
Vehicular transportation supplies, including replacements ..	95,000 00	
Stable supplies and forage	1,400 00	
Household and organization supplies ...	6,500 00	
Medical, surgical and laboratory supplies	2,000 00	
Stationery and office supplies	4,000 00	
		160,900 00
Current repairs		3,500 00
Miscellaneous:		
Traveling expenses ..	$4,000 00	
Rents	5,968 00	
Telephone and telegraph	13,000 00	
Insurance	10,000 00	
Freight, express and cartage	100 00	
Emergency fund, all bills to be approved by the State House Commission	1,000 00	
Food and lodging	120,000 00	
		154,068 00

Additions and Improvements:		
Office equipment		2,000 00
Teletype Communication		
Salaries:		
Supervisors (2)	$6,000 00	
Assistant supervisors (10)	23,338 00	
Operators (12)	7,200 00	
		36,538 00
Materials and Supplies:		
Stationery and office supplies		1,000 00
Miscellaneous:		
Rental of teletype instruments and power		48,200 00
Bureau of Identification		
Salaries:		
Supervisor	$3,000 00	
Other officers and employees	32,340 00	
		35,340 00
Materials and Supplies:		
Stationery and office supplies	$2,000 00	
Photographic, blueprinting and drafting supplies	2,000 00	
		4,000 00
Additions and Improvements:		
Office and scientific equipment		4,000 00
		$986,196 00

Teletype communication

Bureau of Identification.

D 16. STATE WATER POLICY COMMISSION

Division of Applications

Water Policy Commission.

Salaries:		
Division engineer	$5,700 00	
Assistant division engineer	4,500 00	
Assistant engineers (2)	6,600 00	
District engineer (½ salary)	2,400 00	
Associate engineer (½ salary)	1,700 00	
Other employees	9,080 00	
		$29,980 00
Materials and Supplies:		
Stationery and office supplies	$300 00	
Engineering supplies.	300 00	
Vehicular transportation supplies	900 00	
		1,500 00
Miscellaneous Expenses:		
Traveling expenses ..	$2,800 00	
Telephone and telegraph	300 00	
Postage	400 00	
Printing	400 00	
Rent	3,600 00	
Other miscellaneous expenses	100 00	
		7,600 00
Additions and Improvements:		
Three new gauging stations, maintenance of stations ..	$1,000 00	
Office equipment	75 00	
Engineering equipment	400 00	
		1,475 00
		$40,555 00

D 17. State Tax Department

Administration Division

State Tax Department.

Salaries:		
State Tax Commissioner	$7,500 00	
Assistant confidential clerk	6,000 00	
Other officers and employees	2,760 00	
		$16,260 00

Corporation Division

Corporations.

Salaries:		
Chief clerk	$4,980 00	
Principal corporation tax clerk	3,300 00	
Other officers and employees, present, $22,440.00; new, $3,560.00	26,000 00	
		34,280 00

Railroad Tax Division

Railroads.

Salaries:		
Chief engineer	$11,000 00	
Field engineer	4,980 00	
Office engineer	4,980 00	
Other officers and employees, present, $30,120.00; new, $19,960.00	50,080 00	
		71,040 00

Local Tax Division

Local.

Salaries:		
Field secretary	$4,300 00	
Other officers and employees	3,660 00	
		7,960 00

Materials and Supplies:		
Stationery and office supplies	$7,000 00	
Office equipment	2,500 00	
		9,500 00
Miscellaneous Expenses:		
Other miscellaneous expenses	$1,000 00	
Traveling expenses ..	2,000 00	
Garage rent and operation of car	600 00	
		3,600 00
Additions and Improvements:		
New car for field men.....		680 00

Inheritance Tax Division

Inheritance.

Salaries:		
State Supervisor	$9,000 00	
Two district supervisors	8,800 00	
Two head inheritance tax clerks	9,000 00	
Other officers and employees, present, $149,160.00; new, $6,420.00	155,580 00	
		182,380 00
Materials and Supplies:		
Office equipment, $1,-$300.00; extraordinary $1,300.00	$2,600 00	
Stationery and office supplies	3,000 00	
Briefs and law books.	2,000 00	
Printing	2,500 00	
Other materials and supplies	200 00	
		10,300 00

Miscellaneous Expenses:		
Traveling expenses and appraisers' fees	$800 00	
Binding, repairs and maintenance of equipment	350 00	
Other miscellaneous expenses	50 00	
		1,200 00

Upon approval of the State Tax Commissioner, the Comptroller of the Treasury is hereby authorized and it shall be his duty to withdraw from the State fund such amounts as shall be required to carry out the provisions of chapter 238, Laws of 1909, and to refund and pay such claims as may be necessary and the State Treasurer shall pay same upon the warrants of said Comptroller, and there is hereby appropriated the amount necessary therefor.

Public Utility Tax Division

Public utilities.

Salaries:		
Supervisor	$3,300 00	
Other officers and employees	16,220 00	
		19,520 00
Materials and Supplies:		
Stationery and office supplies		2,250 00
Miscellaneous Expenses:		
Traveling expenses ..	$3,000 00	
Other miscellaneous expenses	1,000 00	
		4,000 00

Beverage Tax Division

Beverage.

Salaries:		
Deputy commissioner.	$7,500 00	
Director	5,000 00	
Other employees, present $155,700.00; new $16,320.00	172,020.00	
		184,520 00
Materials and Supplies:		
Stationery and office supplies	$2,800 00	
Other materials and supplies	250 00	
		3,050 00
Miscellaneous Expenses:		
Traveling expenses ..	$30,000 00	
Printing, binding, et cetera	17,000 00	
Miscellaneous expenses	600 00	
Telephone and telegraph	3,000 00	
Surety bonds	400 00	
Postage	2,000 00	
		53,000 00
Additions and Improvements:		
Office equipment		1,040 00
Extraordinary Expenditures:		
Disbursements for court costs		1,000 00
		$605,580 00

D 18. Department of Aviation

Department of Aviation.

Expenses incurred by the Department of Aviation, established pursuant to chapter 190, Laws of 1931.	
Salaries	$6,680 00
Materials and supplies and miscellaneous expenses	3,200 00
	$9,880 00

D 19. Department of Alcoholic Beverage Control

Department of Alcoholic Beverage Control.

Salaries:		
Commissioner	$16,500 00	
Deputy commissioners (3)	18,000 00	
Attorney in chief	5,000 00	
Counsel in chief	6,000 00	
Chief inspector	3,500 00	
Senior inspectors, present $10,500.00, new $12,000.00	22,500 00	
Inspectors, present $9,800.00, new $10,000.00	19,800 00	
Investigators, present $126,000.00, new $45,000.00	171,000 00	
Confidential secretary	3,000 00	
Secretary to commissioner	1,800 00	
Principal clerk-secretary	1,800 00	
Senior clerk stenographers	8,280 00	
Compensation for other assistants and clerical services,		

present, $42,760.00; new legal assistant and clerical employees, $7,320.00	50,080 00	
Compensation Award, Mrs. Allen O. Myers	1,040 00	
		$328,300 00
Materials and Supplies:		
Stationery and office supplies	$8,500 00	
Other materials and supplies	1,500 00	
		10,000 00
Miscellaneous Expenses:		
Postage and expressage	$7,000 00	
Printing	10,000 00	
Telephone and telegraph	5,000 00	
Bonds and insurance.	2,000 00	
Traveling expenses ..	65,000 00	
Other miscellaneous expenses	6,000 00	
Seizure expenses	36,000 00	
		131,000 00
Additions and Improvements:		
Office, ordnance and seizure equipment		5,000 00
		$474,300 00

E. Educational

E 1. State Board of Regents (State Agricultural College)

Board of Regents, Rutgers University.

Rutgers University (State Agricultural College)	$542,600 00
College for Women	306,520 00
Newark Technical School and Newark College of Engineering	38,940 00

Administrative

Board of Regents:		
Salaries	$10,720 00	
Materials and supplies	225 00	
Miscellaneous expenses	3,600 00	
Additions and improvements	50 00	
		14,595 00
		$902,655 00

Payment under this account to be made pursuant to chapter 65, Laws of 1909.

E 2. Commissioner of Education

Department of Education.

Salaries:		
Commissioner	$15,000 00	
Five assistant commissioners	35,000 00	
Chief, bureau of examiners	6,000 00	
Physical training superintendent	6,500 00	
Physical training assistant superintendent	3,340 00	
Physical training instructor	3,400 00	
Inspector of buildings	4,500 00	
Superintendent of industrial education	4,050 00	
Inspectors of accounts (2)	5,800 00	
Inspector of school accounts	3,800 00	
Assistant for high school work	5,000 00	
Clerical services	37,745 00	
		$130,135 00

Materials and Supplies:		
Stationery and office supplies	$12,000 00	
Office equipment	700 00	
Vehicular transportation supplies	1,200 00	
		13,900 00
Miscellaneous:		
Traveling expenses ..	$5,500 00	
Expenses, physical training work	2,000 00	
Postage	3,000 00	
Telephone and telegraph	1,500 00	
Other miscellaneous expenses	900 00	
Rent of office space ..	3,000 00	
Printing special bulletins	1,000 00	
		16,900 00
Additions and Improvements:		
Automobile exchange		632 50
The moneys in this item appropriated shall be deducted in the same manner as the moneys heretofore appropriated to the Superintendent of Public Instruction are required to be deducted pursuant to chapter 65, Laws of 1909.		
		$161,567 50

E 3. County Superintendents

County school superintendents.

For county superintendents, for salaries, payments to be made pursuant to chapter 65, Laws of 1909 ...	$105,000 00

E 4. Evening Schools for Foreign-Born Residents

Evening school for foreign-born.

For the purpose of carrying out the provisions of an act entitled "An act providing for the establishment of evening schools for foreign-born residents in the State of New Jersey," approved April eleventh, one thousand nine hundred and seven, payment to be made pursuant to chapter 65, Laws of 1909	$10,000 00

E 5. Industrial Education

Industrial education.

For payments to schools established for industrial education, pursuant to chapter 78, Laws of 1909; chapter 32, Laws of 1921, and chapter 282, Laws of 1926	$69,000 00
Payments to schools for manual training, pursuant to Article 22, section 230, School Laws of 1903 ..	644,815 63
Expenses incurred by Commissioner of Education in carrying into effect the provisions of chapter 152, Laws of 1919, salary	5,000 00
Traveling expenses	500 00
Payments under this account to be made pursuant to chapter 2, Laws of 1920.	
	$719,315 63

E 6. MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH

Bordentown Training School.

For salaries and wages, and for maintenance of the Manual Training and Industrial School for Colored Youth, on the basis of four hundred and twenty-five students.

Salaries and Wages:		
Principal	$6,000 00	
Preceptress	2,000 00	
Teachers	63,700 00	
Other officers and employees	28,500 00	
Student labor	6,000 00	
		$106,200 00
Materials and Supplies:		
Food	$22,000 00	
Heat, light, power, water and electricity	25,000 00	
Household Supplies	5,000 00	
Farm, stable and grounds supplies	9,000 00	
Industrial and vocational supplies	3,500 00	
Educational supplies	3,200 00	
Medical and surgical supplies	800 00	
Office supplies	300 00	
Vehicular transportation supplies	800 00	
Other materials and supplies	275 00	
		69,875 00
Current repairs		8,000 00

Miscellaneous:		
Traveling expenses, including extension work	$900 00	
Postage	750 00	
Telephone and telegraph	1,250 00	
Entertainment expenses	500 00	
Freight and express	50 00	
Printing	300 00	
Religious services	200 00	
		3,950 00
Additions and Improvements:		
Materials for permanent improvements.	$1,000 00	
Refrigerator unit, domestic science department	300 00	
Exchange of station wagon	600 00	
Replacing spraying machine	950 00	
Extraordinary household supplies	1,000 00	
Replacing tractor	800 00	
		4,650 00
Payments under this account to be made pursuant to chapter 65, Laws of 1909.		
		$192,675 00

E 7. School for the Deaf

School for the Deaf.

For salaries and wages and for maintenance of the New Jersey School for the Deaf, on a basis of four hundred and thirty-five pupils.

Salaries and Wages:		
Superintendent	$5,000 00	
Principal, teachers and instructors, present, $121,480.00; new, $3,600.00	125,080 00	
Other officers and employees, present $55,177.50; new, $1,900.00	57,077.50	
Medical and surgical fees	900 00	
		$188,057 50
Materials and Supplies:		
Food	$36,000 00	
Clothing	1,500 00	
Heat, light, power, water and electricity	25,000 00	
Household supplies ..	5,200 00	
Farm, stable and grounds	1,000 00	
Industrial and vocational supplies	3,600 00	
Medical and surgical supplies	700 00	
Educational, recreational and library supplies	3,800 00	
Stationery and office supplies	500 00	
Vehicular transportation supplies	1,000 00	
Other materials and supplies	400 00	
		78,700 00
Current repairs		4,000 00
Miscellaneous:		
Entertainment	$500 00	
Freight, express and cartage	100 00	

Religious instruction.	500 00	
Traveling expenses ..	1,200 00	
Postage	350 00	
Telephone and telegraph	1,000 00	
		3,650 00
Additions and Improvements:		
Labor, materials and supplies	$2,000 00	
Earphones and equipment	1,020 00	
Extraordinary household equipment	800 00	
Extraordinary repairs	3,500 00	
Fire extinguishers ...	100 00	
Playground and athletic equipment	275 00	
Farm machinery	400 00	
		8,095 00
Payments under this account to be made pursuant to chapter 65, Laws of 1909.		
		$282,502 50

E 8. State Board of Education

State Board of Education.

Expenses incurred by the Board of Education	$1,800 00
Fire insurance premiums on buildings under control of State Board of Education	25,000 00
Payments under this account to be made pursuant to chapter 2, Laws of 1920.	
	$26,800 00

E 9. State Board of Examiners

State Board of Examiners.

Salaries:		
Head clerk	$2,600 00	
Clerical services	2,280 00	
		$4,880 00
Materials and Supplies:		
Stationery and office supplies		600 00
Miscellaneous:		
Traveling expenses ..	$100 00	
Other miscellaneous expenses	75 00	
		175 00
Payments under this account to be made pursuant to chapter 2, Laws of 1920.		
		$5,655 00

E 10. State Normal School, Glassboro

Glassboro Normal School.

For salaries and wages and for the maintenance of the State Normal School, Glassboro, on the basis of three hundred and fifty students.		
Salaries and Wages:		
Principal	$7,500 00	
Teachers and other employees	97,474 00	
		$104,974 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$9,000 00	

Farm, stable and grounds supplies ..	600 00	
Vehicular transportation supplies	500 00	
Educational, recreational and library supplies	3,000 00	
Stationery and office supplies	675 00	
Laboratory and janitors' supplies	900 00	
		14,675 00
Current repairs		2,200 00
Miscellaneous:		
Traveling expenses ..	$400 00	
Postage	500 00	
Telephone and telegraph	450 00	
Other miscellaneous expenses	250 00	
Printing	650 00	
Excess sewer rental ..	150 00	
Freight, express and cartage	100 00	
Traveling expenses, supervisors of student teaching ...	1,300 00	
		3,800 00
Unclassified:		
All receipts from extension courses are hereby appropriated for use of the said courses, estimated..	$200 00	
Fees, summer school courses, estimated..	1,800 00	
		2,000 00

Additions and Improvements:		
Spraying trees		600 00
The moneys in this item appropriated to be deducted in the same manner as the moneys appropriated to normal schools are required to be deducted, pursuant to chapter 65, Laws of 1909.		
		$128,249 00

E 11. State Normal School, Jersey City

Jersey City Normal School.

For salaries and wages and for the maintenance of the State Normal School, Jersey City, on the basis of four hundred students.

Salaries and Wages:		
Principal	$7,500 00	
Teachers	97,034 00	
Other employees	22,270 00	
		$126,804 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$4,600 00	
Educational, recreational and library supplies	3,800 00	
Stationery and office supplies	750 00	
Other materials and supplies	400 00	
Janitors' supplies ...	1,000 00	
Ground supplies	500 00	
		11,050 00
Current repairs		2,500 00

Miscellaneous:		
Traveling expenses ..	$500 00	
Postage	400 00	
Telephone and telegraph	500 00	
Freight, express and cartage	75 00	
Other miscellaneous expenses	650 00	
Printing including catalog	650 00	
Traveling expenses—Supervision of student teaching	850 00	
		3,625 00
Unclassified:		
All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..		500 00
Additions and Improvements:		
Power lawn mower ..	$500 00	
Erecting addition for storage purposes ..	500 00	
		1,000 00
The moneys in this item appropriated to be deducted in the same manner as the moneys appropriated to normal schools are required to be deducted, pursuant to chapter 65, Laws of 1909.		
		$145,479 00

E 12. State Normal School, Newark

Newark Normal School.

For salaries and wages, and for maintenance of the State Normal School, Newark, on the basis of five hundred students.

Salaries and Wages:		
Principal	$7,500 00	
Teachers, present, $128,951.00; new, $2,200.00	131,151 00	
Other employees	19,630 00	
		$158,281 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$4,000 00	
Educational, recreational and library supplies	4,000 00	
Stationery and office supplies	900 00	
Janitors' supplies ...	700 00	
Ground supplies	575 00	
		10,175 00
Current repairs		4,000 00
Miscellaneous:		
Traveling expenses ..	$500 00	
Postage	500 00	
Telephone and telegraph	500 00	
Printing	700 00	
Freight, express and cartage	100 00	
Other miscellaneous expenses	350 00	
Traveling expenses—Supervisors of student teaching	1,200 00	
		3,850 00
Unclassified:		
All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..		6,500 00

Additions and Improvements:		
Visual educational equipment for science, geography, educational department	$600 00	
Additional equipment for printing presses	300 00	
New furniture	200 00	
New filing equipment.	250 00	
New maps for courses in geography and history	250 00	
Two new typewriters, library and educational department..	200 00	
Musical equipment for auditorium and classes including piano for auditorium	350 00	
Science laboratory equipment	800 00	
		2,950 00
Payments under this account to be made pursuant to chapter 2, Laws of 1920.		
		$185,756 00

E 13. State Normal School, Paterson

Paterson Normal School.

For salaries and wages, and for maintenance of the State Normal School, Paterson, on the basis of two hundred and twenty-five students, pursuant to the provisions of chapter 125, Laws of 1921, and chapter 52, Laws of 1923.

Salaries and Wages:		
Principal	$7,500 00	
Teachers	53,659 00	
Other employees	6,850 00	
		$68,009 00
Materials and Supplies:		
Educational, recreational and library supplies	$2,500 00	
Stationery and office supplies	500 00	
Janitors' supplies....	300 00	
		3,300 00
Miscellaneous:		
Traveling expenses ..	$500 00	
Postage	300 00	
Telephone and telegraph	200 00	
Freight, express and cartage	50 00	
Other miscellaneous expenses	200 00	
Printing	400 00	
Student teaching, traveling expenses .	500 00	
		2,150 00
Unclassified:		
All receipts from extension courses are hereby appropriated for the use of said courses, estimated...		1,000 00
The moneys in this item appropriated to be deducted in the same manner as the moneys appropriated to normal schools are required to be deducted, pursuant to chapter 65, Laws of 1909.		
		$74,459 00

E 14. STATE TEACHERS COLLEGE, MONTCLAIR

Montclair Teachers College.

For salaries and wages and for maintenance of the State Teachers College, Montclair, on the basis of seven hundred and seventy-five students.		
Salaries and Wages:		
Principal	$7,500 00	
Teachers	184,474 00	
Other employees	26,840 00	
		$218,814 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$8,500 00	
Educational, recreational and library supplies	7,500 00	
Stationery and office supplies	1,200 00	
Ground supplies	200 00	
Other materials and supplies	500 00	
Janitors' supplies....	1,200 00	
		19,100 00
Current repairs		6,500 00
Miscellaneous:		
Traveling expenses ..	$500 00	
Traveling expenses, practice teaching ..	2,100 00	
Postage	700 00	
Telephone and telegraph	750 00	
Printing	1,200 00	
Other miscellaneous expenses	500 00	
Freight, express and cartage	175 00	
		5,925 00

Unclassified:		
For the expenses of maintenance of the boarding halls there is hereby appropriated all the receipts therefrom pursuant to the provisions of chapter 58, of the Laws of 1910, and all unexpended balances	$78,500 00	
All receipts from extension courses are hereby appropriated for the use of said courses, estimated .	21,500 00	
		100,000 00
Payments under this account to be made pursuant to chapter 65, Laws of 1909.		
		$350,339 00

E 15. STATE TEACHERS COLLEGE AND STATE NORMAL SCHOOL, TRENTON

Trenton Teachers College.

For salaries and wages, and for the maintenance of the State Teachers College and State Normal School, Trenton, on the basis of seven hundred students.		
Salaries and Wages:		
Principal	$7,500 00	
Business Manager ...	4,000 00	
Teachers, present $200,068.00, new $4,400.00	204,468 00	
Other employees	41,281 00	
		$257,249 00

Materials and Supplies:		
Heat, light, power, water, gas and electricity	$28,500 00	
Janitors' supplies	1,800 00	
Educational, recreational and library supplies	8,000 00	
Stationery and office supplies	1,200 00	
Other materials and supplies	300 00	
Vehicular transportation supplies	700 00	
Ground supplies	400 00	
		40,900 00
Current repairs		5,000 00
Miscellaneous:		
Traveling expenses	$500 00	
Postage	800 00	
Telephone and telegraph	2,000 00	
Freight, express and cartage	300 00	
Transportation of students	1,600 00	
Other miscellaneous expenses	500 00	
Printing	1,400 00	
Expenses, supervision of student teaching	2,000 00	
		9,100 00

Unclassified:

For the expenses of maintenance of the boarding halls and lunch room, there is hereby appropriated all the receipts therefrom pursuant

to the provisions of chapter 58, Laws of 1910, and all unexpended balances ...	$97,500 00	
All receipts from extension courses are hereby appropriated for the use of said courses, estimated .	7,500 00	
		105,000 00
Additions and Improvements:		
Equipment — Health and Physical Education Building	$500 00	
Motor vehicles	2,600 00	
Furniture and scientific equipment, James Green Hall .	1,500 00	
Equipment, Kendall Hall	600 00	
Roads, walks, grading, landscape service ..	600 00	
Equipment, men's dormitory	8,000 00	
		13,800 00
Payment under this account to be made pursuant to chapter 65, Laws of 1909.		
		$431,049 00

E 16. Teachers' Libraries

Teachers' libraries.

Establishment and maintenance of libraries for use of teachers	$400 00
Payment under this account to be made pursuant to chapter 2, Laws of 1920.	

E 17. TEACHERS' RETIREMENT FUND—PENSION AND ANNUITY FUND

Teachers' Retirement Fund.

State Treasurer, for expenses incurred in connection with the fund, pursuant to chapter 80, Laws of 1919.		
Salaries of clerks	$6,000 00	
Materials and supplies and miscellaneous expenses	100 00	
		$6,100 00
Payments under this account to be made pursuant to chapter 2, Laws of 1920.		

E 18. VOCATIONAL SCHOOLS

Vocational schools.

For the purpose of carrying into effect the provisions of chapter 76, Laws of 1916, which provides for the appropriation of State funds for the purpose of carrying out the provision of chapter 294 of the Laws of 1913, which authorized State aid for vocational schools	$211,815 00
Vocational schools, pursuant to chapter 294, section 23, Laws of 1913, from main stem railroad tax	80,000 00
For the purpose of carrying into effect the provisions of chapter 119, Laws of 1917, which provides that the State shall appropriate a sum not less than the maximum amount received from the Federal Government under an act of Congress, which provides for Federal co-operation in the promotion of such education as agriculture and the trades	

and industries, and for the proper preparation of teachers of vocational subjects	25,661 00
State supervision	1,000 00
State supervision of vocational schools	6,250 00
Federal aid	33,047 63
Payments under this account to be made pursuant to chapter 2, Laws of 1920.	
	$357,773 63

E 19. Teachers Pension and Annuity Fund

Teachers Pension and Annuity Fund.

State's contribution to Teachers Pension and Annuity Fund, pursuant to chapter 80, Laws of 1919, as amended by chapter 167, Laws of 1925, such sum as may be certified by the board of trustees pursuant to said acts, to be paid from the main stem railroad tax, approximating $4,300,000 00

E 20. State Aid to School Districts

State Aid to School Districts.

Balance of main stem railroad tax to be distributed to counties for school purposes, pursuant to chapter 341, Laws of 1913, approximating $1,065,480 87

F. Agricultural

F. 1. Agricultural Experiment Station

Agricultural Experiment Station.

Salaries and wages and for the expenses of maintenance and operation of the New Jersey Agricultural Experiment Station at New Brunswick, and its authorized activities..	$168,980 00
Printing bulletins and circulars	6,500 00
Books and binding	800 00

Abolishing mosquito-breeding, pursuant to chapter 134, Laws of 1906, and chapter 104, Laws of 1912, and investigations incident thereto	13,960 00
Investigation of oyster propagation, pursuant to chapter 187, Laws of 1907	6,520 00
Department of Poultry Husbandry, pursuant to chapter 52, Laws of 1911, and chapter 18, Laws of 1923, including poultry specialists for South Jersey	24,435 00
Seed inspection, pursuant to chapter 228, Laws of 1916	9,240 00
Investigational work with greenhouse crops	5,080 00
Insecticide inspection, pursuant to chapter 89, Laws of 1912	500 00
Farm demonstration, pursuant to the provisions of chapter 364, Laws of 1913, and other agricultural extension work	84,892 50
Cranberry and blueberry investigation	6,950 00
Egg-laying and breeding tests, pursuant to the provisions of chapter 16, Laws of 1916, and chapter 35, Laws of 1920, including squab breeding tests	9,000 00
Experimental work in growing white potatoes, sweet potatoes and tomatoes	11,170 00
Legume inoculation inspection	1,500 00
Sewage investigation, pursuant to chapter 126, P. L. 1920	18,620 00
For the purpose of carrying into effect the provisions of chapter 75, Laws of 1920, creamery inspection	3,200 00
Investigation of vegetable diseases ..	3,275 00
Investigation of bee husbandry	3,330 00
Investigations of diseases of ornamental plants and nursery stock ..	4,000 00

Experimental work in vegetable production in North Jersey		1,200 00
Combating insects affecting fruit and ornamental plants		8,700 00
Experimental work with small fruits		3,645 00
Spray residue investigations		6,000 00
Control of insects affecting vegetable crops investigations		4,245 00
Maintenance of Boys' and Girls' 4-H Club exhibits and payment of premiums		7,500 00
Maintenance and repairs, State buildings at Trenton Fair, also premiums for live stock, poultry, horticultural, agricultural and home economics exhibits at the Trenton State Fair and the several county fairs		5,000 00
Current Repairs:		
Repairs to greenhouses	$650 00	
Repairs to poultry buildings and fences	800 00	
		1,450 00
Additions and Improvements:		
Additional farm equipment	$1,000 00	
Replacement of six cars and one truck	2,500 00	
		3,500 00
North Jersey Branch		
Maintenance, improvements and equipment	$27,000 00	
Experimental purposes in dairy farming	5,000 00	
		32,000 00
		$455,192 50

F 2. DEPARTMENT OF AGRICULTURE

Administration:		
Salaries	$55,980 00	
Materials and supplies	3,750 00	
Miscellaneous expenses	12,000 00	
		$71,730 00
Tuberculosis Eradication:		
Salaries	$55,840 00	
Materials and supplies	3,000 00	
Miscellaneous expenses	11,500 00	
Appraisements condemned cattle, the unexpended balance in the appraisement account for the year ending June 30, 1935, is hereby reappropriated.		
		70,340 00
Contagious Abortion Control:		
Salaries	$4,515 00	
Materials and supplies	1,100 00	
Miscellaneous expenses	1,300 00	
		6,915 00
Poultry Disease Control:		
Salaries	$4,725 00	
Materials and supplies	400 00	
Miscellaneous expenses	2,375 00	
		7,500 00
Miscellaneous Animal Disease Control:		
Salaries	$5,040 00	
Materials and supplies	650 00	
Miscellaneous expenses	1,500 00	
		7,190 00

Fruit and Vegetable Marketing:		
Salaries	$13,775 00	
Materials and supplies	150 00	
Miscellaneous expenses	2,000 00	
		15,925 00
Market Organization and Supervision:		
Salaries	$3,455 00	
Miscellaneous expenses	900 00	
		4,355 00
Crops and Markets Information Service:		
Salaries	$5,200 00	
Materials and supplies	500 00	
Miscellaneous expenses	1,300 00	
		7,000 00
Poultry Products Marketing:		
Salaries	$9,340 00	
Materials and supplies	1,000 00	
Miscellaneous expenses	2,750 00	
		13,090 00
Dairy Products Marketing:		
Salaries	$10,440 00	
Materials and supplies	250 00	
Miscellaneous expenses	4,350 00	
		15,040 00
Farm Statistics and Finance:		
Salaries	$5,540 00	
Materials and supplies	50 00	
Miscellaneous expenses	1,950 00	
		7,540 00

Plant Inspection:		
Salaries	$14,340 00	
Materials and supplies	175 00	
Miscellaneous expenses	6,800 00	
		21,315 00
Bee Disease Control:		
Salaries	$2,500 00	
Materials and supplies	50 00	
Miscellaneous expenses	900 00	
		3,450 00
Japanese Beetle Control:		
Salaries	$34,385 00	
Materials and supplies	6,000 00	
Miscellaneous expenses	7,700 00	
		48,085 00
Gipsy Moth Control:		
Salaries	$8,800 00	
Materials and supplies	350 00	
Miscellaneous expenses	1,800 00	
		10,950 00
Licensing and Bonding:		
Salaries	$5,320 00	
Materials and supplies	350 00	
Miscellaneous expenses	2,000 00	
		7,670 00
Fresh Egg Law Enforcement:		
Salaries	$7,700 00	
Materials and supplies	360 00	
Miscellaneous expenses	6,000 00	
		14,060 00
		$332,155 00

G. Military

G 1. Adjutant-General's Department

Adjutant-General.

Salaries:		
Adjutant-General	$6,000 00	
Deputy Adjutant-General	5,000 00	
Clerical services	12,900 00	
Record division	12,440 00	
		$36,340 00
Materials and Supplies:		
Stationery, office supplies and equipment	$1,000 00	
Vehicular transportation supplies	300 00	
		1,300 00
Miscellaneous:		
Printing and binding.	$1,000 00	
Other miscellaneous expenses	400 00	
		1,400 00

State Service Officer

State Service Officer.

Salaries:		
Officers and employees		9,720 00
Materials and Supplies:		
Stationery and office supplies		150 00
Miscellaneous:		
Traveling expenses ..	$2,000 00	
Other miscellaneous expenses	250 00	
		2,250 00
Unclassified Expenses:		
Pursuant to the provisions of chapter 44, Laws of 1930, to provide assistance, in the education of "War Orphans"		3,500 00
		$54,660 00

G 2. National Guard

Maintenance of Organizations

Allowance for 44th division headquarters .	$21,500 00	
Allowance for headquarters and headquarters company, 57th Infantry Brigade	1,875 00	
Allowance for two regiments of Infantry (113th and 114th)....	12,500 00	
Allowance for one regiment of Cavalry (102d)	21,750 00	
Allowance for one regiment of Field Artillery (112th)	14,750 00	
Allowance for one regiment of Engineers (104th)	7,750 00	
Allowance for one Medical Regiment (119th).	3,250 00	
Allowance for headquarters and Headquarters Battery, 69th Field Artillery	1,375 00	
Allowance for 44th Division, Special Troops	4,250 00	
Allowance for 44th Division Aviation	6,000 00	
Allowance for State Staff Corps and Departments	2,000 00	
Caretaker of military equipment, Signal Corps	900 00	
Caretakers for drill halls, Hoboken, Flemington and Jersey City	1,380 00	
		$99,280 00

Maintenance of Armories, Arsenals and Camp Grounds

Armories, etc.	Allowance for rent of quarters, heat and light, and miscellaneous expenses for companies or troops stationed in towns and cities not quartered in State-owned armories, namely, Hoboken, Flemington, Trenton (garages), Jersey City, Newark and Orange	$15,000 00
	State camp grounds, salaries, wages and maintenance, including arsenal at Sea Girt and maintenance thereof	30,000 00
	Regimental armories at Jersey City, Paterson, Trenton, Englewood and two at Newark and Camden	91,000 00
	Troop, battery and battalion armories at East Orange, Elizabeth, Red Bank, Orange, Westfield, Passaic, Atlantic City, Trenton and Newark Air Port, maintenance	73,000 00
	Company armories at Somerville, Hackensack, Bridgeton, Asbury Park, New Brunswick, Mount Holly, Burlington, Salem, Dumont, Woodbury and Plainfield ..	35,000 00

Insurance, other than fire	9,807 48	
Rent of drill hall for headquarters and machine gun troops, Newark	3,000 00	
Automobile maintenance	3,000 00	
Salary and expenses of building inspectors	7,000 00	
		266,807 48

Army Instruction and Field Training

Military instruction and training.

Transportation and expenses for battalion drills, inspection, parades and pay and expenses of inspecting officers and disabled soldiers	$4,000 00	
Compensation of officers and employees and expenses incurred in connection with rifle practice	10,000 00	
Pay of caretakers and mechanics for motorized and mounted organizations	21,500 00	
Salary of clerk to senior inspector-instructor	1,500 00	
Compensation of officers and enlisted men and expenses in connection with annual encampment	65,000 00	
Traveling expenses, inspector-instructors	1,000 00	
Attendance of national guard officers at conferences and for pay of contract surgeons	2,000 00	
		105,000 00

General Maintenance Expenses

Maintenance expenses.

Maintenance of military equipment	$8,000 00	
Military boards expenses	500 00	
		8,500 00

Armory Construction

Armory construction.

Renovations, repairs and additions to twenty-nine armories, buildings at camp grounds and rifle range	$50,000 00	
Furnishings for twenty-nine armories	15,000 00	
		65,000 00

Claims

Claims.

Compensation, hospitalization and medical attendance due to injuries in National Guard service under provisions of chapter 46, Laws of 1925, Article 13	$5,000 00	
Claim of Mrs. Audrey Marion Johnson, for the death of her husband, Second Lieut. George R. Johnson, Air Corps, 44th Div. Aviation, which occurred at Red Bank, N. J., Nov. 5, 1933 ..	1,040 00	

Claim of Mrs. Anna E. Poole, for the death of her husband, Staff Sergeant Alfred W. Poole, Air Corps, 44th Div. Aviation, which occurred at Red Bank, N. J., Nov. 5, 1933 ...	959 92	
Claim of Private Walter J. McGrail, Troop E, 102nd Cavalry, for permanent disability as the result of an injury received April 2, 1934	1,482 85	
		8,482 77
		$553,070 25

G 3. Naval Militia Reserve

Brigade headquarters	$300 00	Naval Militia.
Second Battalion, Camden		
Allowance for miscellaneous expenses in lieu of company expenses	1,000 00	
Allowance for battalion headquarters	200 00	
Seventh Battalion, Jersey City		
Allowance for miscellaneous expenses in lieu of company expenses	1,000 00	
Allowance for battalion headquarters	200 00	
Eighth Battalion, Perth Amboy		
Allowance for miscellaneous expenses in lieu of company expenses	1,000 00	
Allowance for battalion headquarters	200 00	
Pay, expenses, et cetera, of officers and enlisted men on annual cruise and practice cruises	3,600 00	

Pay of shipkeepers, maintenance and general expenses	8,500 00
Maintenance of Perth Amboy armory	4,000 00
	$20,000 00

G 4. Quartermaster-General's Department

Quartermaster-General.

Salaries:		
Quartermaster - General	$6,000 00	
Deputy Quartermaster-General	5,000 00	
Chief, administrative section	4,000 00	
Chief, finance section.	3,000 00	
Chief, property section	3,000 00	
Compensation of other assistants	11,160 00	
		$32,160 00
Materials and Supplies:		
Stationery and office supplies		500 00
Miscellaneous:		
Other miscellaneous expenses		200 00
		$32,860 00

G 5. State Militia

Colored Militia.

Equipping, quartering and training a Colored Battalion of State Militia, five companies	$53,475 00

G 6. Spanish-American War Veterans

Compiling and preserving record of proceedings of the Spanish-American War Veterans of New Jersey, pursuant to chapter 329, Laws of 1929	$1,000 00	Preserving records of Spanish-American War.

G 7. New Jersey Grand Army of the Republic

Providing assistance to the Department of New Jersey, Grand Army of the Republic, pursuant to chapter 156, Laws of 1921	$1,000 00	Grand Army of the Republic.

H. Pension and Retirement Funds

H 1. Judicial Retirement Fund

For the purpose of carrying out the provisions of chapter 313, Laws of 1908; chapter 185, Laws of 1911; chapter 256, Laws of 1918; chapters 107 and 358, Laws of 1920, and chapter 3, Laws of 1929	$9,000 00	Judicial Retirement Fund.

H 2. Pensions

For amount required to pay pensions pursuant to various acts relative thereto, irrespective of any provisions therein that pensions shall be made in the appropriation or tax levy for the department of the public service from which the pensioner shall be so retired	$78,000 00	Sundry pensions.

H 3. STATE EMPLOYEES' RETIREMENT SYSTEM

State Employees' Retirement System.

Expenses in carrying into effect the provisions of chapter 109, Laws of 1921.

Salaries:		
Secretary	$4,000 00	
Compensation for assistants	10,800 00	
		$14,800 00
Materials and Supplies:		
Stationery and office supplies	$400 00	
Office equipment	250 00	
		650 00
Miscellaneous:		
Traveling expenses ..	$50 00	
Other miscellaneous expenses	300 00	
Printing	125 00	
		475 00
Unclassified:		
To the Treasurer of the State of New Jersey, custodian for Contingent Reserve Fund, created by section six, chapter 109, Laws of 1921	$87,011 00	
Contributions on account of members' service	199,916 00	
		286,927 00
		$302,852 00

H 4. ANNUITY FOR WIDOWS OF GOVERNORS

Annuity for widow of Governor of New Jersey, pursuant to chapter 178, Laws of 1920	$2,500 00	Annuity for Governor's widow.

J. CONSTRUCTIVE

J 1. PORT RARITAN DISTRICT COMMISSION

Carrying out the provisions of chapter 337, Laws of 1926.		Port Raritan.
Salaries	$3,000 00	
Miscellaneous expenses	2,000 00	
	$5,000 00	

J 2. SOUTH JERSEY PORT COMMISSION

For the purpose of carrying out the provisions of chapter 336, Laws of 1926	$28,525 00	South Jersey Port Commission.

J 3. STATE PLANNING BOARD

Salaries:		
Compensation of secretary-engineer and other employees	$7,500 00	State Planning Board.
Materials and Supplies:		
Stationery, office supplies, office equipment and engineering supplies	750 00	
Miscellaneous Expenses:		
Printing, travel and other miscellaneous expenses	1,750 00	
There is hereby appropriated for salaries and expenses, the unexpended balance in this account for the year ending June 30, 1935.		
	$10,000 00	

J 4. State Housing Authority

State Housing Authority.

Salaries:		
Compensation for assistants		$89,310 00
Materials and Supplies:		
Stationery and office supplies		25,000 00
Miscellaneous Expenses:		
Rent, Newark office ..	$6,000 00	
Rent, heat, light and power, watchman service (11 district offices)	20,000 00	
Telephone and telegraph	11,000 00	
Traveling expenses ..	22,500 00	
Printing	4,000 00	
Other miscellaneous expenses	4,000 00	
		67,500 00
Additions and Improvements:		
Furniture	$8,000 00	
Office equipment and rent of machines ...	4,000 00	
		12,000 00
		$193,810 00

K. General

K 1. Burial Grounds

Burial grounds.

For the care and maintenance of burial grounds, purchased by the State pursuant to chapter 171, Laws of 1898	$75 00

K 2. COMMISSIONERS OF HIGH POINT PARK

High Point Park.

Expenses incurred by the commission appointed pursuant to the provisions of chapter 36, Laws of 1923:		
Salaries:		
Superintendent and executive secretary.	$3,000 00	
Compensation for laborers, mechanics and other employees	19,579 15	
		$22,579 15
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$4,000 00	
Ground supplies	150 00	
Vehicular transportation supplies	3,200 00	
Sanitary supplies	400 00	
Stationery and office supplies	100 00	
Other materials and supplies	250 00	
Supplies for the zoo	350 00	
		8,450 00
Current repairs		4,000 00
Miscellaneous:		
Telephone and telegraph	$300 00	
Insurance	650 00	
Other miscellaneous expenses	200 00	
		1,150 00
Additions and Improvements:		
Office equipment	$125 00	
Improvement to water supply	200 00	

Replacement of trucks and one passenger car	1,500 00	
		1,825 00
Extraordinary Expenditures:		
Extraordinary Expenses		1,500 00
New Buildings:		
Construction of comfort stations and equipment		300 00
		$39,804 15

K 3. Commissioners of Palisades Interstate Park

Palisades Park.

Expenses of commissioners in the operation of the Palisades Interstate Park		$112,387 00
Additions and Improvements:		
Purchase of automobiles, motor cycles and motor trucks ..	$1,500 00	
Dredging boat basins.	8,000 00	
		9,500 00
		$121,887 00

K 4. Commission to Investigate Crippled Children

Crippled Children Commission.

Carrying out the provisions of chapter 188, Laws of 1926, and supplements.		
Salaries:		
Director	$5,000 00	
Secretary	1,800 00	
Clerical services	2,280 00	
Investigating nurse ..	1,000 00	
		$10,080 00

Materials and Supplies:		
Stationery and office supplies	$375 00	
Hospitalization, braces, etc.	3,500 00	
		3,875 00
Miscellaneous Expenses:		
Telephone and telegraph		75 00
		$14,030 00

K 5. Old Barracks Association

Old Barracks.

For the Old Barracks Association of Trenton, New Jersey, for maintenance and administration of the Old Barracks, at Trenton, as a historical landmark and repository ..	$2,500 00

K 6. Public Library Commission

Public Library Commission.

Salaries:		
Secretary	$500 00	
Librarian and organizer	4,500 00	
Assistant librarian and other employees	14,480 00	
		$19,480 00
Materials and Supplies:		
Stationery and office supplies	$950 00	
Operating materials and supplies, books and pamphlets	12,000 00	
Vehicular transportation supplies	450 00	
		13,400 00

Miscellaneous:		
Traveling expenses ..	$250 00	
Formation and aid of school libraries, chapter 186, P. L. 1914	9,000 00	
Donations to libraries, chapter 62, P. L. 1900	200 00	
Freight and express..	500 00	
Printing and binding.	500 00	
Other miscellaneous expenses	50 00	
		10,500 00
Additions and Improvements:		
Exchange of automobile		712 00
		$44,092 00

K 7. Public Record Office

Public record office.

Salaries:		
Director	$3,000 00	
Clerical services	3,240 00	
		$6,240 00
Materials and Supplies:		
Stationery and office supplies		250 00
Miscellaneous:		
Traveling and other miscellaneous expenses	$700 00	
Binding and repair of public and historical records	200 00	
		900 00
		$7,390 00

K 8. REHABILITATION COMMISSION

Rehabilitation Commission.

For the purpose of carrying into effect the provisions of chapter 74, Laws of 1919.

Salaries:		
Administrative	$19,700 00	
Physicians in charge and assistants	23,500 00	
Vocational examiners	23,340 00	
Clinical employees ...	20,880 00	
Clerical and other employees	27,100 00	
Janitor service	3,660 00	
		$118,180 00
Materials and Supplies:		
Clinic supplies	$3,500 00	
Office equipment	500 00	
Stationery and office supplies	600 00	
Medical, surgical and laboratory supplies.	200 00	
Household supplies ..	350 00	
Tuition and vocational supplies	27,000 00	
Heat, light, power, water and gas	1,000 00	
Artificial appliances..	12,000 00	
Supplies for curative workshop	900 00	
		46,050 00
Current repairs		1,200 00
Miscellaneous:		
Traveling expenses ..	$20,000 00	
Rent	6,140 00	
Insurance	611 90	
Telephone and telegraph	2,200 00	

Household expenses ..	2,000 00	
Freight, express and other miscellaneous expenses	150 00	
Printing	500 00	
		31,601 90
		$197,031 90

K 9. Refund of Railroad Tax

Refund of overpaid railroad taxes.

The Comptroller of the Treasury is hereby authorized and empowered to adjust and repay any overpayment of tax assessed and penalty thereon, for any year, pursuant to section 14, chapter 208, Laws of 1888, and the acts amendatory thereof and supplementary thereto, made by any railroad and canal company, and the State Treasurer is directed to pay warrants therefor issued by the Comptroller, said payment shall be deducted from the amount originally paid into and remaining undistributed in the treasury of the State, and the amount of money necessary for such purpose as ascertained is hereby appropriated.

K 10. Refunding Taxes on Miscellaneous Corporations

Refund of miscellaneous corporation tax.

The Comptroller of the Treasury is hereby authorized and directed to allow and certify to the State Treasurer for payment any duplicate payment of tax, or any amount legally adjudged to be an overpayment of franchise taxes and interest thereon by any so-called miscellaneous corporation, provided any

such taxes shall not have been assessed or fixed earlier than two years prior to the date of instituting proceedings to recover such overpayment. The State Treasurer is hereby authorized and directed to pay warrants issued therefor by the Comptroller.

K 11. STATE LIBRARY

State Library.

Salaries:		
Librarian	$5,000 00	
Assistant librarian ..	3,500 00	
Law librarian	3,000 00	
Reference librarian ..	2,820 00	
Clerical services and messenger	9,420 00	
		$23,740 00
Materials and Supplies:		
Library supplies	$4,000 00	
Stationery and office supplies	200 00	
		4,200 00
Miscellaneous:		
Traveling expenses ..	$100 00	
Legislative reference department	300 00	
Other miscellaneous expenses	300 00	
Printing and binding.	1,500 00	
		2,200 00
		$30,140 00

K 12. COMMISSION TO MARK HISTORIC SITES

Historic Sites Commission.

Expenses of the commission, pursuant to chapter 24, Laws of 1931	$12,500 00

K 13. UNCLAIMED WAGES

Unclaimed wages.

The Comptroller is hereby authorized to pay from this fund any claim for unclaimed wages, properly approved.

K 14. NEW JERSEY ARCHIVES

New Jersey archives.

Expenses incurred in printing the New Jersey Archives $500 00

K 15. GROVER CLEVELAND BIRTH PLACE ASSOCIATION

Grover Cleveland Birthplace Association.

Expenses incurred by the Commission appointed pursuant to Chapter 270, Laws of 1933 ..... $1,450 00

L. STATE EMERGENCY FUND

L 1. STATE EMERGENCY FUND

Emergency Fund.

For the State House Commission to meet conditions of emergency and contingency the sum of $200,000 00

Proviso.

Provided, however, that all disbursements therefrom shall be made upon the written authorization of members of said Commission, in accordance with the provisions of chapters 142 and 184, Laws of 1931.

L 2. FIRE INSURANCE

Fire Insurance.

For the State House Commission for payment of fire insurance premiums not otherwise provided for, maturing during the current fiscal year, fire insurance on all State buildings to be placed by said Commission, all bills to be approved by said commission, and policies filed with the State Comptroller as Secretary of the State House Commission $120,000 00

L 3. Debt Service

Debt service.

Principal and interest requirements on $10,000,000.00 Emergency Relief Bonds authorized at the election held November 6, 1934	$1,484,375 00

X. Institutions and Agencies

X 1. Department of Institutions and Agencies

Department of Institutions and Agencies.

Salaries:		
Commissioner	$15,000 00	
Director, division of medicine	7,500 00	
Director, administration and accounts..	6,500 00	
Director of statistics and research	6,000 00	
Supervising steward .	6,000 00	
Director of classification	4,500 00	
Assistant director of inspections	3,500 00	
Agricultural supervisor	4,000 00	
Institutional collectors (2)	7,200 00	
Other officers and employees	60,360 00	
		$120,560 00
Materials and Supplies:		
Stationery, office supplies and equipment	$4,000 00	
Vehicular transportation supplies	4,200 00	
		8,200 00

Miscellaneous:		
Traveling expenses ..	$3,750 00	
Deporting aliens and nonresidents	2,200 00	
Other miscellaneous expenses	800 00	
		6,750 00
Additions and Improvements:		
Exchange of automobile		1,500 00

Central Parole Bureau

Bureau of Parole.

Salaries:		
Director	$4,000 00	
Assistant directors, parole and domestic relations (2)	7,740 00	
Parole officers	44,360 00	
Miscellaneous services	1,000 00	
Other employees, present, $26,820.00; new, $3,600.00	30,420 00	
		87,520 00
Materials and Supplies:		
Stationery, office supplies, furniture and equipment	$1,500 00	
Vehicular transportation supplies	3,750 00	
		5,250 00
Miscellaneous:		
Traveling expenses		6,500 00
Additions and Improvements:		
Exchange of automobiles (4)		1,850 00

Division of Old Age Relief

Old age relief.

Salaries:		
Director	$4,000 00	
Other officers and employees, present, $3,360.00; new, $5,100.00	8,460 00	
		12,460 00
Materials and Supplies:		
Stationery, office supplies and equipment	$1,000 00	
Vehicular transportation supplies	900 00	
		1,900 00
Miscellaneous:		
Traveling expenses ..	$1,000 00	
Other miscellaneous expenses	250 00	
		1,250 00
Additions and Improvements:		
Purchase of automobile		550 00

Industrial Supervision

Industrial supervision.

Salaries:		
Director institutional industries	$7,000 00	
Assistant director of industries	4,500 00	
Clerical services and other employees ...	24,630 00	
	$36,130 00	
Materials, supplies and miscellaneous expenses	700 00	
Miscellaneous:		
Traveling expenses ..	600 00	
	$37,430 00	

State Use Funds

State Use Funds.

For the State Use Revolving Fund there is hereby appropriated the unexpended balance of the fund now known as the "State Use Working Capital Fund," and in accordance with the provisions of section 709, chapter 147, of the Laws of 1918, all receipts when received derived from State use production will be credited to the State Use Revolving Fund.

The following sum is appropriated from the State Use Revolving Fund, for further plant and equipment for State use industries from the surplus in the revolving fund in excess of the amount of $50,000.00.

Repair, replacement and extension of State use industry, as follows:

State Prison	
Rahway Reformatory	
Vineland State School	
State Home for Girls.	
North Jersey Training School for Females, Totowa	$40,000 00
Industries, Criminal Insane and Penal Institutions	

Division of Architecture and Construction

Architecture and construction.

Salaries:

Director	$6,000 00	
Assistant director and mechanical engineer	4,800 00	
Other employees	31,500 00	
		$42,300 00

Materials and Supplies:		
Vehicular transportation supplies	$2,000 00	
Stationery and office supplies	1,000 00	
		3,000 00
Miscellaneous Expenses:		
Traveling expenses		2,000 00
Additions and Improvements:		
Exchange of automobiles and truck		2,700 00
It is hereby provided that additional employees shall be paid from the fees received by the division at rates fixed by the Civil Service Commission.		
		$304,290 00

X 2. Colony for Feeble-Minded Males, New Lisbon

New Lisbon Colony.

For salaries and wages, and for maintenance of the Colony for Feeble-Minded Males, on the basis of eight hundred inmates.

Salaries and Wages:		
Superintendent	$5,000 00	
Other officers and employees, present, $91,950.00; new, $5,460.00	97,410 00	
Medical and surgical fees	1,200 00	
		$103,610 00
Materials and Supplies:		
Food	$35,500 00	
Clothing	14,000 00	

Fuel, light and power.	24,000 00	
Household supplies ..	9,000 00	
Farm, stable and grounds supplies ..	12,500 00	
Industrial and vocational supplies	1,800 00	
Medical, surgical and laboratory supplies.	2,500 00	
Vehicular transportation supplies	2,250 00	
Stationery and office supplies	500 00	
Educational, recreational and library supplies	750 00	
Other materials and supplies	250 00	
Tobacco	1,400 00	
		104,450 00
Current repairs		6,000 00
Miscellaneous:		
Traveling expenses ..	$900 00	
Telephone and telegraph	1,600 00	
Postage	650 00	
Insurance other than fire	621 65	
Entertainment	500 00	
Freight, express and cartage	400 00	
		4,671 65
Additions and Improvements:		
Exchange of two trucks	$1,250 00	
Extraordinary household equipment ...	1,000 00	
		2,250 00
		$220,981 65

This colony is authorized to pay for the maintenance of any county indigent patient transferred from the colony to an institution for the training of the feeble-minded, to which moneys are paid by the State pursuant to chapter 217 of the Laws of 1919, whatever sum or sums is received from the counties to pay the cost of such maintenance of any said patient in the colony.

X 3. Colony for Feeble-Minded Males, Woodbine

Woodbine Colony.

For salaries and wages, and for maintenance of the Colony for Feeble-Minded Males, Woodbine, on the basis of six hundred and sixty-five inmates.

Salaries and Wages:		
Superintendent	$4,500 00	
Physician	1,800 00	
Attendants, nurses and other employees ...	94,158 00	
Medical, surgical and dental fees	800 00	
		$101,258 00
Materials and Supplies:		
Food	$55,000 00	
Clothing	8,000 00	
Fuel, light and power.	17,500 00	
Household supplies ..	7,800 00	
Farm, stable and grounds supplies ..	1,950 00	
Medical and surgical supplies	1,800 00	
Stationery and office supplies	600 00	

Vehicular transportation supplies	1,300 00	
Educational, recreational and library supplies	500 00	
		94,450 00
Current repairs		5,250 00
Miscellaneous:		
Telephone and telegraph	$1,000 00	
Traveling expenses ..	600 00	
Postage	450 00	
Funeral expenses	400 00	
Insurance, other than fire	225 00	
Freight and express..	200 00	
Entertainment	400 00	
Other miscellaneous expenses	300 00	
		3,575 00
Additions and Improvements:		
Exchange of truck ...	$600 00	
Rebuilding tractor ...	600 00	
Playground fences ...	1,500 00	
Playground equipment	250 00	
Replacement of stoker bars, fire brick	800 00	
Replacement of farm sprayer	650 00	
Office equipment	350 00	
		4,750 00
Extraordinary Expenditures:		
Compensation award to Mrs. Calloway		892 32
		$210,175 32

This colony is authorized to pay for the maintenance of any county indigent patient transferred from the colony to an institution for training of the feeble-minded, to which moneys are paid by the State pursuant to chapter 217 of the Laws of 1919, whatever sum or sums received from the counties to pay the cost of such maintenance of any said patient in the colony.

X 4. Commission for the Blind

Salaries:		
Executive officer and secretary	$3,000 00	
Assistant executive officer	2,520 00	
Teachers of occupational subjects and other employees	29,520 00	
		$35,040 00
Materials and Supplies:		
Household supplies	$65 00	
Extension of home industries	3,000 00	
Stationery and office supplies	650 00	
Office equipment	60 00	
Light and power	50 00	
		3,825 00
Miscellaneous Expenses:		
Traveling expenses	$7,500 00	
Postage	900 00	
Maintenance, support and instruction of blind persons	33,000 00	
Higher education of the blind	3,100 00	

Publicity, demonstrations, and sales	800 00	
Expressage	850 00	
Entertainment for the blind	200 00	
Telephone and telegraph	500 00	
Prevention of blindness	1,000 00	
State relief for the blind	1,500 00	
Other miscellaneous expenses	250 00	
		49,600 00
Additions and Improvements:		
Purchase of office appliances		150 00

The balance to the credit of the outdoor relief—Revolving Fund—on the thirtieth day of June, one thousand nine hundred and thirty-five, is hereby reappropriated, said sum not to exceed $8,500.00.

The balance to the credit of the Revolving Industrial Fund on the thirtieth day of June, one thousand nine hundred and thirty-five, is hereby reappropriated as a Revolving Industrial Fund, said sum not to exceed $2,000.00.

$88,615 00

X 5. County Insane Hospitals

County hospitals for the insane.

For the support of patients pursuant to chapter 67, Laws of 1924, in County Insane Hospitals:

Atlantic	$46,000 00
Burlington	42,000 00
Camden	92,000 00

Cumberland	25,000 00	
Essex	520,000 00	
Hudson	245,000 00	
		$970,000 00

Said amounts to include payment of bills prior to current fiscal year.

X 6. COUNTY TUBERCULOSIS HOSPITALS

County hospitals for tuberculosis.

For the support of patients pursuant to chapter 217, Laws of 1912, in the following county hospitals:

Atlantic	$17,700 00	
Bergen	74,000 00	
Burlington	22,000 00	
Camden	80,000 00	
Cape May	3,000 00	
Cumberland	12,000 00	
Essex	155,000 00	
Gloucester	8,000 00	
Hudson	88,000 00	
Mercer	39,000 00	
Middlesex	39,000 00	
Monmouth	18,000 00	
Morris	21,000 00	
Ocean	4,000 00	
Passaic	82,500 00	
Salem	5,500 00	
Somerset	11,000 00	
Sussex	2,000 00	
Union	115,000 00	
Warren	5,000 00	
		$801,700 00

Said amounts to include payment of bills prior to current fiscal year.

X 7. FEEBLE-MINDED

Feeble-minded.

Clothing, maintenance, support and instruction of feeble-minded	$170,000 00

X 8. Home for Disabled Soldiers, Menlo Park

Soldiers' Home, Menlo Park.

For salaries and wages, and for maintenance of the Home for Disabled Soldiers, Menlo Park, on the basis of one hundred veterans.

Salaries and Wages:		
Superintendent	$5,000 00	
Other officers and employees	26,940 00	
Religious services ...	150 00	
		$32,090 00
Materials and Supplies:		
Food	$13,000 00	
Clothing	1,800 00	
Fuel, light and power	5,000 00	
Household supplies ..	1,000 00	
Grounds (includes care of cemetery) ..	150 00	
Stationery and office supplies	250 00	
Medical, surgical and laboratory supplies	1,200 00	
Vehicular transportation supplies	850 00	
Other materials and supplies	100 00	
		23,350 00
Current repairs		500 00
Miscellaneous:		
Household expenses .	$700 00	
Traveling expenses ..	200 00	
Postage	200 00	
Telephone and telegraph	300 00	
Funeral expenses ...	150 00	
Entertainment	175 00	
Freight and express .	25 00	
Insurance, other than fire	271 50	
		2,021 50

Additions and Improvements:		
Power lawn mower		350 00
		$58,311 50

X 9. Home for Disabled Soldiers, Etc., Vineland

Soldiers' Home Vineland.

For salaries and wages, and for maintenance of the Home for Disabled Soldiers, Sailors, et cetera, Vineland, on the basis of two hundred and seventy members.

Salaries and Wages:		
Superintendent	$5,000 00	
Other officers and employees	53,190 00	
Religious services ...	200 00	
Medical and surgical fees	700 00	
		$59,090 00
Materials and Supplies:		
Food	$33,500 00	
Clothing	5,000 00	
Fuel, light and power	13,000 00	
Household supplies ..	3,500 00	
Grounds	250 00	
Medical, surgical and laboratory supplies	1,400 00	
Stationery and office supplies	350 00	
Vehicular transportation supplies	500 00	
Other materials and supplies	250 00	
		57,750 00
Current repairs		5,000 00

Miscellaneous:		
Traveling expenses ..	$350 00	
Postage	125 00	
Telephone and telegraph	450 00	
Entertainment	300 00	
Insurance, other than fire	186 14	
Freight and express .	50 00	
Funeral expenses ...	250 00	
		1,711 14
Additions and Improvements:		
Exchange of truck ...	$728 00	
Horse-drawn lawn mower	275 00	
Extraordinary household equipment	800 00	
Covering hospital floors	1,700 00	
		3,503 00
		$127,054 14

X 10. North Jersey Training School, Totowa

Totowa Training School.

For salaries and wages and for maintenance of the North Jersey Training School for Females, Totowa, on the basis of six hundred inmates.

Salaries and Wages:		
Superintendent	$5,000 00	
Attendants, nurses and other employees, present $113,080.00, new $5,760.00	118,840 00	
Medical, surgical, dental, veterinary and religious fees ..	3,800 00	
		$127,640 00

Materials and Supplies:		
Food	$35,000 00	
Clothing	8,500 00	
Fuel, light and power	25,000 00	
Household supplies	6,000 00	
Farm, stable and grounds supplies	11,350 00	
Industrial and vocational supplies	1,600 00	
Educational, recreational and library supplies	1,800 00	
Medical, surgical and laboratory supplies	3,300 00	
Stationery and office supplies	600 00	
Vehicular transportation supplies	1,200 00	
Other materials and supplies	100 00	
		94,450 00
Current repairs		4,500 00
Miscellaneous:		
Postage	$350 00	
Traveling expenses	400 00	
Telephone and telegraph	1,000 00	
Entertainment	300 00	
Freight and express	100 00	
Insurance other than fire	716 23	
Subscriptions	35 00	
		2,901 23
Additions and Improvements:		
Extraordinary household equipment	$1,400 00	
Exchange of automobiles	1,350 00	
School equipment	500 00	
Compensation award.	520 00	

Chlorinating machine	900 00	
Auxiliary sedimentation plant	3,500 00	
		8,170 00
		$237,661 23

X 11. Reformatory, Annandale

Annandale Reformatory.

For salaries and wages and for maintenance of the Reformatory at Annandale, on the basis of four hundred and fifty inmates.

Salaries and Wages:		
Superintendent	$5,000 00	
Deputy superintendent	2,500 00	
Medical and surgical fees	1,500 00	
Other officers and employees, present $120,820.00, new $4,740.00	125,560 00	
		$134,560 00
Materials and Supplies:		
Food	$27,500 00	
Clothing	11,000 00	
Fuel, light and power.	18,000 00	
Farm, stable and grounds supplies ..	13,350 00	
Household supplies ..	5,000 00	
Medical, surgical and laboratory supplies.	1,400 00	
Vehicular transportation supplies	1,100 00	
Stationery, office supplies and equipment	900 00	
Educational, recreational and library supplies (tobacco).	2,000 00	

Other materials and supplies	100 00	
		80,350 00
Current repairs		2,500 00
Miscellaneous:		
Traveling expenses ..	$600 00	
Telephone and telegraph	800 00	
Postage	525 00	
Freight and express..	100 00	
Entertainment	400 00	
Funeral expenses	60 00	
Payments to discharged inmates and recapturing escapes	2,500 00	
Insurance other than fire	600 00	
Household expenses..	2,000 00	
		7,585 00
Additions and Improvements:		
Automobile exchange.	$500 00	
Exchange of truck ...	700 00	
Office equipment	800 00	
		2,000 00
		$226,995 00

X 12. Reformatory, Rahway

Rahway Reformatory.

For salaries and wages and for maintenance of the Reformatory at Rahway on the basis of eight hundred and fifty inmates.

Salaries and Wages:		
Superintendent	$6,000 00	
Deputy superintendent	3,000 00	
Other officers and employees	240,170 00	

Inmates' wages	10,000 00	
Medical and surgical fees	800 00	
		$259,970 00
Materials and Supplies:		
Food	$62,000 00	
Clothing	19,000 00	
Fuel, light, power and water	38,000 00	
Household supplies ..	8,500 00	
Farm, stable and grounds supplies ..	8,950 00	
Industrial and vocational supplies	800 00	
Educational, recreational and library supplies	900 00	
Photographing, blueprinting and drafting supplies	200 00	
Medical, surgical and laboratory supplies.	1,500 00	
Stationery and office supplies	1,400 00	
Office equipment	250 00	
Vehicular transportation supplies	1,200 00	
Tobacco	2,500 00	
		145,200 00
Current repairs		20,000 00
Miscellaneous:		
Traveling expenses ..	$500 00	
Postage	1,100 00	
Telephone and telegraph	1,400 00	
Freight and express..	250 00	
Entertainment, athletic and recreational supplies	100 00	
Funeral expenses	60 00	

Rent of farm land ...	300 00	
Payments to discharged inmates and recapturing escapes	5,000 00	
Insurance, other than fire	500 00	
		9,210 00
Additions and Improvements:		
Extraordinary household supplies and equipment	$500 00	
Exchange of auto	450 00	
Recovering pipes	1,800 00	
Replacement of fire extinguishers	400 00	
		3,150 00
		$437,530 00

X 13. Reformatory for Women, Clinton

For salaries and wages, and for maintenance of the Reformatory for Women, Clinton, on the basis of two hundred and eighty-five inmates. Clinton Reformatory.

Salaries and Wages:		
Superintendent	$4,000 00	
Assistant superintendent	1,980 00	
Other officers and employees, present, $57,050.00; new, $1,080.00	58,130 00	
Medical and surgical fees	3,500 00	
Religious services	550 00	
		$68,160 00
Materials and Supplies:		
Food	$16,000 00	
Clothing	6,000 00	

Fuel, light and power.	15,600 00	
Household supplies ..	3,200 00	
Farm, stable and grounds supplies ..	6,000 00	
Medical and surgical supplies	2,500 00	
Stationery and office supplies	400 00	
Office equipment	75 00	
Educational, recreational and library supplies	600 00	
Vehicular transportation supplies	1,100 00	
Other materials and supplies	150 00	
Cannery supplies	500 00	
		52,125 00
Current repairs		4,000 00
Miscellaneous:		
Traveling expenses ..	$700 00	
Postage	600 00	
Telephone and telegraph	1,200 00	
Insurance, other than fire	510 00	
Freight and express..	50 00	
Entertainment	400 00	
Funeral expenses	100 00	
Payments to discharged inmates ...	1,200 00	
		4,760 00
Additions and Improvements:		
Unit refrigeration ...	$300 00	
Replacement of water pump	700 00	
School equipment	300 00	
		1,300 00
		$130,345 00

X 14. SANATORIUM FOR TUBERCULOUS DISEASES

Sanatorium at Glen Gardner.

For salaries and wages, and for the maintenance of the Sanatorium for Tuberculous Diseases, on the basis of four hundred and ninety-four patients.		
Salaries and Wages:		
Superintendent	$8,000 00	
Physicians, clerks, nurses, farm help, waiters, instructors and others, including school teachers, present $189,340.00, new $3,660.00	193,000 00	
Medical and surgical fees	200 00	
Religious services ...	800 00	
		$202,000 00
Materials and Supplies:		
Food	$100,000 00	
Fuel, light and power	27,000 00	
Household supplies ..	11,000 00	
Farm, stable and grounds supplies ..	5,200 00	
Medical, surgical and laboratory supplies.	10,000 00	
Stationery and office supplies	1,500 00	
Educational, recreational and library supplies	650 00	
Vehicular transportation supplies	3,000 00	
Clothing	500 00	
		158,850 00
Current repairs		12,000 00

Miscellaneous:		
Traveling expenses ..	$900 00	
Postage	700 00	
Telephone and telegraph	2,100 00	
Insurance other than fire	416 03	
Freight and express..	400 00	
Entertainments	600 00	
Funeral expenses of indigent patients ..	300 00	
Miscellaneous expenses	50 00	
		5,466 03
Additions and Improvements:		
Traveling clinic	$16,000 00	
Dental X-ray and extracting chair	1,000 00	
Repairs to boiler fire box	1,000 00	
Exchange of portable X-ray machine	1,000 00	
Repair of roof, Upper West Shack	500 00	
Repair of roof, Farm House	200 00	
Water treatment	6,000 00	
Alteration to sewage disposal plant	3,500 00	
		29,200 00
		$407,516 03

X 15. State Board of Children's Guardians

Board of Children's Guardians.

Salaries:		
Superintendent	$5,000 00	
Assistant superintendents (3)	9,420 00	
Departmental auditor.	3,000 00	

Compensation for other assistants, present, $232,314.00; new, $14,880.00	247,194 00	
		$264,614 00
Materials and Supplies:		
Stationery and office supplies	$5,000 00	
Office equipment	2,000 00	
Heat, light, power, water and electricity	1,500 00	
Vehicular transportation supplies	15,000 00	
		23,500 00
Miscellaneous:		
Traveling expenses ..	$7,500 00	
Postage	9,000 00	
Telephone and telegraph	2,300 00	
Other miscellaneous expenses	500 00	
Insurance other than fire	1,950 00	
		21,250 00
Additions and Improvements:		
Purchase of (8) new cars	$4,000 00	
Exchange of (10) cars	3,750 00	
Exchange of car	680 00	
Office appliances	2,350 00	
		10,780 00

Revolving Fund:

For the State Board of Children's Guardians to purchase clothing and other necessary articles for children in their care and for expenses incidental thereto the Re-

volving Fund of $75,000.00 heretofore appropriated is reappropriated, all receipts when received to be credited to this fund. The same to be known as the State Board of Children's Guardians Revolving Fund.

$320,144 00

X 16. State Home for Boys

State Home for Boys.

For salaries and wages and for maintenance of the State Home for Boys, on the basis of five hundred and fifty inmates.

Salaries and Wages:		
Superintendent	$7,000 00	
Business manager ...	3,000 00	
Resident physician ..	3,000 00	
Other officers and employees	164,359 52	
Medical, surgical and veterinary fees	1,000 00	
		$178,359 52
Materials and Supplies:		
Food	$34,500 00	
Clothing	16,000 00	
Heat, light, power, water, gas and electricity	29,000 00	
Household supplies ..	8,500 00	
Farm, stable and grounds supplies ..	18,000 00	
Industrial and vocational supplies	3,000 00	
Educational, recreational and library supplies	3,000 00	

Medical, surgical and laboratory supplies.	2,900 00	
Stationery and office supplies	1,000 00	
Vehicular transportation supplies	2,500 00	
		118,400 00
Current repairs		8,000 00
Miscellaneous:		
Traveling expenses ..	$400 00	
Postage	700 00	
Telephone and telegraph	1,500 00	
Entertainment expenses	300 00	
Freight and express..	350 00	
Assisting boys outside of institution, the equivalent of inmates' fund transferred to State Treasury	600 00	
Insurance, other than fire	600 00	
Funeral expenses ...	100 00	
		4,550 00
Additions and Improvements:		
Band instruments ...	$500 00	
Automobile exchange.	1,000 00	
Exchange of tractor..	500 00	
Purchase of spraying equipment	715 00	
		2,715 00
		$312,024 52

X 17. State Home for Girls

State Home for Girls.

For salaries and wages, and for maintenance of the State Home for Girls on the basis of three hundred twenty-five inmates.

Salaries and Wages:		
Superintendent	$4,000 00	
Physician	2,500 00	
Teachers, nurses, clerks and others ..	73,400 00	
Medical, surgical and dental fees	2,300 00	
		$82,200 00
Materials and Supplies:		
Food	$27,000 00	
Clothing	7,500 00	
Heat, light, power, water, gas and electricity	8,000 00	
Household supplies ..	5,500 00	
Farm, stable and grounds supplies ..	3,900 00	
Educational, recreational and library supplies	2,000 00	
Stationery and office supplies	700 00	
Medical and surgical supplies	1,500 00	
Vehicular transportation supplies	700 00	
Other materials and supplies	400 00	
		57,200 00
Current repairs		4,500 00

Miscellaneous:		
Traveling expenses ..	$600 00	
Postage	400 00	
Telephone and telegraph	1,200 00	
Insurance, other than fire	275 00	
Freight and express..	150 00	
Entertainment	150 00	
Payments to discharged inmates ...	200 00	
		2,975 00
Additions and Improvements:		
Extraordinary household supplies	$850 00	
Fencing	450 00	
Exchange of automobile	1,900 00	
		3,200 00
		$150,075 00

X 18. State Hospital, Greystone Park

State Hospital, Greystone Park.

For salaries and wages, and for maintenance of the State Hospital, Greystone Park, on the basis of four thousand five hundred inmates.

Salaries and Wages:		
Medical director and superintendent	$8,000 00	
Business manager ...	5,000 00	
Chief engineer	3,600 00	
Other officers and employees, present $864,732.00, new $12,480.00	877,212 00	
Religious services ...	1,300 00	
		$895,112 00

Materials and Supplies:		
Food	$295,000 00	
Clothing	36,000 00	
Heat, light, power, water, gas and electricity	115,000 00	
Household supplies	48,000 00	
Farm, stable and grounds supplies	38,000 00	
Industrial and vocational supplies	5,000 00	
Medical, surgical and laboratory supplies	28,000 00	
Stationery and office supplies	3,000 00	
Recreational supplies (tobacco)	6,500 00	
Vehicular transportation supplies	8,000 00	
		582,500 00
Current repairs		37,500 00
Miscellaneous:		
Traveling expenses	$2,000 00	
Postage	1,800 00	
Telephone and telegraph	5,000 00	
Insurance, other than fire	1,800 00	
Freight and express	3,500 00	
Funeral expenses	4,000 00	
Medical library subscriptions	100 00	
Other miscellaneous expenses	500 00	
		18,700 00
Unclassified:		
Clinics in various counties		40,000 00

Additions and Improvements:		
Fire hose and equipment	$750 00	
Dining room tables ..	1,000 00	
Dining room chairs ..	1,000 00	
Exchange of ambulance	1,500 00	
Replacement of two silos	2,000 00	
Replacement of two teams of horses ...	800 00	
Exchange of automobile	1,600 00	
Exchange of station wagon	500 00	
Exchange of truck ..	900 00	
Exchange of passenger bus	1,500 00	
Exchange of tractor .	875 00	
Relocking, dormitory building	5,000 00	
Exchange of electric refrigerators for reception building ...	3,600 00	
Office equipment	750 00	
Compensation award.	2,000 00	
		23,775 00
		$1,597,587 00

X 19. State Hospital, Marlboro

State Hospital, Marlboro.

For salaries and wages, and for maintenance of the State Hospital, Marlboro, on the basis of one thousand nine hundred inmates.

Salaries and Wages:		
Medical director	$5,000 00	
Business manager and superintendent	4,500 00	
Other officers and employees, present, $322,138.00; new, $27,780.00	349,918 00	
		$359,418 00
Materials and Supplies:		
Food	$107,500 00	
Clothing	24,000 00	
Heat, light, power, water, gas and electricity	62,500 00	
Farm, stable and grounds supplies ..	20,500 00	
Household supplies ..	25,000 00	
Medical, surgical and laboratory supplies	17,000 00	
Industrial and vocational supplies	1,700 00	
Educational, recreational and library supplies	1,400 00	
Stationery and office supplies	2,000 00	
Vehicular transportation supplies	2,600 00	
Tobacco	2,700 00	
Other materials and supplies	400 00	
		267,300 00
Current repairs		12,000 00
Miscellaneous:		
Traveling expenses ..	$700 00	
Postage	1,000 00	
Insurance, other than fire	1,200 00	

Telephone and telegraph	2,600 00	
Funeral expenses	500 00	
Freight and express .	800 00	
Subscriptions	50 00	
Other miscellaneous expenses	500 00	
		7,350 00
Additions and Improvements:		
Replacement of station wagon	$500 00	
Laundry equipment .	1,000 00	
Replacement of auto .	500 00	
Replacement of truck	500 00	
		2,500 00
		$648,568 00

X 20. State Hospital, Trenton

State Hospital, Trenton.

For salaries and wages, and for maintenance of the State Hospital, Trenton, on the basis of two thousand seven hundred inmates.

Salaries and Wages:		
Warden	$7,000 00	
Medical director	6,000 00	
Other officers and employees, present, $650,383.00; new, $11,040.00	661,423 00	
In lieu of maintenance of nine physicians and their families..	13,200 00	
Religious services ...	700 00	
		$688,323 00

Materials and Supplies:		
Food	$182,000 00	
Clothing	22,000 00	
Fuel, light and power	115,000 00	
Household supplies	35,000 00	
Farm, stable and grounds supplies	32,500 00	
Medical and surgical supplies	23,000 00	
Stationery and office supplies	3,000 00	
Vehicular transportation supplies	3,500 00	
Tobacco	4,000 00	
		420,000 00
Current repairs		28,000 00
Miscellaneous:		
Traveling expenses	$2,600 00	
Telephone and telegraph	4,000 00	
Postage	1,000 00	
Entertainment	500 00	
Funeral expenses	900 00	
Newspapers and magazines	150 00	
Insurance other than fire	1,778 97	
Freight and express	200 00	
Cemetery upkeep	200 00	
Other miscellaneous expenses	500 00	
		11,828 97
Unclassified:		
Psychiatric clinic, for various institutions with headquarters at State Hospital, Trenton		36,110 00

Additions and Improvements:		
Exchange of dump truck	$1,800 00	
Exchange, ice truck	728 00	
Service pump at boiler house	1,200 00	
Replacement of truck.	838 00	
Stones for unmarked graves	500 00	
Compensation award.	520 00	
		5,586 00
		$1,189,847 97

X 21. State Prison

State Prison.

For salaries and wages, and for maintenance of the State Prison on the basis of one thousand five hundred inmates.

Salaries and Wages:		
Principal keeper	$6,000 00	
Director of industries	6,000 00	
Other officers and employees	325,370 00	
Wages for inmates at prison (other than State use)	12,000 00	
Medical, surgical and dental fees	2,000 00	
Religious services	4,920 00	
		$356,290 00
Materials and Supplies:		
Food	$82,000 00	
Clothing	34,000 00	
Fuel, light and power.	42,000 00	
Household supplies	14,500 00	
Grounds supplies	100 00	

Medical, surgical and laboratory supplies.	5,000 00	
Stationery and office supplies	2,000 00	
Educational, recreational and library supplies	1,750 00	
Vehicular transportation supplies	1,400 00	
Industrial and vocational supplies	500 00	
Photographing, blueprinting and drafting supplies	800 00	
Tobacco	2,000 00	
		186,050 00
Current repairs		14,000 00
Miscellaneous:		
Traveling expenses (including returning runaways)	$2,400 00	
Postage	500 00	
Telephone and telegraph	1,500 00	
Insurance other than fire	1,000 00	
Freight and cartage..	200 00	
Electrocution plant ..	800 00	
Payments to discharged inmates ...	1,750 00	
Funeral expenses	250 00	
Other miscellaneous expenses	250 00	
		8,650 00
Additions and Improvements:		
Protective equipment replacement	$350 00	
Automobile exchange.	1,200 00	
Office equipment	350 00	
Laundry washer	3,800 00	
		5,700 00

Extraordinary Expenditures:		
Compensation award		960 00
		$571,650 00

X 22. State Prison Farm, Bordentown

For salaries and wages, and for maintenance of the State Prison Farm, Bordentown, on the basis of two hundred forty inmates.

Prison Farm, Bordentown.

Salaries and Wages:		
Superintendent	$3,600 00	
Chief deputy	2,500 00	
Custodial officers and other employees ...	37,860 00	
Inmates' wages	5,000 00	
		$48,960 00
Materials and Supplies:		
Food	$14,000 00	
Clothing	5,000 00	
Heat, light, power, water, gas and electricity	6,900 00	
Household supplies ..	2,000 00	
Farm, stable and grounds supplies ..	16,000 00	
Vehicular transportation supplies	850 00	
Stationery and office supplies	400 00	
Educational, recreational and library supplies	50 00	
Tobacco	50 00	
		45,250 00
Current repairs		1,000 00

Miscellaneous:		
Traveling expenses ..	$75 00	
Telephone and telegraph	400 00	
Insurance other than fire	160 00	
Postage	100 00	
Other miscellaneous expenses	50 00	
		785 00
		$95,995 00

X 23. State Prison Farm, Leesburg

Prison Farm, Leesburg.

For salaries and wages, and for maintenance of the State Prison Farm, Leesburg, on the basis of two hundred and forty inmates.

Salaries and Wages:		
Superintendent	$2,700 00	
Other officers and employees	48,620 00	
Wages for inmates ..	3,000 00	
Medical and surgical fees	50 00	
		$54,370 00
Materials and Supplies:		
Food	$14,000 00	
Clothing	5,000 00	
Fuel, light and power	7,000 00	
Household supplies ..	4,000 00	
Farm, stable and grounds supplies ..	4,000 00	
Medical, surgical and laboratory supplies	500 00	
Stationery and office supplies	450 00	

Educational, recreational and library supplies	50 00	
Vehicular transportation supplies	500 00	
Tobacco	50 00	
		35,550 00
Current repairs		2,500 00
Miscellaneous:		
Traveling expenses ..	$200 00	
Postage	150 00	
Telephone and telegraph	650 00	
Insurance, other than fire	375 00	
Freight and cartage .	50 00	
Entertainment	50 00	
Other miscellaneous expenses	50 00	
		1,525 00
Additions and Improvements:		
Exchange of truck ..	$800 00	
Exchange of automobile	1,200 00	
Repairs to roofs	500 00	
Replacement of refrigeration plant ..	1,600 00	
		4,100 00
		$98,045 00

X 24. Village for Epileptics

Village for Epileptics.

For salaries and wages, and for maintenance of the Village for Epileptics on the basis of one thousand four hundred and fifty inmates.

Salaries and Wages:		
Superintendent	$8,000 00	
Steward	4,000 00	
Senior resident physician	4,000 00	
Other officers and employees, present, $225,000.00; new, $13,080.00	238,080 00	
Medical and surgical fees	500 00	
Religious services ...	750 00	
		$255,330 00
Materials and Supplies:		
Food	$82,000 00	
Clothing	9,500 00	
Heat, light, power, water, gas and electricity	44,500 00	
Household supplies ..	17,000 00	
Farm, stable and grounds supplies ..	16,500 00	
Medical, surgical and laboratory supplies	8,000 00	
Stationery and office supplies	600 00	
Office equipment	300 00	
Industrial and vocational supplies	600 00	
Educational, recreational and library supplies	800 00	
Vehicular transportation supplies	2,500 00	
Other materials and supplies	1,200 00	
		183,500 00
Current repairs		8,500 00

Miscellaneous:		
Traveling expenses ..	$900 00	
Postage	550 00	
Telephone and telegraph	1,800 00	
Insurance, other than fire	1,100 00	
Freight and express..	250 00	
Entertainment expenses	500 00	
Funeral expenses	400 00	
Other miscellaneous expenses	100 00	
		5,600 00
Additions and Improvements:		
Extraordinary household supplies	$2,000 00	
Repairs to railroad siding	500 00	
Replacement of fire hose	200 00	
Exchange of tractors.	1,800 00	
Purchase of two teams of horses	800 00	
		5,300 00
		$458,230 00

X 25. VINELAND STATE SCHOOL

Vineland State School.

For salaries and wages, and maintenance of the Vineland State School, on the basis of one thousand four hundred inmates.

Salaries and Wages:		
Superintendent	$7,000 00	
Physicians, executive assistants, clerks, mechanics and others, present $169,801.00, new $9,720.00	179,521 00	

Medical, surgical and oculist fees	2,500 00	
Religious services....	500 00	
		$189,521 00
Materials and Supplies:		
Food	$73,000 00	
Clothing	16,000 00	
Fuel, light and power	35,000 00	
Household supplies ..	15,500 00	
Farm, stable and grounds supplies ..	17,800 00	
Industrial and vocational supplies	1,400 00	
Medical, surgical and laboratory supplies.	4,000 00	
Stationery and office supplies	1,000 00	
Vehicular transportation supplies	1,500 00	
Educational, recreational and library supplies	1,800 00	
Other materials and supplies	200 00	
		167,200 00
Current repairs		9,000 00
Miscellaneous:		
Traveling expenses ..	$1,500 00	
Postage	1,050 00	
Telephone and telegraph	1,500 00	
Insurance, other than fire	860 00	
Entertainments	1,000 00	
Funeral expenses	700 00	
Freight and express..	300 00	
		6,910 00

Additions and Improvements:		
Power lawn mower ..	$400 00	
Two oil burner equipments	800 00	
Automobile exchange.	1,250 00	
Exchange of delivery truck	650 00	
Exchange of team of horses	400 00	
Extraordinary household equipment	1,500 00	
Replacement of cows.	1,000 00	
Purchase of additional land	2,000 00	
		8,000 00
		$380,631 00

This institution is authorized to pay for the maintenance of any county indigent patient transferred from the institution to an institution for training of the feeble-minded, to which moneys are paid by the State pursuant to chapter 217, of the Laws of 1919, whatever sum or sums is received from the counties to pay the cost of such maintenance of any said patient in the institution.

Total State Fund Appropriations	$32,343,835 67

TRUST AND DEDICATED FUNDS

State School Fund

School fund.

2. The following sums or so much thereof as may be necessary are hereby appropriated out of the income of the school fund for the purposes specified:

Free Public Schools

For the support of free public schools $500,000 00

Premiums and Accrued Interest

Premiums and Accrued interest.

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

School Fund Expenses

School fund expenses.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof 4,000 00

Refunds

ds.

Whenever by the conversion of a lease into a grant, or by the execution of a new lease, the rental that has been paid in advance to the State for land under water under riparian lease is in excess of the amount actually accruing and owing thereunder, and the same has been car-

ried to the credit of the trustees of the school fund, the State Treasurer, upon warrant of the Comptroller, is hereby authorized and directed at any time upon application of the persons entitled to the same, to repay such excess from the income of the school fund.

$504,000 00

3. The following sums or so much thereof as may be necessary are hereby appropriated from the free balances and dedicated and trust fund revenues as follows:

Morris Canal Fund

Morris canal.

Expenses in connection with the administration of the property of the Morris Canal and Banking Company, estimated $13,000 00

Proviso.

Provided, however, that there shall be refunded to the State fund such amounts as have heretofore been advanced from said fund to the Morris Canal Fund whenever and to the extent that the canal funds exceed the liabilities of said fund for the balance of the fiscal year 1936.

Academic Certificate Fund

Academic certificate fund.

Salaries	$3,480 00	
Materials and supplies .	1,700 00	
Miscellaneous expenses.	2,500 00	
		$7,680 00

State Forest Fund

State forest.

Silviculture improvement of the State forests	$10,000 00

State Purchase Fund

Purchase fund.

Salaries	$29,640 00	
Other expenses	12,360 00	
Merchandise purchases	958,000 00	
		$1,000,000 00

Public Shooting and Fishing Grounds Fund

Hunting and fishing fund.

Salaries Materials and supplies Current repairs Miscellaneous expenses Additions and improvements Purchase of land	$150,000 00

Moneys used as specified.

4. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, and taxes for the use of taxing districts in this State, Grade Crossing Elimination Fund, Emergency Relief Funds, Forest Fires Fund, Forest Nursery Fund, Workmen's Compensation Tax Fund, 1837 Surplus Revenue Fund Income, State Police Retirement Fund, Clerk in Chancery Enrollment Fund, Compensation award, pursuant to chapter one hundred and sixty-four, laws of one thousand nine hundred and thirty-five, and Student Loans, Billboard Regulation Fund, moneys received from tuition at the summer schools, which last named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any con-

Construing.

tract made under an appropriation of the previous years; moneys received by the Department of Conservation and Development from the sale or lease of forest reserve lands pursuant to chapter one hundred and eighty-seven, Laws of nineteen hundred and thirteen; moneys received by the Quartermaster-General under the provisions of section seventeen, chapter eighty-one, Laws of one thousand nine hundred and seventeen, as amended March fourth, one thousand nine hundred and eighteen; nor shall this act apply to moneys appropriated by joint resolution of the Legislature where such moneys have been set apart by the State Comptroller.

Transfers.

5. In order that some degree of flexibility in appropriations may be had, any department or other State agency receiving an appropriation by any act of the Legislature may apply to the State House Commission for leave to transfer a part of any item granted to such department or agency to any other item in such appropriation. Such application shall only be made during the current year for which the appropriation was made, and if the State House Commission shall consent thereto, it shall notify the Comptroller thereof in writing, whereupon the Comptroller shall place the amount so transferred to the credit of the item so designated; *provided, however,* that no sum appropriated for any permanent improvement shall be used for maintenance or for any temporary purpose.

Application.

Proviso.

Corrections made to comply with intentions.

6. The Comptroller of the Treasury is hereby authorized, empowered, directed, and it shall be his duty to make such correction of the title or text, or both, of an appropriation, necessary to make such appropriation available for the purpose or purposes of its intention. Such correction shall be by written ruling, reciting in appropriate details the facts thereof, and the reasons therefor, attested by the signature of said Comptroller and filed in the Department of the Comptroller of the Treasury as an official record thereof, and any action thereunder, including disbursements and the audit there-

of, shall be legally binding and of full force and virtue.

No increase in compensation during fiscal year.

7. No increase in the rate of compensation of any officer or employee in the State's service beyond that received by him or her as the incumbent of any State office or position at the end of the fiscal year one thousand nine hundred and thirty-five, shall be made or authorized during the fiscal year for which appropriations are made in this act while he or she continues in the service of the State except as expressly provided herein. Promotions during the said fiscal year shall be made only for the purpose of filling existing or occurring vacancies or new positions specifically provided in this act. Promotions shall not be authorized or made as a means of compensation advancement contrary to the policy herein expressed. The incumbents of offices or positions for which line item appropriations are made shall not receive compensation in excess of the amounts therein provided.

Promotions.

Office hours.

8. The offices of all departments, boards, commissions and agencies of the State government shall be open for the transaction of public business except on Sundays and legal holidays from 9:00 A. M. to 5:00 P. M., Monday to Friday, inclusive, and from 9:00 A. M. to 12:00 M. on Saturdays. The working hours of all full-time State officers and employees in offices, departments and agencies, not including educational and other institutions in the State, shall be from 9:00 A. M. to 5:00 P. M., Monday to Friday, inclusive, and 9:00 A. M. to 12:00 M. on Saturdays, except with the approval of the Governor, the Civil Service Commission may, by regulation, reduce the working day by one hour and authorize alternate Saturday mornings off for the months of July and August. Department heads are authorized, with the approval of the Civil Service Commission, to fix other hours to meet the requirements of individual departments for all or any part of their employees, but the working hours of all such employees shall not be less than as herein provided. The working hours of officers and employees at

Working hours.

Hours to meet conditions.

institutions shall be such as are determined by the institutional authorities, but not less than as herein provided. Departmental authorities shall see that working hours as herein provided are observed, and that vacation leaves and other leaves, with pay, shall be limited in accordance with existing law and regulations.

Observances.

Vacations.

9. The Comptroller of the Treasury is hereby empowered, and it shall be his duty in the disbursement of funds available for the general uses of this State, to first provide for the maintenance of the administration of the government of the State, and of its courts, and of its penal, correctional and charitable institutions, and to apply the remainder of such available funds in such manner and to such purpose for which appropriations may have been made as in his judgment may best conserve the interest of the State.

Order of disbursing funds.

10. The State House Commission is hereby empowered, notwithstanding any other provision of the law, to transfer from the various appropriations for construction, reconstruction, additions to and betterments of State building and appurtenances thereto, herein contained, to the appropriation for the division of architecture and construction of the Department of Institutions and Agencies a sufficient sum to pay for the cost of all architectural work, superintendence and other expert services in connection with such work.

Transfers from various appropriations.

11. The Comptroller of the Treasury may, upon application therefor, allot from appropriations made to any official, department, commission or board a sum, not in excess of three hundred dollars ($300.00), to establish a petty cash fund, for the payment of expenses not in excess of five dollars ($5.00). The allotment thus made by the Comptroller shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making request therefore, and the money thus allotted shall be disbursed by such custodian, who shall require from all persons obtaining money from said fund a

Petty cash fund.

receipt therefor. Such receipts shall by such custodian be forwarded monthly to the Comptroller of the Treasury for audit, and the Comptroller of the Treasury shall likewise make regulations governing disbursements from petty cash funds.

Transfer of appropriations.

12. The Comptroller of the Treasury is hereby empowered, and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, the duties or responsibilities of which are or may hereafter be transferred to any other department, to transfer such appropriations to such department as shall be charged with the responsibility of administering the functions of such department so transferred as aforesaid.

Act effective.

13. This act shall take effect on the first day of July, one thousand nine hundred and thirty-five.

Approved June 7, 1935.

CHAPTER 240

AN ACT to amend an act entitled "An act to regulate elections" (Revision of 1930), approved April eighteenth, one thousand nine hundred and thirty, approved January twenty-eighth, one thousand nine hundred and thirty-five.

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

Art. 10, par. 104, sec. 2, amended.

1. Article ten, paragraph one hundred and four, section two, of the act of which this is amendatory, be and the same is hereby amended to read as follows:

County Clerks to Municipal Clerks.

Certifications by county clerk.

Par. 104, Sec. 2. The clerk of such county shall immediately upon the receipt of the certificate from the Secretary of State, setting forth that a political

party has been created, forward a certified copy of said certificate to each municipal clerk of his county. He shall also between the first day of August and the fifteenth day of August in every year cause a copy of the notice received from the Secretary of State, of the officer or officers to be elected at the ensuing general election, certified under his hand to be true and correct, to be delivered to the clerk of each municipality in said county. The Secretary of State shall on or before the tenth day of August certify to the county boards in counties of the first class and to the municipal clerks in the respective municipalities in all counties the number of justices of the peace to be elected for full terms or to fill vacancies in said municipalities at the next succeeding general election.

Notice of justices of the peace to be elected.

2. This act shall take effect immediately.

Approved June 7, 1935.

CHAPTER 241

A FURTHER SUPPLEMENT to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. In all criminal cases where sentence is by law to be imposed, it shall be the duty of the trial court to impose sentence upon a defendant within forty-five days after such defendant shall have been convicted of or shall have pleaded guilty to the commission of a crime; except where a sentence has

When sentence imposed.

Exception.

been opened and vacated it shall be the duty of the court, except when a new trial is granted, to resentence the defendant within ten days after the opening and vacation of such sentence.

Clinic to study mental and physical conditions.

2. 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 justice of the New Jersey Supreme Court shall have authority to organize a clinic in the county or counties in which he presides, or, by consent of such presiding justice, the judge or judges of the court of common pleas 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 three, as shall seem proper to the justice or judges organizing the same, one of which number shall be the county probation officer, one a physician licensed to practice in this State and one 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.

Organization of clinic.

How composed.

Rules.

Examination of defendant.

3. 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 or her 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.

Construing.

4. Nothing in this act contained shall be construed to in anywise affect or repeal the provisions of section one hundred forty-four of the act to which this is a supplement, nor the provisions of

chapter three hundred fourteen of the pamphlet laws of one thousand nine hundred and thirty-three.

Repealer. 5. All acts and parts of acts inconsistent with the provisions of this act be and the same hereby are repealed.

Approved June 7, 1935.

CHAPTER 242

A SUPPLEMENT to an act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor, and providing for municipal, county or joint county relief, excepting from county or joint county relief, certain municipalities (Revision of 1924),' approved March eleventh, one thousand nine hundred and twenty-four."

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

Temporary welfare director 1. In case of a vacancy in the office of director of welfare the county welfare board may appoint a temporary or acting director of welfare for a term not exceeding six months, which said temporary or acting director shall have like qualifications and powers as now provided for director of welfare.

2. This act shall take effect immediately.

Approved June 7, 1935.

CHAPTER 243

AN ACT providing that the hours of employment for and rate of wages to be paid to laborers, workmen and mechanics pursuant to any law of this State shall not apply where payment to such laborers, workmen and mechanics shall be paid out of grants of money from the Federal government or any agency thereof.

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

When hours and rates not applicable.

1. All acts providing for hours of employment for and rates of wages to be paid to laborers, workmen and mechanics on work done under contract made by or on behalf of the State of New Jersey or any board, department, commission or agency thereof or by or on behalf of any county, city, town, township, borough, village or other municipality or any water, sewer or fire district thereof, or any school district or consolidated school district of this State shall not apply and shall be without force and effect where payment for work under such contracts or payments to such laborers, workmen and mechanics shall be made in whole or in part out of grants of money received from the Federal government or any agency thereof.

2. This act shall take effect immediately.

Approved June 7, 1935.

CHAPTER 244

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

1. Section three of Article XVII of an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen, be amended so as to read as follows: Sec. 3 of Art. XVII amended.

3. The officers and men employed in every municipal paid fire department and the paid members of every municipal part-paid fire department who are permanently employed by the municipality at a fixed annual salary and whose sole occupation is that of fireman in said municipal part-paid fire department shall severally hold their respective offices and continue in their respective employment during good behavior, efficiency and residence in the municipality wherein they are respectively employed; and no person shall be removed from office or employment in any such paid fire department nor shall any member of any municipal part-paid fire department who is permanently employed by the municipality at a fixed annual salary and whose sole occupation is that of fireman in said municipal part-paid fire department or from the paid fire department of any such municipality for political reasons or for any other cause than incapacity, misconduct, nonresidence or disobedience of just rules and regulations established or which may be for the paid or part-paid fire department in such municipality; *provided,* that any member of any such paid fire department or any member of any municipal part-paid fire department who is perma- Tenure of firemen. Causes for removal. Proviso.

nently employed by the municipality at a fixed annual salary and whose sole occupation is that of fireman in said municipal part-paid fire department who shall be absent from duty without just cause for the term of five days continuously shall, at the expiration of such five days, cease to be a member of such paid or part-paid fire department;

Qualifications to become members.

each officer and member of any such paid fire department and each member of any municipal part-paid fire department who is permanently employed by the municipality at a fixed annual salary and whose sole occupation is that of fireman in said municipal part-paid fire department shall be a citizen of the United States and a resident for two years next preceding his appointment of the municipality in which he is appointed; he must be of good moral character, sound in body and of good health, and able to read and write the English language intelligently; *and provided, further,* that it shall be lawful for the board, body or person in the respective municipalities of this State having authority to employ members of the fire department therein to employ officers or men temporarily in cases of emergency, or for parts of years in cases where their services are not needed throughout the entire year, and discharge them at the expiration of such temporary employment.

Proviso.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 245

AN ACT to limit the hours of service of operators of motor vehicles.

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

Limits hours of drivers.

1. It shall be unlawful for any person to drive, or to require or permit any person to drive, any commercial motor vehicle, omnibus, motor bus, or tractor, while moving upon the public highways of this State after such person has been continuously on duty in such service, whether performed within or without this State, for a longer period than twelve (12) hours, nor after he has been on duty for more than twelve (12) hours in the aggregate during any sixteen (16) consecutive hours. Time taken for meals shall not be considered a part of any duty period. When any such person shall have been continuously on duty for twelve (12) hours or shall have been on duty for twelve (12) hours in the aggregate during any sixteen (16) consecutive hours, he shall have at least eight (8) consecutive hours off duty. The periods of release from duty herein provided for shall be spent at such place and under such circumstances that rest and relaxation from the strain of the duties of driving may be obtained; *provided, however,* that in case of accident or emergency, a person driving any such motor vehicle may complete his run or tour of duty, and such driver or the person who requires or permits such person to drive for such longer period shall not be deemed to have violated the provisions of this act.

Hours off.

Rest period.

Proviso.

Penalty for violations.

2. Any person violating any provision of this act shall, upon summary conviction by a court of competent jurisdiction, be sentenced to pay a fine of twenty-five dollars ($25.00) for the first offense

and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days; and for each subsequent violation shall be sentenced to pay a fine of fifty dollars ($50.00) and in default of such payment shall undergo imprisonment for not more than ten (10) days.

Short title.

3. This act shall be known, and may be cited, as the "Hours of Service Act of 1935."

Act effective.

4. This act shall take effect July first, one thousand nine hundred and thirty-five.

Approved June 8, 1935.

CHAPTER 246

AN ACT to amend the title and body of an act entitled "An act to provide for liens for medical and surgical treatment and hospital care, treatment and maintenance of persons injured in accidents in favor of persons licensed by law to practice medicine and surgery in this State, and hospital and other charitable institutions upon the rights of action, claims or demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries and upon the proceeds of the settlements of any such claims or demands," approved April thirtieth, one thousand nine hundred and thirty-four.

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

1. The title of the act to which this act is amendatory is hereby further amended so as to read as follows: Title amended.

An act to provide for liens for hospital care, treatment and maintenance of persons injured in accidents in favor of hospitals and other charitable institutions upon the rights of action, claims or demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries and upon the proceeds of the settlements of any such claims or demands. New title.

2. Section two of the act of which this act is amendatory be and the same is hereby amended so as to read as follows: Section 2 amended.

2. Every charitable association, corporation or other institution maintaining a hospital in the State of New Jersey supported in whole or in part Liens by hospitals.

by private charity, or owned, operated and/or maintained by any municipal or county board and/or body, hereinafter referred to as a hospital, shall have a lien upon any and all rights of action, suits, claims, counterclaims or demands of any person admitted to any such hospital and receiving treatment, care and maintenance therein, on account of any personal injuries received in any accident as the result of the negligence of any other person or corporation, which any such injured person may or shall have, assert or maintain against any such other person or corporation for damages on account of such injuries, for the amount of the reasonable charges of such hospital for treatment, care and maintenance of such injured person at ward rates in such hospital up to the date of payment of such damages; *provided,* a notice in writing containing the name and address of the injured person, the date of the accident, the name and location of the hospital, and if known the name of the person or persons, firm or firms, corporation or corporations alleged to be liable to make compensation to such injured person for the injuries received, 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 representative as compensation for such injuries. After the filing of such notice it shall be the duty of the hospital to mail, postage prepaid, a copy of such notice, with a statement of the date of the filing thereof to the person or persons, firm or firms, corporation or corporations, alleged to be liable to make compensation for the injuries sustained by such injured person, if their name and address shall be known.

Proviso, notice.

Notice to person liable.

Section 3 amended.

3. Section three of the act of which this act is amendatory is hereby amended so as to read as follows:

Enforcement of lien.

3. The lien of any such hospital shall attach to any verdict, report, decision, decree, award, judgment or final order made or rendered in any action or proceeding in any court of record of New Jer-

sey, or any public board or bureau, in any suit, action or proceeding brought by any such injured person, or by the estate of such injured person in case of deaths as the result of such injuries, against any other person or corporation for the recovery of damages or compensation on account of injuries received in any such accident, as well as to the proceeds of any settlement thereof, or the settlement of any such claim or demand effected by any such injured person with any other person or corporation whose negligence is claimed or alleged to have been the cause of the said accident or effected with any other person or corporation on account thereof.

Section 4 amended.

4. Section four of the act of which this act is an amendment be and the same is hereby amended to read as follows:

Release not valid.

4. After the filing of the notice as herein provided, no release of any judgment, claim or demand by such injured person shall be valid or effectual as against such lien, and the person or persons, firm or firms, corporation or corporations, making any payment to such injured person or his legal representative as compensation for the injuries sustained shall for a period of one year from the date of such payment as aforesaid remain liable to such hospital for the amount of reasonable charges due at the time of such payment as aforesaid, to the extent of the full and true consideration paid or given to the injured person, and any such hospital may, within such period, enforce its lien by a suit at law against such person or persons, firm or firms, corporation or corporations making any such payment.

May enforce lien.

Section 5 amended.

5. Section five of the act of which this act is an amendment be and the same is hereby amended so as to read as follows:

Liens entered by clerk.

5. Every county clerk shall, at the expense of the county, provide a suitable, well-bound book, to be called the hospital lien docket, in which, upon the filing of any lien claim under the provisions of this act, he shall enter: The name of the injured per

Name, date and hospital.

New Jersey State Library

son, the date of the accident, the name of the hospital or other institution making the claim.

Index. And the said clerk shall make a proper index of the same in the name of the injured person; and

Filing fees. such clerk shall be entitled to twelve cents for filing each claim, and at the rate of eight cents per folio for such entry made in the lien docket and six cents for every search in the office for such lien claim.

6. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 247

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, eighteen hundred and eighty-four,' which amendment was approved April seventh, one thousand nine hundred and twenty-one."

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

Section 2 amended. 1. Section two of the said act of which this act is amendatory be and the same is amended so as to read as follows:

Race discrimination. 2. Any person who shall violate any of the provisions of the foregoing section as amended by denying to any citizen, except for reasons applicable alike to all citizens of every race, creed and color, and regardless of race, creed or color, or of previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities or privileges in said act enumerated, or by aiding or inciting such denial, or who shall aid or incite the violation of any of the said provisions

Penalty. shall, for each and every violation thereof, forfeit

and pay the sum of not less than one hundred dollars nor more than five hundred dollars, to the State of New Jersey, to be recovered in an action of debt, with full costs, and shall also, for every such violation be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars, or be subject to imprisonment of not more than ninety days, or both such fine and imprisonment.

Action by aggrieved person.

2. The aggrieved party or parties in any such action or actions is authorized by this act to institute said action or actions in the name of the State of New Jersey, and in case judgment is awarded in favor of the plaintiff, the aggrieved party shall be paid out of the judgment so recovered, the costs incurred in prosecuting said action according to a bill of costs to be taxed by the clerk of a district court if said action is brought in any district court of the State, or by the clerk of the court of common pleas if said action is brought in any county where there is no district court, such costs to be taxed as in civil action for tort within the jurisdiction of either of said courts, and also attorney's fees of not less than twenty dollars, and not more than one hundred dollars, to be determined and fixed by an order of the judge of said district court or judge of the court of common pleas where such action is brought at the time of entry of said judgment.

Costs.

Repealer.

3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 248

AN ACT to repeal an act entitled "An act to regulate the construction, operation, installation and maintenance of any sign or signs composed of either neon, helium, argon, C, or any other similar gas, enclosed in a glass tubing, and which is electrically heated for the purpose of creating light, and providing penalties for the violation thereof," approved June twenty-three, one thousand nine hundred and thirty-three.

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

Chap. 285, P. L. 1933, repealed.

1. An act entitled "An act to regulate the construction, operation, installation and maintenance of any sign or signs composed of either neon, helium, argon, C, or any other similar gas, enclosed in a glass tubing, and which is electrically heated for the purpose of creating light, and providing penalties for the violation thereof," approved June twenty-third, one thousand nine hundred and thirty-three, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 249

AN ACT to prevent sending of a false alarm by police radio transmission.

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

False radio alarm a misdemeanor.

1. Any person who shall willfully and maliciously send or cause to be sent any alarm or message by police radio transmission in any city, township, county or municipality of this State, and thereby give or cause to be given a false alarm, shall be deemed and adjudged to be guilty of a misdemeanor.

Approved June 8, 1935.

CHAPTER 250

AN ACT to provide for the taxation of lands owned by or held in trust for the State, in municipalities where such lands exceed nine per centum (9%) of the entire area of the municipality.

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

State lands taxable.

1. All lands excepting riparian lands owned by or held in trust for the State of New Jersey, which lands are used or are to be used for State purposes, and whether the title thereto be in the name of the State, or any board, commission or corporation, shall be taxed in the municipality wherein such lands are situate, for municipal and local school purposes; *provided, however,* that said lands shall be assessed at the same value at which said lands were assessed at the time said lands were acquired

Proviso.

Proviso, improvements excepted.

by the State of New Jersey; *provided, further,* that there shall not be included in the assessed valuation of such lands any improvements constructed or erected by the State, or by any board or commission having jurisdiction or control of any State institution.

Bills rendered.

Bills for taxes or assessments for any such lands shall be rendered to the State, by the proper municipal authorities in the same manner as to individual property owners, when the monies therefor have been included in any annual or supplemental appropriation bill and when approved by the State Comptroller shall be paid by the State Treasurer to the proper officer of the municipality, which payment shall be made without interest on or before June first of the calendar year following the year in which such bills are payable by individual property owners.

Act not to affect sundry statutes.

2. This act shall not amend or affect the following statutes, their supplements or amendments: Laws of 1905, page 77; laws of 1922, page 229; laws of 1933, page 1228; and no taxation of lands mentioned in the above recited acts shall be made under the provisions of this act, and no taxation shall be made under this act of State forests, State parks, riparian lands, lands held by the State Board of Proprietors or lands held for highway, bridge or tunnel purposes. Nor shall this act have any force or effect in any municipality wherein the aggregate area of State lands mentioned in section one hereof shall be less than nine per centum (9%) of the entire area of the municipality.

Exception.

3. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 251

AN ACT providing for county and regional planning and the creation, organization and powers of county and regional planning boards.

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

1. Every board of chosen freeholders may create a county planning board of not less than five nor more than nine members. The members of such planning board shall be the director of the board of chosen freeholders; one member of the board of chosen freeholders, to be appointed by such director; the county engineer, if the board exceed six in number; and other citizens who may not hold any other county office and who shall be appointed by such director of the board of chosen freeholders with the approval of that body. One of the remaining members shall be appointed for two years, two shall be appointed for three years, and all additional remaining members shall be appointed for four years, and thereafter their successors shall be appointed for the term of three years from and after the expiration of the terms of their predecessors in office. All members of the county planning board shall serve as such without compensation, but may be paid expenses incurred in the performance of duties.

May create county planning board.

Members.

Terms.

No compensation.

2. It shall be the function and duty of a county planning board to make and adopt a master plan for the physical development of the county. The master plan of a county, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county planning board's recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character, and extent of street or roads, viaducts, bridges, waterway and waterfront developments,

Duty.

Master plan.

parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development, and such other features as may be important to the development of the county.

Encourage co-operation of municipalities.

It shall be the further duty of the county planning board to encourage the co-operation of the local municipalities within the county in any matters whatsoever which may concern the integrity of the county master plan and to advise the board of chosen freeholders with respect to the formulation of development programs and budgets for capital expenditures.

Employ experts to carry out plan.

3. The county planning board shall have the power and authority to employ experts and to pay for their and such other expenses as may be deemed necessary for the making of the master plan and for the carrying out of such other duties as are herein prescribed, except that such board may expend only such sums as may be appropriated by the board of chosen freeholders or be placed at its disposal through gift. The making of the master plan shall be regarded as essential preliminary studies incidental to the later carrying out of capital improvement projects over an indefinite period of years and may be funded by serial notes or bonds to be issued by the county; *provided, however,* that the terms of such notes or bonds shall not exceed five years.

Master plan essential.

Proviso.

Hearing before adopting plan.

4. Before adopting the master plan or any part of it or any amendment thereof the board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the county. The adoption of the plan or part or amendment thereof shall be by resolution of the board carried by the affirmative vote of not less than two-thirds of the members of the board. The

Resolution.

resolution shall refer especially to the maps and descriptive and other matter intended by the board to form the whole or part of the plan or amendment and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the secretary of the board. An attested copy of the master plan or of any amendments thereof shall be certified to the board of chosen freeholders; to the county park commission if such exists; and to the legislative body of every municipality within the county. As an aid toward the co-ordination of municipal plans with the county master plan, it shall be the duty of every municipality within the county having prepared a master plan to file a copy of such master plan, or subsequent amendments thereof with the county planning board within sixty days of the appointment of said county planning board or within thirty days of the completion of such master plan.

Contents of resolution.

Plan certified to freeholders, etc.

Municipality to file master plan.

5. The board of chosen freeholders in any county after receiving the advice of the county planning board is hereby empowered to adopt and establish and thereafter as often as the board may deem it for the public interest, to change or to add to an official county map, showing the highways, roadways, parks, parkways, and sites for public buildings or works, under county jurisdiction, or in the acquisition, financing or construction of which the county has participated or may be called upon to participate. Such map shall be deemed to have been established to conserve and promote the public health, safety, convenience, and welfare. Before acting thereon in the first instance and before adopting any amendments thereto such board of chosen freeholders, after notice of time and place has been given by one publication for each of three successive weeks in a newspaper of general circulation in the county and after written notice to the official bodies and departments enumerated hereinunder, shall hold a public hearing or hearings thereon at which such representatives of the county planning board, the county park commission, if

Freeholders empowered to add to county map.

Purpose of map.

Hearing.

such exists, the county departments, the municipalities in the county and such property owners and others interested therein as shall so desire shall be heard.

Proposed changes submitted to planning board.

Before holding any such public hearing such board of chosen freeholders shall submit such proposed change or addition to the county planning board for its consideration and advice and shall fix a reasonable time within which such county planning board may report thereon, not, however, less than twenty days; upon receipt of such report from the county planning board or upon the failure of such board to report within the time limit so fixed such board of chosen freeholders may thereupon act upon the proposed change, but any action adverse to the report of the county planning board shall require the affirmative vote of the majority of all the members of such board of chosen freeholders.

Procedure in adopting changes.

Official map binding.

When approved in whole or part by the board of chosen freeholders in any county, such county official map or part thereof shall be deemed to be binding upon the board of chosen freeholders of the county and the several county departments thereof, and upon other county boards heretofore or hereafter created under special acts, and no expenditure of public funds by such county for construction work or the acquisition of land for any purpose enumerated in section two shall be made except in accordance with such official map.

Construing.

Nothing herein prescribed shall be construed as restricting or limiting the powers of park commissions as otherwise provided by law.

Permit before building.

6. No building shall be erected in the bed of any highway adopted and shown as a part of the official county map unless a permit therefor is issued by the board of chosen freeholders. For such purpose such board is hereby created a discretionary administrative body, and shall when so acting be deemed an independent statutory body and all its transactions when so acting shall be separately recorded in minutes independent of the minutes of

Minutes kept of transactions.

the board of chosen freeholders when acting as a legislative body. When so acting it shall have power by a vote of a majority of all its members to grant or withhold such a permit.

Requirements conditioned upon granting permit.

In such a meeting the board shall have power in considering the application for a permit for a specific building, by a vote of a majority of all its members, to grant a permit for a building in such a highway, which will as little as practicable increase the cost of opening such highway, or tend to cause a change of such official map, and such board shall impose reasonable requirements as a condition of granting such permit, which requirements shall be designed to promote the health, convenience, safety and general welfare of the public and shall inure to the benefit of the county. Before taking such action the board shall give a public hearing at which parties in interest and others shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. The board shall refuse a permit where the land of the applicant within the mapped highway is already earning a fair return, or where he is in no way injured by placing his building outside of the mapped highway.

Hearing.

Permit denied.

Review in 30 days.

No writ of certiorari to review any decision of the board refusing or granting such permit shall issue unless application therefor be made within thirty days after the filing of the decision in the office of the board. The allowance of the writ shall not stay proceedings upon the decision unless so ordered by the court. Whoever shall construct or begin the construction of such a building without a permit shall be guilty of a misdemeanor, and shall forfeit and pay a penalty of not more than one hundred dollars ($100.00) for each day that work on such structure continues. The county may also enjoin such construction by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by a civil action in any court of competent jurisdiction.

Writ not to stay proceedings.

Construction without permit a misdemeanor.

Injunction.

Report upon plat by board.

7. Before the approval of a plat by any local authority having the power of approval of plats, such authority shall transmit a copy of the proposed plat to the board; and the board shall within thirty-five days from the date of such submission to it of such plat make a report thereon to such local authority. Pending the receipt and consideration of such report, such local authority shall defer action thereon; but if such report be not received by the local authority within twenty days from the submission of the plat to the county planning board, or within such further time as may be agreed upon by the local authorities, such local authority may proceed to final action thereon.

Action deferred.

Local authority to proceed.

County planning boards continued.

8. County planning boards now lawfully in existence shall continue until January first, one thousand nine hundred and thirty-six, and may be given all the powers and duties of county planning boards to the same extent as if they were established under this act, but if continued after January first, one thousand nine hundred and thirty-six, shall be reconstituted in accordance with the provisions of this act.

Boards to be reconstituted.

Regional planning board.

9. The councils or corresponding administrative bodies of any group of municipalities, independently or together with the board or boards of freeholders of any county or counties in which such group of municipalities is located or of any adjoining county or counties; or the council or corresponding administrative body of any municipality together with the board of freeholders in which such municipality is located; or the boards of freeholders of any two or more adjoining counties, may co-operate in the creation of a regional planning board for any region defined as may be agreed upon by said co-operating councils and board or boards or by said co-operating boards. The number and qualifications of the members of any such regional planning board, and their terms and method of appointment or removal shall be such as may be determined and agreed upon by said co-operating councils and boards; *provided, how-*

Members and qualifications.

Proviso.

ever, that a majority of the members of the regional planning board shall hold no other public office or position excepting appointive membership on a municipal or other planning board. Members of the regional planning board shall serve without salary but may be paid expenses incurred in the performance of duties. The proportion of the expenses of the regional planning board to be borne respectively by the municipalities and counties or by the counties co-operating in the establishment and maintenance of the board, shall be such as may be determined and agreed upon by the co-operating councils and boards; and said councils and boards are hereby authorized to appropriate their respective shares of such expenses. Within the amounts thus agreed upon and duly appropriated, any such regional planning board shall have the power to appoint such employees and staff as it may deem necessary for its work, and contract with planners and other consultants for such services as it may require. The regional planning board shall elect its chairman, who shall hold no other public office or position except that he may be a member of a municipal or other planning board. The term of the chairman shall be one year, with eligibility for re-election. The commission may create and fill such other offices as it may determine. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Any board of freeholders or other county official or the chief executive officer of any municipality may, from time to time, upon the request of the board and for the purpose of special surveys, assign or detail to the board any members of staffs of county or municipal administrative departments, or may direct any such department to make for the board special surveys or studies requested by the board.

No salary, expenses paid.

Expenses prorated.

Employees.

Organization.

Terms.

Rules and records.

Assign employees.

10. It shall be the function and duty of the regional planning board to make a master plan, and such surveys and studies as may be essential

Master plan.

thereto, for the physical development of the region, as created in accordance with the provisions of section nine of this act. Such master plan shall include all the elements of physical development that may be locally important and desirable.

Contents.

Delegation of powers and duties.

11. The council or corresponding administrative agency or the board of freeholders of any of the co-operating municipalities or counties may delegate to the regional planning board, by ordinance in the case of a municipality and by resolution in the case of a county, any or all of the powers and duties of a municipal planning board as provided by chapter two hundred and thirty-five, laws of one thousand nine hundred and thirty, with respect to the territory of the municipality so enacting and, in the case of a county, any or all of the powers and duties of a county planning board as provided by sections one to eight of this act, for the territory of the county so resolving.

Art. XVI, Chap. 185, P. L. 1918, repealed.

12. Article XVI of chapter one hundred and eighty-five, laws of one thousand nine hundred and eighteen, is hereby repealed.

13. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 252

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to establish a Department of Conservation and Development and to consolidate therein the State Water Supply Commission, the Board of Forest Park Reservation Commissioners, the State Geological Survey, the Washington Crossing Commission, the State Museum Commission and the Fort Nonsense Park Commission,' approved April eighth, one thousand nine hundred and fifteen," approved April twenty-seventh, nineteen hundred and twenty-nine.

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

1. Section eight of the act of which this act is an amendment be and the same hereby is amended to read as follows: Section 8 amended.

8. Every person who, on any of the State properties under the jurisdiction of the said Board of Conservation and Development, shall (1) abuse, mutilate, injure, remove or destroy any living plant or animal, or any structures or other physical features or properties on the said lands; or (2) indulge in conduct or language which is indecent or unduly annoying to other visitors to said lands; or (3) make use of the public conveniences and facilities on any of the said lands, contrary to the instructions or directions of the board's representatives in charge of said lands; or (4) start any fire on any of the said lands; or (5) disrobe for bathing except under such conditions as are authorized by the board's representatives in charge of said lands or in bath houses provided for this purpose shall be liable to a penalty of not less than twenty-five dollars ($25.00) nor more than one hundred and Rules and regulations. Penalty.

Proviso.

fifty dollars ($150.00) for each offense; *provided, however,* that no penalty shall be incurred by any person who, with written permission of the said board or of its representative in charge of said lands, shall commit any of the acts mentioned in clauses one, four and five in this section; *and provided, further,* that where there are mitigating circumstances, the said Board of Conservation and Development may in its discretion permit the person or persons who may have violated the provisions of this act to pay the cost of any damage done or of expenses incurred by the said board because of such violation or such other sum less than the minimum fine herein imposed at such time and in such manner as the said board shall determine. Such payment, when finally made, shall relieve the person or persons making it of the penalty for such violation imposed by this act. The courts or magistrates before whom any proceedings for the recovery of any penalty under this act shall be brought and the proceedings and processes by which such actions shall be enforced and the officers to serve and execute any process issued out of any court or by any magistrate in such actions shall be those provided for the enforcement of "An act for the appointment of firewardens, the prevention of forest fires and the repeal of sundry acts relating thereto," approved April eighteen, one thousand nine hundred and six, with the amendments thereof or supplements thereto. All penalties provided for under this act when recovered shall be paid to the director of the Department of Conservation and Development, who shall pay the same over to the State Treasurer in the manner prescribed by law.

Proviso.

Paying damages.

Courts of jurisdiction.

Disposition of penalties recovered.

Approved June 8, 1935.

CHAPTER 253

AN ACT to amend an act entitled "An act to regulate elections" (Revision of 1930), approved April eighteenth, one thousand nine hundred and thirty.

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

1. Article eleven, paragraph one hundred and eighteen, section nine, of the act of which this is amendatory, be and the same is hereby amended to read as follows: Par. 118 amended.

Filing of Petitions and Notice to Secretary of State by County Clerk.

Par. 118, Sec. 9. All such petitions and acceptances thereof shall be filed with the officer or officers to whom they are addressed at least five days previous to the day of the holding of the primary election for the general election in this act provided. All petitions when filed shall be opened under proper regulations, for public inspection. It shall be the duty of the county clerks to certify to the Secretary of State within thirty-five days prior to the general election, the names, places or residence and post-office addresses of the several candidates nominated for Senator and members of the General Assembly together with the designation of the party nominating said candidates, whether by petition or at the primary election and the dates of filing such certificates of nominations and petitions. Filing petitions and acceptances. Open to inspection. Certification to Secretary of State.

2. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 254

AN ACT to supplement an act entitled "An act concerning alcoholic beverages," passed December sixth, one thousand nine hundred and thirty-three.

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

Fitness.

1. In any proceeding for any violation of the act to which this is a supplement, as amended and supplemented, or any ordinance or resolution enacted pursuant thereto, any alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors, shall be presumed to be fit and intended for use for beverage purposes and to contain more than one-half of one per centum (½%) of alcohol by volume.

Alcoholic content.

Suspension of license.

2. Upon conviction of violation of any of the provisions of the act to which this is a supplement, or any amendments thereof or supplements thereto, any license held at the time of said conviction pursuant to said act by the person convicted or by any partnership of which he is then a member, or by any corporation of which he was a director or officer or stockholder owning ten per centum (10%) or more of the stock either at the time of the conviction or the violation resulting therein, shall suspend automatically and without notice. The pendency of an appeal from the conviction shall not affect the suspension which shall continue for the balance of the term of the license unless the commissioner, in his discretion and for good cause shown, shall otherwise order. Nothing herein contained shall bar proceedings pursuant to said act to revoke or suspend any license.

Appeal not to affect suspension.

Loans to licensee by brewer prohibited.

3. No owner, part owner, stockholder, officer or director of any corporation or any other person whatsoever interested in any way whatsoever in any brewery shall make any loan, directly or indirectly, to any retail licensee; *provided, however,* that the foregoing shall not prohibit the extension, subject to rules and regulations, of reasonable credit in respect to ordinary current sales of brewery products. No owner, part owner, stockholder, officer or director of any corporation or any other person whatsoever interested in any way whatsoever in any brewery shall furnish, repair or replace fixtures in any licensed retail business, except that the cleaning and repairing of pipes and similar matters may be permitted by rules and regulations.

Proviso.

Aid to licensee prohibited.

Exception.

Reciprocal rules and regulations.

4. The commissioner is hereby authorized and empowered to make such reciprocal rules and regulations and special rulings pertaining to any one or more States designated therein as may be necessary for the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages and the enforcement of the act to which this is a supplement, in addition thereto and not inconsistent therewith, and to alter, amend, repeal and publish the same from time to time.

Class C license requirements.

5. No class C license shall be issued or renewed to any corporation, except for premises operated as a bona fide hotel, unless each owner, directly or indirectly, of more than ten per centum (10%) of its stock qualifies in all respects as an individual applicant, anything to the contrary contained in the act to which this is a supplement notwithstanding.

Referendum on hours of sale.

6. If, at any time after this act becomes effective, a petition, signed by at least fifteen per centum (15%) of the qualified electors of any municipality as evidenced by the total number of votes cast at the then next preceding election for members of the General Assembly in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on any proposed questions as to whether the hours between which

the sale of alcoholic beverages at retail may be made in said municipality on week days, Sundays, either or both, shall be fixed as provided in said petition, which questions shall be specifically and separately set forth in said petition, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print such question or questions stated in said petition pursuant to the act entitled "An act to regulate elections" (Revision 1930), and the acts amendatory thereof and supplementary thereto, (which last mentioned act and its amendments and supplements is hereafter referred to as the general election law) upon the official ballot to be used in said municipality at the next ensuing general election. Thereupon the clerk or secretary of said governing board or body shall forthwith deliver to such county clerk a certified copy of such resolution. If said copy shall be delivered to said county clerk not less than thirty days before said general election, he shall cause such question or questions to be printed in an appropriate place on the ballot to be used in said municipality at the next ensuing general election, pursuant to said general election law and thereupon all proceedings with respect to the referendum on said question or questions shall be subject to and governed by said general election law as in other cases of the submission of public questions to the electorate.

Resolution by governing body.

Resolution certified.

Referendum.

If a majority of the legal voters shall vote affirmatively on the question of whether the hours of sale shall be fixed in the manner set forth in said question or questions, the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, of the action taken by the legal voters of said municipality and thereafter the retail sale of alcoholic beverages may be made only within the hours fixed by said referendum. Such sale at any other time within said municiality shall be unlawful and constitute a violation of this act.

Result of referendum.

If a majority of legal voters voting upon said question or questions shall vote in the negative on the question of whether the hours of sale shall be fixed in the manner set forth in said question or questions, the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, of the action taken by the legal voters of said municipality and thereafter the hours between which the sale of alcoholic beverages at retail may be made may be regulated as theretofore in said municipality.

Hours of sale to be regulated by municipality.

No petition under this section shall be received by the governing board or body while any other petition covering the same subject matter which has theretofore been presented hereunder has not been voted upon.

Limits petitions.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in said municipality in the third year thereafter and so long as said referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of said referendum shall have no effect within said municipality.

Limits referendums.

Approved June 8, 1935.

CHAPTER 255

AN ACT to amend an act entitled "A supplement to an act entitled 'An act concerning alcoholic beverages,' passed December sixth, one thousand nine hundred and thirty-three, and the acts amendatory thereof and supplemental thereto," approved April twelfth, one thousand nine hundred and thirty-four.

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

Distilling apparatus registered.

1. Every person having in his possession or custody or under his control any still or any distilling apparatus set up, dismantled or in the process of construction or parts thereof, shall register same with the Commissioner of Alcoholic Beverage Control, who shall have and exercise the same powers of investigation and of prescribing rules and regulations with respect to such stills and distilling apparatus and parts thereof as are accorded to him by the act to which this is a supplement, in connection with the manufacture of alcoholic beverages.

Unlawful property unless registered.

2. Any such still or distilling apparatus or parts thereof not registered pursuant to the preceding paragraph, together with all articles, implements or paraphernalia used or adaptable for use in connection therewith and all personal property of whatsoever kind, found in a building or in any yard or enclosure connected with a building or on the premises in which such still or distilling apparatus or parts thereof are found, are declared to be unlawful property.

Investigation, seizure and arrest by officer.

3. Any officer knowing or having reasonable cause to believe that any still or distilling apparatus or any parts thereof constitute such unlawful property, it shall be his duty to investigate, under proper search warrant when necessary,

which it shall be his further duty to apply for, and to seize such still or distilling apparatus or parts thereof, together with all articles, implements or paraphernalia used or adaptable for use in connection therewith and all personal property of whatsoever kind, found in a building or in any yard or enclosure connected with a building or on the premises in which such still or distilling apparatus or parts thereof are found, and to arrest all persons whom he shall know, or have reasonable ground to believe, are committing, or have committed, a misdemeanor under this supplement and to make complaint against such persons as in other cases of misdemeanors. All property when seized shall be under the jurisdiction of the commissioner. When any such property is seized the commissioner within fifteen days of such seizure shall cause to be posted at the place of seizure a notice that a hearing will be held by the commissioner at a place and time named in such notice, which time shall not be less than five nor more than thirty days after the posting of such notice, to determine whether the seized property constitutes such unlawful property. At least three days prior to the date of hearing a notice thereof shall be published in a newspaper printed and circulating in the county where the property was seized and shall be mailed to any person known or believed by the commissioner to have an interest in the seized property and to the record owner of and any person known or believed to have an interest in any building or premises in or on which the seized property was located when seized.

Complaint.

Hearing.

Notice of hearing published.

4. If after such hearing the commissioner determines that the seized property constitutes such unlawful property he shall declare said property forfeited and may, in his discretion, order that the seized property, in whole or in part, be sold, destroyed or retained for the use of hospitals, and State, county and municipal institutions and that the building or premises in or on which such un-

Disposition of seized property.

lawful property was located when seized shall not be occupied or used for any purpose whatsoever for such period, not exceeding one year, as shall be fixed by the commissioner.

Unregistered still deemed a nuisance.

4(a). Any still not registered pursuant to this supplement in actual operation in the manufacture of illicit beverages or set up for such purpose, is hereby declared to be a nuisance per se and such still, parts thereof and all other property actually used in connection therewith when seized may be destroyed at the direction of the commissioner at the time of the seizure or thereafter, without notice or hearing, anything herein to the contrary notwithstanding.

Review of order.

5. The determination of the commissioner shall be in the form of an order which shall be subject to review on certiorari to the Supreme Court and service of notice of application for such writ of certiorari shall operate as a stay of the commissioner's order until further order of the court or a justice thereof.

Return property wrongfully seized.

6. The commissioner, upon being satisfied that the seized property does not constitute unlawful property, shall return the same to the person or place from whom or which the same was taken.

Payment of cost.

The commissioner, upon being satisfied that a person whose property has been seized or forfeited pursuant to the provisions hereof has acted in good faith and has unknowingly violated the provisions hereof, may order that such property be returned upon payment of the reasonable costs incurred in connection with the seizure, such costs to be determined by the commissioner.

Monies accounted for.

7. All monies received by the commissioner hereunder shall be accounted for as in the case of license fees.

Penalty, violations.

8. Any person who shall knowingly violate any order of the commissioner that a building or premises shall not be occupied or used for any purpose whatsoever shall be guilty of a misdemeanor and shall be punished by a fine of not less than one

hundred dollars ($100.00) and not more than five hundred dollars ($500.00) or imprisonment for not less than thirty days and not more than six months, or by both such fine and imprisonment in the discretion of the court.

Penalty possession of unregistered apparatus.

9. Any person who shall have in his possession or custody or under his control any still or distilling apparatus set up, dismantled, or in the process of construction, or parts thereof without having registered same in accordance with the provisions hereof shall be guilty of a misdemeanor and punished by a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00) or imprisonment for not less than thirty days and not more than three years, or by both such fine and imprisonment, in the discretion of the court.

10. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 256

AN ACT to supplement an act entitled "An act concerning alcoholic beverages," passed December sixth, one thousand nine hundred and thirty-three.

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

Solicitor's permit.

1. No individual shall offer for sale or solicit any order in the State for the purchase or sale of any alcoholic beverage, whether such sale is to be made within or without this State, unless such person shall have a solicitor's permit issued by the

Proviso. commissioner hereunder; *provided, however,* that nothing contained in this supplement shall prohibit such offer or solicitation by any licensee himself or any employee of any retail licensee in connection with and in the course of the licensed business.

Issuing permit. 2. The commissioner is empowered to issue, subject to rules and regulations, solicitor's permits which shall set forth such facts as may be prescribed by the commissioner and shall authorize the permittee to make offers for such sales and solicit orders for such sales of alcoholic beverages as are in accordance with the act to which this is a supplement, as amended and supplemented, and any rules and regulations promulgated thereunder, on behalf of any vendor or vendors represented by the solicitor and designated in the permit. The fee

Fee. for such permits shall be five dollars ($5.00) per

Expiration. annum or any part thereof and they shall expire on June thirtieth following their issuance, except as otherwise specified therein.

3. Any person who violates any provisions of this act shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00), or imprisonment for not less than ten (10) days or not more than three (3) months or by both such fine and imprisonment in the discretion of the court.

Penalty. 4. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 257

AN ACT to amend an act entitled "An act concerning alcoholic beverages," passed December sixth, one thousand nine hundred and thirty-three.

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

1. Section one of the act of which this is an amendment is hereby amended to read as follows: Section 1 amended.

1. For the purpose of this act, the following words and terms shall be deemed to have the meanings herein given to them: Terms defined:

(a) "Alcoholic beverage." Any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcoholic content of more than one-half of one per centum by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same, and fruit juices. Alcoholic beverage;

(aa) "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral spirits from whatever source or by whatever processes produced. Alcohol;

(b) "Building." A structure of which licensed premises are or may be a part, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and every part of the structure of which the licensed premises are a part, and of any other structure to which there is a common means of access, and any other appurtenances. Building;

(c) "Civil service act." The act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a civil service com- Civil service act;

mission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and all acts amendatory thereof and supplementary thereto.

Commissioner; (d) "Commissioner." The State Commissioner of Alcoholic Beverage Control.

Container; (e) "Container." Any glass, can, bottle, vessel or receptacle of any material whatsoever used for holding alcoholic beverages, which container is covered, corked or sealed in any manner whatsoever.

Eligible; (f) "Eligible." The status of a person who is a citizen of the United States, a resident of this State, of good moral character and repute, and of legal age.

Governing board or body; (g) "Governing board or body." The board or body which governs a municipality, including a board of aldermen in municipalities so governed;

Proviso; *provided, however,* that in every municipality having a board of public works which exercises general licensing powers said board shall be considered as the governing board or body.

Importing; (h) "Importing." The act of bringing or of causing to be brought any alcoholic beverage into this State.

Illicit beverage; (i) "Illicit beverage." Any alcoholic beverage manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, possessed or transported in violation of this act, or on which any Federal tax or tax imposed by the laws of this State has not been paid; and any alcoholic beverage possessed, kept, stored, owned or imported with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport in violation of the provisions of this act.

Licensed building; (j) "Licensed building." Any building containing licensed premises.

Licensed premises; (k) "Licensed premises." Any premises for which a license under this act is in force and effect.

Magistrate; (l) "Magistrate." A judge of the court of quarter sessions in and for any county, or a judge

of a city or district criminal court, or a police judge or justice or recorder of any municipality, and all justices of the peace; *provided, however,* that no justice of the peace shall sit as a magistrate under this act within the corporate limits of a municipality having a police judge or justice or recorder, or a city criminal court or within the corporate limits of any municipality included in any criminal district in which there shall be a district criminal court. Proviso;

(m) "Manufacturer." Any person who, directly or indirectly, personally or through any agency whatsoever, engages in the making or other processing whatsoever of alcoholic beverages. Manufacturer;

(n) "Municipality." Any city, town, township, village, or borough, including a municipality governed by a board of commissioners or improvement commission, but excluding a county. Municipality;

(o) "Municipal board." The municipal board of alcoholic beverage control as established by this act. Municipal board;

(p) "Officer." Any sheriff, deputy sheriff, constable, police officer, member of the Department of State Police, or any other person having the power to execute a warrant for arrest or any inspector or investigator of the Department of Alcoholic Beverage Control. Officer;

(q) "Original container." Any container in which an alcoholic beverage has been delivered to a retail licensee. Original container;

(r) "Person." Any natural person or association of natural persons, association, trust company, partnership, corporation, organization, or the manager, agent, servant, officer, or employee of any of them. Person;

(s) "Premises." The physicial place at which a licensee is or may be licensed to conduct and carry on the manufacture, distribution or sale of alcoholic beverages, but not including vehicular transportation. Premises;

(ss) "Restaurant." An establishment regularly and principally used for the purpose of providing Restaurant;

meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers and in which no other business, except such as is incidental to such establishment, is conducted.

Retailer;

(t) "Retailer." Any person who sells alcoholic beverages to consumers.

Rules and regulations;

(u) "Rules and regulations." The rules and regulations established from time to time by the commissioner.

Sale;

(v) "Sale." Every delivery of an alcoholic beverage otherwise than by purely gratuitous title, including deliveries from without this State and deliveries by any person without this State intended for shipment by carrier or otherwise into this State and brought within this State, or the solicitation or acceptance of an order for an alcoholic beverage, and including exchange, barter, traffic in, keeping and exposing for sale, serving with meals, delivering for value, peddling, possessing with intent to sell, and the gratuitous delivery or gift of any alcoholic beverage by any licensee.

Unlawful alcoholic beverage activity;

(w) "Unlawful alcoholic beverage activity." The manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of any alcoholic beverage in violation of this act, or the importing, owning, possessing, keeping or storing in this State of alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of this act, or the owning, possessing, keeping or storing in this State of any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this act, or to aid or abet

another in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this act, or the aiding or abetting of another in any of the foregoing activities.

Unlawful property;

(x) "Unlawful property." All illicit beverages and all implements, vehicles, vessels, airplanes, and paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages used in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages or owned, possessed, kept or stored with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages, whether such use be by the person owning, possessing, keeping, or storing the same, or by another with the consent of such person; and all alcoholic beverages, fixtures and personal property located in or upon any premises, building, yard or enclosure connected with a building, in which an illicit beverage is found, possessed, stored or kept.

Wholesaler.

(y) "Wholesaler." Any person who sells an alcoholic beverage for the purposes of resale, either to a licensed wholesaler or to a licensed retailer, or both.

Use of words.

Any definition herein contained shall apply to the same word in any form. Thus "sell" means to make a "sale" as above defined.

Section 2 amended.

2. Section two of the act of which this is an amendment is hereby amended to read as follows:

Unlawful activity.

2. It shall be unlawful to manufacture, sell, possess with intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix, process, bottle, or distribute alcoholic beverages in this State, except pursuant to and within the terms of a license, or as otherwise expressly authorized, under this act;

Proviso. *provided, however,* that any drink actually intended for immediate personal consumption may be mixed

Proviso. by any person; *and provided, further,* that alcoholic beverages intended in good faith to be used solely for personal consumption may be transported in any vehicle from a point within this State to the extent of, not exceeding one-half (½) barrel, or two (2) cases containing not in excess of twenty-four (24) quarts in all, of beer, ale or porter, and five (5) gallons of wine and twelve (12) quarts of other alcoholic beverages within any consecutive period of twenty-four (24) hours, and from a point outside this State to the extent of, not exceeding one-fourth (¼) barrel or one (1) case containing not in excess of twelve (12) quarts in all, of beer, ale or porter, and one (1) gallon of wine and two (2) quarts of other alcoholic beverages within any

Special permit to transport. consecutive period of twenty-four (24) hours. If any person or persons desire to transport alcoholic beverages intended only for personal consumption in quantities in excess of those above mentioned, an application may be made to the commissioner who may, upon being satisfied of the good faith of the

Fee. applicant, and upon payment of a fee of five dollars ($5.00) issue a special permit limited by such conditions as the commissioner may impose, authorizing such transportation of alcoholic beverages in quantities in excess of those above mentioned.

Section 5 amended. 3. Section five of the act of which this is an amendment is hereby amended to read as follows:

Municipal control board. 5. Each municipality, now or hereafter, having a population of fifteen thousand (15,000) or more, according to Federal or State census, is hereby authorized to establish in and for such municipality, by resolution or ordinance of the governing board or body established by law in respect to said municipality, a municipal board of alcoholic bev-

Members. erage control, which shall consist of three persons, no more than two of whom shall be of the same political party, who shall be chosen and appointed

Term. by said governing board or body of said munici-

Proviso. pality, for a term of three years; *provided, how-*

ever, that one of the initial appointments shall be for one year, another for two years, and the third for three years; *provided, further,* that in the case of any vacancy occurring before the expiration of any term, the appointment to fill such vacancy shall be only for the unexpired term. The members of such municipal board shall receive no salaries and shall be removable by the appointing authority for cause. Such members shall not be subject to the civil service act and may be members of said governing board or body of said municipality.

Proviso.

No salary.

Not subject to civil service.

4. Section six of the act of which this is an amendment is hereby amended to read as follows:

Section 6 amended.

6. Anything hereinbefore or hereinafter to the contrary notwithstanding, in all counties of the sixth class, all the powers conferred and all the duties imposed upon issuing officials in and for each municipality in said county by this act and the rules and regulations made pursuant thereto, in respect to all the several classes of retail licenses for the sale and for the distribution of alcoholic beverages, shall reside in and be imposed upon and performed by the judge of the court of common pleas of such county, and said judge shall be empowered and under a duty to fix the fees for such licenses in and for each municipality in said county in accordance with this act and may, as regards each respective municipality, limit the number of licenses to sell alcoholic beverages at retail and the hours between which the sales of alcoholic beverages at retail may be made, prohibit the retail sale of alcoholic beverages on Sunday, provide that no more than one (1) retail license shall be granted to any person, corporation, partnership, limited partnership or association and that any one or more of the various types of retail licenses shall not be granted, and, subject to the approval of the commissioner first obtained, regulate the conduct of any business licensed to sell alcoholic beverages at retail and the nature and condition of the premises upon which any such business is to be conducted. The aforesaid limitations of number of licensees

Regulation in sixth class counties.

Limitations subject to appeal.

and of hours of sale shall be subject respectively to appeal to the commissioner as hereinafter provided.

Section 11 amended.

5. Section eleven of the act of which this is an amendment is hereby amended to read as follows:

Class A licenses:

11. Class A licenses shall be subdivided and classified as follows:

Plenary brewery licenses;

(1) a. Plenary brewery license. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to distribute and sell his products to wholesalers and retailers licensed respectively in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be four thousand dollars ($4,000.00).

Fee;

Limited brewery license;

(1) b. Limited brewery license. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity dependent upon the following fees and not in excess of three hundred thousand (300,000) barrels of thirty-one (31) fluid gallons capacity per year and to be expressed in said license and to distribute and sell his products to wholesalers and retailers licensed respectively in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so brew not more than fifty thousand (50,000) barrels of thirty-one (31) fluid gallons capacity per annum, five hundred dollars ($500.00); to so brew not more than one hundred thousand (100,000) barrels of thirty-one (31) fluid gallons capacity per annum, one thousand dollars ($1,000.00); to so brew not more than two hundred thousand (200,000) barrels of thirty-one (31) fluid gallons capacity per annum, two thousand dollars ($2,000.00); to so brew not more than three hundred thousand (300,000) bar-

Graduated fees;

rels of thirty-one (31) fluid gallons capacity per annum, three thousand dollars ($3,000.00).

(2) a. Plenary winery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to distribute and sell his products to wholesalers, retailers and to churches for religious purposes respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be five hundred dollars ($500.00). Plenary winery license; Fee;

(2) b. Limited winery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture for sale any naturally fermented wines and fruit juices in a quantity dependent upon the following fees and not in excess of five thousand gallons per year and to be expressed in said license and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to consumers, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: to so manufacture between twenty-five hundred (2,500) and five thousand (5,000) gallons per annum, two hundred dollars ($200.00); to so manufacture between one thousand (1,000) and twenty-five hundred (2,500) gallons per annum, one hundred dollars ($100.00); to so manufacture between two hundred (200) and one thousand (1,000) gallons per annum, twenty-five dollars ($25.00); to so manufacture less than two hundred (200) gallons per annum, one dollar ($1.00). Limited winery license; Graduated fee;

(3) a. Plenary distillery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and Plenary distillery license;

to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be seven thousand five hundred dollars ($7,500.00).

Fee;

Limited distillery license;

(3) b. Limited distillery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture, in a quantity to be expressed in said license, dependent upon the following fees, any alcoholic beverages distilled from fruit juices and rectify, blend, treat and mix, and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so manufacture not more than five thousand (5,000) wine gallons per annum, seven hundred and fifty dollars ($750.00); to so manufacture not more than ten thousand (10,000) wine gallons per annum, one thousand two hundred and fifty dollars ($1,250.00); to so manufacture without limit as to amount, two thousand five hundred dollars ($2,500.00).

Graduated fee;

Rectifier and blender license;

(4) Rectifier and blender license. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat and mix distilled alcoholic beverages, and to fortify, blend and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be two thousand five hundred dollars ($2,500.00).

Fee.

6. Section twelve of the act of which this is an amendment is hereby amended to read as follows: Section 12 amended.

12. Class B licenses shall be subdivided and classified as follows: Class B licenses:

(1) Plenary wholesale license. The holder of this license shall be entitled, subject to rules and regulations, to distribute and sell to retailers, and wholesalers, licensed in accordance with his act, alcoholic beverages, and to maintain a warehouse and salesroom. The fee for this license shall be one thousand five hundred dollars ($1,500.00). Plenary wholesale license; Fee;

(2) a. Limited wholesale license. The holder of this license shall be entitled, subject to rules and regulations, to distribute and sell to retailers, and wholesalers, licensed in accordance with this act, brewed malt alcoholic beverages and naturally fermented wines, and to maintain a warehouse and salesroom. The fee for this license shall be seven hundred and fifty dollars ($750.00). Limited wholesale license;

(2) b. Wine wholesale license. The holder of this license shall be entitled, subject to rules and regulations, to distribute and sell to retailers and wholesalers, licensed in accordance with this act, any naturally fermented, treated, blended, fortified and sparkling wines, and to maintain a warehouse and salesroom. The fee for this license shall be one thousand dollars ($1,000.00). Wine wholesale license; Fee;

(2) c. State beverage distributor's license. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute in original containers only, in quantities of not less than one hundred forty-four fluid ounces, to retailers licensed in accordance with this act, unchilled, brewed, malt alcoholic beverages, and to maintain one warehouse and one salesroom. The holder of this license is authorized to sell unchilled, malt alcoholic beverages in original containers only, in quantities of not less than one hundred forty-four fluid ounces, at retail to be delivered by such licensee to the person for consumption in his home. This license shall not be issued to any person, corporation, partnership, limited partnership State beverage distributor's license;

or association holding a plenary or limited brewery license, nor shall it be issued to any person, corporation, partnership, limited partnership or association, directly or indirectly interested in any brewery within or without this State. This license shall not be issued to any person, corporation, partnership, limited partnership or association engaged in or interested directly or indirectly in any retail business other than the sale of malt alcoholic beverages and nonalcoholic beverages. The fee for this license shall be five hundred dollars ($500.00) per annum.

Fee;

Plenary export wholesale license;

(3) Plenary export wholesale license. The holder of this license shall be entitled, subject to rules and regulations, to distribute and sell to retailers, and wholesalers, licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, alcoholic beverages, and to maintain a warehouse and salesroom. The fee for this license shall be two thousand dollars ($2,000.00).

Fee;

Limited export wholesale license;

(4) Limited export wholesale license. The holder of this license shall be entitled, subject to rules and regulations, to distribute and sell to retailers, and wholesalers, licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, brewed malt alcoholic beverages and naturally fermented wines, and to maintain a warehouse and salesroom. The fee for this license shall be one thousand two hundred and fifty dollars ($1,250.00).

Fee.

Section 13 amended.

7. Section thirteen of the act of which this is an amendment is hereby amended to read as follows:

Class C licenses:

13. Class C licenses shall be subdivided and classified as follows:

Plenary retail consumption license;

(1) Plenary retail consumption license. The holder of this license shall be entitled, subject to rules and regulations, to sell for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle, and also to sell

all alcoholic beverages in original containers for consumption off the licensed premises; *provided, however,* that this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business (except the keeping of a hotel or restaurant, or the sale of cigars and cigarettes at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages) is carried on. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by resolution or ordinance, at not less than two hundred dollars ($200.00) and not more than two thousand dollars ($2,000.00); *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that no plenary retail consumption license shall be granted within its respective municipality.

Proviso;

Fee;

Proviso;

(2) Seasonal retail consumption license. The holder of such license shall be entitled, subject to rules and regulations, to sell, during the summer season from May first until November first inclusive, or during the winter season from November fifteenth until April fifteenth inclusive, for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle, and also to sell all alcoholic beverages in original containers for consumption off the licensed premises. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by resolution or ordinance, at seventy-five per centum of the fee fixed by said board or body for plenary retail consumption licenses; *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that no seasonal retail consumption license shall be granted within its respective municipality.

Seasonal retail consumption license;

Fee;

Proviso;

(3) a. Plenary retail distribution license. The holder of this license shall be entitled, subject to

Plenary retail consumption license;

rules and regulations, to sell any alcoholic beverages for consumption off the licensed premises, but only in original containers; *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated by resolution or ordinance at not less than one hundred dollars ($100.00), and not more than one thousand dollars ($1,000.00); *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that no plenary retail distribution license shall be granted within its respective municipality.

Proviso;

Fee;

Proviso;

Limited retail distribution license;

(3) b. Limited retail distribution license. The holder of this license, subject to rules and regulations, shall be permitted to sell for consumption off the licensed premises, but only in original containers, any unchilled brewed malt alcoholic beverages in quantities of not less than seventy-two (72) fluid ounces. The fee for this license shall be fixed by the governing body or board of the municipality in which the licensed premises are situated, by resolution or ordinance at not less than $25.00 or more than $50.00; *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that no limited retail distribution license shall be granted within its respective municipality; *and further provided,* that such governing board or body may by ordinance enact that no more than one such license may be granted to any person, corporation, partnership, limited partnership, or association in each municipality, and said license shall cover only the licensed premises.

Fee;

Proviso;

Proviso;

Plenary retail transit license;

(4) Plenary retail transit license. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption only on railroad trains, airplanes and

boats, while in transit. The fee for this license shall be one hundred and fifty dollars ($150.00), except for boats under five (5) tons gross tonnage and for each such boat the fee shall be ten dollars ($10.00); *provided, however,* that a license issued under this provision to a railroad or air transport company shall cover all dining and club cars and planes operated by any such company within the State of New Jersey; *and provided, further,* that a license for a boat issued under this provision shall apply only to the particular boat for which issued. Fee; Proviso; Proviso;

(5) Club license. The holder of this license shall be entitled, subject to rules and regulations, to sell, only to bona fide club members and their guests, alcoholic beverages intended for immediate consumption on the licensed premises. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by resolution or ordinance, at not less than fifty dollars ($50.00) and not more than one hundred and fifty dollars ($150.00); *provided, however,* that the governing board or body of each municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or similar purposes, and not for private gain, and comply with all conditions which, subject to rules and regulations, may be imposed by the commissioner. Club license; Fee; Proviso; Limitation.

8. Section nineteen of the act of which this is an amendment is hereby amended to read as follows: Section 19 amended.

19. If the other issuing authority shall refuse to issue any license, the applicant shall be notified forthwith of such refusal by a notice served personally upon the applicant, or sent to him by registered mail addressed to him at the address stated in the application. Said applicant may within thirty (30) days after the date of service or of mailing of said notice appeal to the commissioner Upon refusal to grant license. Appeal.

from the action of the issuing authority. If the other issuing authority shall issue a license, any taxpayer or other aggrieved person opposing the issuance of such license may within thirty (30) days after the issuance of said license appeal to the commissioner from the action of the issuing authority. The commissioner shall fix a time for the hearing of the appeal and before hearing the same shall give at least five (5) days' notice of the time so fixed to said applicant, such taxpayer, or other aggrieved person and other issuing authority. Where an appeal is taken from the denial of an application for the renewal of a license, the commissioner may, in his discretion, issue an order upon the respondent issuing authority to show cause why the term of the license should not be extended pending the determination of the appeal, together with ad interim relief extending the term of the license pending the return of the order to show cause. If it shall appear upon the return of the order to show cause that the action of the respondent issuing authority is prima facie erroneous and that irreparable injury to the appellant would otherwise result, the commissioner may, subject to such conditions as he may impose, order that the term of the license be extended pending a final determination of the appeal.

Hearing.

Order to show cause why license should not be extended.

License extended.

Section 23 amended.

9. Section twenty-three of the act of which this is an amendment is hereby amended to read as follows:

Term of license.

Proviso.

Proviso.

Refund of excess fee.

23. All licenses shall be for a term of one year from the first day of July in each year; *provided, however,* that all such licenses issued prior to July first, one thousand nine hundred and thirty-four, shall expire at midnight on June thirtieth, one thousand nine hundred and thirty-four; *and further provided,* that the respective fees for any such license shall be prorated according to the effective date of such license and based on the respective annual fee as in this act provided. Where the license fee deposited with the application exceeds such prorated fee, a refund of the excess shall be made to the

licensee. Licenses are not transferable except as hereinafter provided. A separate license is required for each specific place of business and the operation and effect of every license is confined to the licensed premises. No retail license of any class shall be issued to any holder of manufacturer's or wholesaler's license, and no manufacturer's or wholesaler's license shall be issued to the holder of a retail license of any class. Any person who shall exercise or attempt to exercise, or hold himself out as authorized to exercise, the rights and privileges of a license except the licensee and then only with respect to the licensed premises, shall be guilty of a misdemeanor.

License not transferable.

Each place licensed.

License regulation.

False representation a misdemeanor.

In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the commissioner or other issuing authority may, in his or its discretion, extend said license for a limited time, not exceeding its term, to the executor, administrator, trustee, receiver or other person upon whom the same has devolved by operation of law as aforesaid. Under no circumstances, however, shall a license, or rights thereunder, be deemed property, subject to inheritance, sale, pledge, lien, levy, attachment, execution, seizure for debts, or any other transfer or disposition whatsoever, except to the extent expressly provided by this act.

License extended in case of death, etc.

License not deemed property.

On application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license as to said premises, and after publication of notice of intention to apply for transfer, in the same manner as is required in case of an application for license as to said premises, the commissioner or other issuing authority may transfer, upon payment of a fee of five dollars ($5.00), any license issued by him or it respectively to a different place of business than

Transferring license.

Fee.

that specified therein, by endorsing permission upon such license.

Method of transferring license.

On application made therefor setting forth the same matters and things with reference to the person to whom a transfer of license is sought as are required to be set forth in connection with an original application for license, which application for transfer shall be signed and sworn to by the person to whom the transfer of license is sought and shall bear the consent in writing of the licensee to such transfer, and after publication of notice of intention by the person to whom the transfer of license is sought, to apply for transfer in the same manner as is required in the case of an original application for license, the commissioner or other issuing authority, as the case may be, may transfer any license issued by him or it respectively to said applicant for transfer by endorsing the license. Said application and the applicant shall comply with all requirements of this act pertaining to an original application for license and shall be accompanied, in lieu of the license fee required on the original application, by a fee of ten per centum (10%) of the annual license fee for the license sought to be transferred, which ten per centum (10%) shall be retained by the commissioner or other issuing authority, as the case may be, whether the transfer be granted or not, and accounted for as other license fees.

Fee.

Appeal.

The action of the other issuing authority in granting or refusing to grant any application for a transfer of license to a different place of business or person shall be subject to appeal to the commissioner within thirty (30) days from the date such action was taken.

Employment regulation.

No person who would fail to qualify as a licensee under this act shall be knowingly employed by or connected in any business capacity whatsoever with the licensee; *provided, however,* that specialized technical workers, required in any business may, with the approval of the commissioner, and subject to rules and regulations, be employed although

Proviso.

failing to qualify as to residence or citizenship; *and further provided,* that persons failing to qualify as to age, residence or citizenship may, with the approval of the commissioner, and subject to rules and regulations, be employed by any licensee, but such employee shall not, in any manner whatsoever, sell or solicit the sale or participate in the manufacture, rectification, blending, treating, fortification, mixing, processing or bottling of any alcoholic beverage. Proviso.

10. Section twenty-eight of the act of which this is an amendment is hereby amended to read as follows: Section 28 amended.

28. Any license whether issued by the commissioner or any other issuing authority may be suspended or revoked by the commissioner or the other issuing authority may suspend or revoke any license issued by it, for any of the following causes: Violation of any of the provisions of this act; manufacture, transportation, distribution or sale of alcoholic beverages in a manner or to an extent not permitted by the license or by law; nonpayment of any excise tax or other payment required by law to be paid to the State Tax Commissioner; failure to comply with any of the provisions of an act entitled "An act imposing taxes upon the sale or delivery of alcoholic beverages and providing for the collection thereof," approved December fourth, one thousand nine hundred and thirty-three, as amended and supplemented; failure to have at all times a valid, unrevoked permit, license or special tax stamp, or other indicia of payment, of all fees, taxes, penalties and payments required by any law of the United States; failure to have at all times proper stamps or other proper evidence of payment of any tax required to be paid by any law of this State; any violation of rules and regulations; any violation of any ordinance, resolution or regulation of any other issuing authority or governing board or body; any other act or happening occurring after the time of making of an application for a license which if it had occurred

License may be revoked, etc., for:

Violation of act;

Exceeding limits of license;

Non payment of taxes;

Failure to have Federal permit, etc.;

Failure to have stamps;

Violation of rules and regulations;

Other reasons.

before said time would have prevented the issuance of the license; or for any other cause designated by this act. No suspension or revocation of any license shall be made until a five-day notice of the charges preferred against the licensee shall have been given to him personally or by mailing the same by registered mail addressed to him at the licensed premises and a reasonable opportunity to be heard thereon afforded to him. A suspension or revocation of license shall be effected by a notice in writing of such suspension or revocation, designating the effective date thereof, and in case of suspension, the term of such suspension, which notice may be served upon the licensee personally or by mailing the same by registered mail addressed to him at the licensed premises. Such suspension or revocation shall apply to the licensee and to the licensed premises. A revocation shall render the licensee ineligible to hold or receive any other license, of any kind or class under this act, for a period of two years from the effective date thereof and a second revocation shall render the licensee ineligible to hold or receive any such license at any time thereafter. Any revocation may, in the discretion of the commissioner or other issuing authority as the case may be, render the licensed premises ineligible to become the subject of any further license, of any kind or class under this act, during a period of two years from the effective date of the revocation. No refund, except as expressly permitted by section twenty-three, shall be made of any portion of a license fee after issuance of a license; *provided, however,* that if any licensee, except a seasonal retail consumption licensee, shall voluntarily surrender his license, there shall be returned to him, after deducting as a surrender fee fifty per centum of the license fee paid by him, the prorated fee for the unexpired term; *provided, further,* that such licensee shall not have committed any violation of this act or of any rule or regulation or done anything which in the fair discretion of the commissioner or other

Notice given before suspension.

Suspension of license effected.

Revocation effective.

No refund of fees.

Proviso.

Proviso.

issuing authority, as the case may be, should bar or preclude such licensee from making such claim for refund and that all taxes and other set-offs or counterclaims which shall have accrued and shall have become due and payable to the State of New Jersey and/or any municipality have been paid. Such refund, if any, shall be made as of the date of such surrender. The surrender of a license shall not bar proceedings to revoke such license. The refusal of the other issuing authority to grant any refund hereunder shall be subject to appeal to the commissioner within thirty days after notice of such refusal is mailed to or served upon the licensee. Surrender of retail licenses shall be promptly certified by the issuing authority to the commissioner. Surrender fees shall be accounted for as are investigation fees. If any licensee to whom a refund shall become due under the provisions of this section shall be indebted to the State of New Jersey for any taxes, penalties or interest by virtue of the provisions of chapter four hundred thirty-four of the laws of one thousand nine hundred and thirty-three, as amended, it shall be the duty of the issuing authority before making any such refund, upon receipt of a certificate of the State Tax Commissioner evidencing the said indebtedness to the State of New Jersey, to deduct therefrom, and to remit forthwith to the State Tax Commissioner the amount of such taxes, penalties and interest. In the event of any suspension or revocation of any license by the other issuing authority, the licensee may, within thirty (30) days after the date of service or of mailing of said notice of suspension or of revocation, appeal to the commissioner from the action of the other issuing authority in suspending or revoking such license which appeal shall act as a stay of such suspension or revocation pending the determination thereof unless the commissioner shall otherwise order. When any person files with any other issuing authority written complaint against a licensee specifying charges and requesting that proceedings be in-

Refund made.

No bar to proceedings.

Appeal.

Certification to commissioner.

Taxes, etc., deducted from refund.

Appeals.

stituted to revoke or suspend such license, he may appeal to the commissioner from its refusal to revoke or suspend such license or other action taken by it in connection therewith within thirty (30) days from the time of service upon or mailing of notice to him of such refusal or action. The commissioner shall thereupon fix a time for the hearing of the appeal and before hearing the same shall give at least five (5) days' notice of the time so fixed to such licensee, other issuing authority and appellant.

Hearing.

Section 32 amended.

11. Section thirty-two of the act of which this is an amendment is hereby amended to read as follows:

Investigations.

32. The commissioner and each other issuing authority is hereby authorized and empowered to make, or cause to be made, such investigations as he or it shall deem proper in the administration of this act and of any and all other acts now or which may hereafter be in force and effect concerning alcoholic beverages, or the manufacture, distribution or sale thereof, or the collection of taxes thereon, including the inspection and search of premises for which the license is sought or has been issued, of any building containing the same, of licensed buildings, examination of the books, records, accounts, documents and papers of the licensees or on the licensed premises, and every applicant for a license, and every licensee, and every director, officer, agent and employee of every licensee, shall, on demand, exhibit to the commissioner or other issuing authority, as the case may be, or to his or its deputies or investigators, or inspectors or agents all of the matters and things which the commissioner or other issuing authority, as the case may be, is hereby authorized or empowered to investigate, inspect or examine, and to facilitate, as far as may be in their power so to do, in any such investigation, examination or inspection, and they shall not in any way hinder or delay or cause the hindrance or delay of same, in any manner whatsoever. Investigations, inspections

Investigations without warrants.

and searches of licensed premises may be made without search warrant by the commissioner, his deputies, inspectors or investigators, by each other issuing authority and by any officer. For the purpose of any investigation, examination, inspection, revocation, rule to show cause and every other proceeding authorized under this act or appropriate for its enforcement, the commissioner and each other issuing authority is hereby authorized and empowered to examine, under oath, any and all persons whatsoever and to compel by subpœna the attendance of witnesses and the production of books, records, accounts, papers and documents of any person or persons and to take any oath or affirmation of any person to any deposition, statement, report or application required in the administration of this act, or of any and all other acts now or which may hereafter be in force and effect concerning alcoholic beverages, or the manufacture, distribution and the sale thereof, or the collection of taxes thereon. The fees of witnesses required to attend before the commissioner or other issuing authority shall be the same as those allowed to witnesses in the Supreme Court.

May examine under oath.

Witness' fees.

The above enumerations of purposes and powers shall not be construed as exclusive and shall not limit such power to investigate, examine and subpœna for any purpose consonant with the administration and enforcement of this act.

Construing.

If a person subpœnaed to attend any hearing refuses or fails to appear or to be examined, or to answer any question or to produce any books, records, accounts, papers and documents when ordered so to do by the commissioner, the commissioner or other issuing authority, as the case may be, may apply to the Supreme Court, or any justice thereof, who shall have the power of the court for that purpose, to make an order returnable not less than two nor more than ten days, directing such person to show cause before the court or a justice thereof why he should not comply with the subpœna or direction or order of the commissioner

Failure to obey subpœna.

or of the other issuing authority, as the case may be, and upon the return of such order the court or justice shall examine such person, under oath, and thereupon make such order as may be required, and any refusal or failure to obey such order of the court or such justice may be punished by said court or by said justice as a contempt of the Supreme Court.

Contempt of court.

Each deputy commissioner shall have and exercise all the powers conferred by this act upon the commissioner to the extent that the same shall be delegated to him by the commissioner by rules and regulations.

Deputy commissioners' powers.

One of such deputy commissioners shall be designated by the commissioner with power to perform all of the duties of the commissioner in case of his absence or inability to act for any cause and who shall also have authority to so act in the event of death of the commissioner until a successor has been appointed and qualified.

Deputy to act for commissioner.

12. Section thirty-four of the act of which this is an amendment is hereby amended to read as follows:

Section 34 amended.

34. The commissioner shall adopt an official seal. Copies of any act, rule, regulation, order or decision made by him and of any paper or papers filed in any office maintained by him, may be authenticated under said seal and when so authenticated shall be evidence in all courts of this State of the same weight and force as the originals thereof. For authenticating any such copy he shall receive such fees as are fixed by him, commensurate with the reasonable cost of the services rendered, to be accounted for by him as in case of license fees, as hereinbefore provided. All records and files of the department shall be open for inspection, pursuant to rules and regulations. The commissioner may certify under said seal any facts concerning the records and files of the department and said certificates shall be received as evidence in all courts of this State to prove the facts contained therein. The commissioner may certify

Official seal.

Fee for authenticating.

Records open for inspection.

What may be certified.

under said seal any findings with respect to the physical properties, nature, flavor, specific gravity, purity, ingredients, proof and alcoholic content of any alcoholic beverage and that such findings are in an analysis made by a graduate chemist regularly employed by the Department of Alcoholic Beverage Control and said certificate shall be received as evidence to prove the facts contained therein.

13. Section thirty-five of the act of which this is an amendment is hereby amended to read as follows:

Section 35 amended.

35. The commissioner is hereby empowered and it is his duty to hear and conduct all appeals provided for by this act and thereupon to render written decisions stating conclusions and reason therefor upon each matter so appealed, and enter orders pursuant thereto. Said decisions and orders shall be binding upon all persons and shall be honored and forthwith executed by the other issuing authority. The commissioner is hereby authorized to order the other issuing authority to issue a license when and if, after a hearing on the appeal of an applicant therefor, the commissioner shall decide that a license was improperly refused or improperly revoked by the other issuing authority; to order the other issuing authority to suspend or revoke a license, or to forthwith terminate the suspension or cancel the revocation of a license, when and if, after a hearing on appeal, the commissioner shall reverse the decision of the other issuing authority; to establish procedure and rules; and to make all findings, rulings, decisions and orders as may be right and proper and consonant with the spirit of this act. Where any order entered by the commissioner pursuant to any appeal taken under this act, except from the denial of a refund, is not honored and executed within ten (10) days after the date thereof, it shall be deemed self-executed and shall have the same force and effect as though actually complied with by the other issuing authority.

Commissioner empowered to hear appeals.

Order license issued.

Revoke, etc., license.

Rules and regulations.

Execution of orders.

Section 37 amended.

14. Section thirty-seven of the act of which this is an amendment is hereby amended to read as follows:

May limit number of licenses and hours of sale.

37. The governing board or body of each municipality, may as regards said municipality, by ordinance or resolution, limit the number of licenses to sell alcoholic beverages at retail and the hours between which the sale of alcoholic beverages at retail may be made, prohibit the retail sale of alcoholic beverages on Sunday, and, subject to the approval of the commissioner first obtained, regulate the conduct of any business licensed to sell alcoholic beverages at retail and the nature and condition of the premises upon which any such business is to be conducted. The aforesaid limitations of number of licensees and of hours of sale shall be subject respectively to appeal to the commissioner as hereinafter provided. The governing board or body of each municipality shall have power to make, enforce, amend and repeal such ordinances as it may deem necessary to prevent the possession, sale, distribution and transportation of alcoholic beverages within its municipality in violation of this act.

Appeal.

Local control.

One license only per person.

The governing board or body of each municipality may, by ordinance, enact that no more than one retail license shall be granted to any person, corporation, partnership, limited partnership or association in said municipality and that said license shall cover only the licensed premises; *provided, however,* that nothing herein contained shall operate to disqualify a guardian, executor, administrator, trustee, receiver, or any other fiduciary or court officer from obtaining or from holding more than one such license in different official capacities.

Proviso.

Section 41 amended.

15. Section forty-one of the act of which this is an amendment is hereby amended to read as follows:

Referendum.

41. If, at any time after this act becomes effective, a petition, signed by at least fifteen per centum of the qualified electors of any municipality as evidenced by the total number of votes cast at the then next preceding election for members of the

General Assembly in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to the act entitled "An act to regulate elections" (Revision 1930), and the acts amendatory thereof and supplementary thereto (which last mentioned act and its amendments and supplements is hereinafter referred to as the general election law), upon the official ballot to be used in said municipality at the next ensuing general election a question to read: "Shall the retail sale of alcoholic beverages, other than brewed malt alcoholic beverages and naturally fermented wine, for consumption on the licensed premises by the glass or other open receptacle pursuant to the 'Act concerning alcoholic beverages' be permitted in this municipality?" Thereupon the clerk or secretary of said governing board or body shall forthwith deliver to such county clerk a certified copy of such resolution. If said copy shall be delivered to said county clerk not less than thirty days before said general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in said municipality at the next ensuing general election pursuant to said general election law and thereupon all proceedings with respect to the referendum on said question shall be subject to and governed by said general election law as in other cases of the submission of public questions to the electorate.

Proposition.

Certified copy sent to county clerk.

Proposition printed on ballot.

If a majority of the legal voters voting upon said question shall vote "Yes," the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of said municipality and the retail sales as aforesaid of said alcoholic beverages and the issuing of

Canvass.

licenses pursuant to this act shall be permitted in said municipality.

Determining result of referendum.

If a majority of the legal voters voting upon said question shall vote "No," then the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of said municipality, and after thirty days have elapsed after the date of said vote the retail sale of alcoholic beverages, other than brewed malt alcoholic beverages and naturally fermented wines, for consumption on the licensed premises by the glass or other open receptacle (such retail sale being sometimes hereinafter called "prohibited sales"), shall be unlawful in said municipality and constitute a violation of this act, and it shall forthwith upon said vote be unlawful for the other issuing authority of said municipality, having authority to issue licenses, to issue any license in respect to such municipality which shall permit such prohibited sale, and all licenses theretofore issued in respect to such municipality which shall have licensed such prohibited sale shall, to the extent that they permitted such prohibited sale, become void and inoperative thirty days after the date of said vote.

Limits referendums.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in said municipality in the third year thereafter and so long as said referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of said referendum shall have no effect within said municipality.

Section 42 amended.

16. Section forty-two of the act of which this is an amendment is hereby amended to read as follows:

Referendum on sale and use on premises.

42. If, at any time after this act becomes effective, a petition, signed by at least fifteen per centum of the qualified electors of any municipal-

ity as evidenced by the total number of votes cast at the then next preceding election for members of the General Assembly in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to the act entitled "An act to regulate elections" (Revision 1930), and the acts amendatory thereof and supplementary thereto (which last mentioned act and its amendments and supplements is hereinafter referred to as the general election law), upon the official ballot to be used in said municipality at the next ensuing general election a question to read: "Shall the retail sale of all kinds of alcoholic beverages, for consumption on the licensed premises by the glass or other open receptacle pursuant to the 'Act concerning alcoholic beverages' be permitted in this municipality?" Thereupon the clerk or secretary of said governing board or body shall forthwith deliver to such county clerk a certified copy of such resolution. If said copy shall be delivered to said county clerk not less than thirty days before said general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in said municipality at the next ensuing general election pursuant to said general election law and thereupon all proceedings with respect to the referendum on said question shall be subject to and governed by said general election law as in other cases of the submission of public questions to the electorate.

Proposition.

Certified copy sent to county clerk.

Proposition printed on ballot.

If a majority of the legal voters voting upon said questions shall vote "Yes," the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of said municipality and the retail sales as aforesaid of said alcoholic beverages and the issu-

Canvass.

ing of licenses pursuant to this act shall be permitted in said municipality.

Determining result of referendum.

If a majority of the legal voters voting upon said question shall vote "No," then the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of said municipality, and after thirty days have elapsed after the date of said vote, the retail sale of all kinds of alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle (such retail sale being sometimes hereinafter called "prohibited sale"), shall be unlawful in said municipality and constitute a violation of this act, and it shall forthwith upon said vote be unlawful for the other issuing authority of said municipality having authority to issue licenses to issue any license in respect to such municipality which shall permit such prohibited sale and all licenses theretofore issued in respect to such municipality which shall have licensed such prohibited sale shall, to the extent that they permitted such prohibited sale, become void and inoperative thirty days after the date of said vote.

Limits referendum.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in said municipality in the third year thereafter and so long as said referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of said referendum shall have no effect within said municipality.

Section 43 amended.

17. Section forty-three of the act of which this is an amendment is hereby amended to read as follows:

Referendum.

43. If, at any time after this act becomes effective, a petition, signed by at least fifteen per centum of the qualified electors of any municipality as evidenced by the total number of votes cast at the then next preceding election for members of

the General Assembly in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to the act entitled "An act to regulate elections" (Revision 1930), and the acts amendatory thereof and supplementary thereto (which last mentioned act and its amendments and supplements is hereinafter referred to as the general election law), upon the official ballot to be used in said municipality at the next ensuing general election, a question to read: "Shall the sale of all alcoholic beverages at retail, except for consumption on railroad trains, airplanes and boats, and the issuance of any retail licenses, except as aforesaid, pursuant to the 'Act concerning alcoholic beverages' be permitted in this municipality?" Thereupon the clerk or secretary of said governing board or body of such municipality, shall forthwith deliver to such county clerk a certified copy of such resolution. If said copy shall be delivered to said county clerk not less than thirty days before said general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in said municipality at the next ensuing general election, pursuant to said general election law and thereupon all proceedings with respect to the referendum on said question shall be subject to and governed by said general election law as in other cases of the submission of public questions to the electorate.

Proposition.

Certified copy sent to county clerk.

Proposition printed on ballot.

If a majority of the legal voters voting upon said question shall vote "Yes," the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of said municipality and retail sales of alcoholic beverages and the issuing of retail licenses pursuant to this act shall be permitted in said municipality.

Canvass.

Determining result of referendum.

If a majority of the legal voters voting upon said question shall vote "No," then the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of said municipality and thereupon it shall be unlawful for the other issuing authority of said municipality, having authority to issue plenary retail consumption, plenary retail distribution and limited retail consumption licenses, to issue any such licenses in respect to such municipality, and all such licenses therefor issued in respect to such municipality shall become void and inoperative thirty days after the date of said vote, and thereupon the municipal board of such municipality shall be dissolved, and the offices of its members shall terminate and all its activities hereunder shall cease; *provided, however,* that if in a later referendum held pursuant to this act a majority of the legal voters voting upon the same question last above stated shall vote "Yes," a municipal board for such municipality may forthwith be appointed in the same manner and with the same effect as when this act first became effective. Whenever any such license shall become void and inoperative by virtue of said referendum there shall be returned to the licensee the prorated license fee for the unexpired term.

Proviso.

Part of fee returned.

Limits referendum.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in said municipality in the third year thereafter and so long as said referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of said referendum shall have no effect within said municipality.

Section 44 amended.

18. Section forty-four of the act of which this is an amendment is hereby amended to read as follows:

Referendum on Sunday sales.

44. If, at any time after this act becomes effective, a petition, signed by at least fifteen per centum of the qualified electors of any municipality as evidenced by the total number of votes cast at the then next preceding election for members of the General Assembly in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to the act entitled "An act to regulate elections" (Revision 1930), and the acts amendatory thereof and supplementary thereto (which last mentioned act and its amendments and supplements is hereinafter referred to as the general election law), upon the official ballot to be used in said municipality at the next ensuing general election, a question to read: "Shall the sale of alcoholic beverages be permitted on Sundays in this municipality?" Thereupon the clerk or secretary of said governing board or body of such municipality shall forthwith deliver to such county clerk a certified copy of such resolution. If said copy shall be delivered to said county clerk not less than thirty days before said general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in said municipality at the next ensuing general election, pursuant to said general election law and thereupon all proceedings with respect to the referendum on said question shall be subject to and governed by said general election law as in other cases of the submission of public questions to the electorate.

Proposition.

Certified copy sent to county clerk.

Canvass.

If a majority of the legal voters voting upon said question shall vote "Yes," the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of said municipality and the sale of alcoholic

beverages on Sundays pursuant to the provisions of this act shall be permitted in said municipality.

Determining result of referendum.

If a majority of the legal voters voting upon said question shall vote "No," then the clerk of the governing board or body of said municipality shall forthwith in writing notify the commissioner and municipal board, if any, as the case may be, having authority to issue such licenses of the action taken by the legal voters of said municipality, and thereupon it shall be unlawful for any person to sell alcoholic beverages in said municipality on Sundays and such sale shall constitute a violation of this act.

Limits referendums.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in said municipality in the third year thereafter and so long as said referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of said referendum shall have no effect within said municipality.

Section 48 amended.

19. Section forty-eight of the act of which this is an amendment is hereby amended to read as follows:

Manufacture, etc., in violation of act a misdemeanor.

48. Any person who shall manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport any alcoholic beverage in violation of this act, or who shall import, own, possess, keep or store in this State alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of the provisions of this act, or who shall own, possess, keep or store in this State any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing,

warehousing or transportation of alcoholic beverages in violation of this act, or to aid or abet another in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this act, all of which shall be violations of this act, shall be guilty of a misdemeanor and punished by a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00) or imprisonment for not less than thirty days and not more than three years, or by both such fine and imprisonment, in the discretion of the court.

Fine.

Any person who shall possess, have custody of, offer for sale or sell any illicit beverage shall be guilty of a misdemeanor and punished by a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00) or imprisonment for not less than thirty days and not more than three years, or by both such fine and imprisonment, in the discretion of the court.

Sale, etc., of illicit beverage a misdemeanor.

Fine.

20. Section sixty-four of the act of which this is an amendment is hereby amended to read as follows:

Section 64 amended.

64 (a). Any officer knowing, or having reasonable cause to believe that any person is engaged in unlawful alcoholic beverage activity, it shall be his duty to investigate, under proper search warrant when necessary, which it shall be his further duty to apply for, and to seize all property which he shall know, or have reasonable ground to believe is unlawful property, including in the case of illicit alcoholic beverages within any vehicle, the vehicle containing the same, and to arrest all persons whom he shall know, or have reasonable ground to believe, are committing, or have committed, a misdemeanor under this act and to make complaint against such persons as in other cases of misdemeanor. All property when seized shall be under the jurisdiction of the commissioner subject to this act. Any seized property shall be returned to any person claiming the same upon execution

Officers to make complaint, etc.

Seized property.

Seized property returned upon execution of bond.

and delivery by him to the commissioner of a bond in a form and with sureties satisfactory to the commissioner in a sum double the retail value of the property, as appraised by the commissioner, conditioned, (1) to pay to the commissioner for the use of the State the full retail value of said property in case the same shall appear to have been unlawful property, and (2) in case it shall appear that said property was not unlawful property, to pay such part of the retail value thereof as may represent the value of the outstanding right, title, interest, lien or claim of any other person, to such other person, which bond shall be enforceable, as other obligations for payment of money, by civil action in any court of competent jurisdiction, first by the commissioner, to be instituted within one year from the date thereof, and, secondly, by such other person as third party beneficiaries, at any time after final judgment in such action by the commissioner, or after the expiration of said year in case no such action shall have been instituted by the commissioner in the meantime. In lieu of such bond, the claimant to the said seized property may pay to the commissioner for the use of the State the retail value thereof in cash, as appraised by the commissioner, under protest, subject to the right of the person making the payment to recover said sum upon establishing that the property was not unlawful property by an action to be commenced within one year from the date of such payment, and not thereafter, in any court of competent jurisdiction. Said claimant may, in lieu of either remedy, bring an action of replevin for the said property against the commissioner in any court of competent jurisdiction according to the forms and procedure, including the delivery of a bond, of said court, said action to be commenced within thirty days from the seizure of such property and not thereafter. If the commissioner shall be satisfied that property seized was not unlawful property he may return the same to the person or place from whom the

Pay retail value in lieu of bond.

May replevin.

Property returned.

same were taken. If any seized property shall not be reclaimed within thirty days, after determination by him that such property is unlawful property, and subject to rules and regulations, the commissioner shall forfeit said property and may, in his discretion order that the seized property in whole or in part be sold, destroyed or retained for the use of hospitals and State, county and municipal institutions. The forfeiture of any seized property shall terminate all property interests therein and in any proceeds therefrom, including the interests of the owner, any conditional vendor, chattel mortgagee or other lienor and all other persons. No such forfeiture, sale, destruction or retention for use of hospitals and State, county and municipal institutions shall be had except after hearing, of which notice, of not less than fifteen nor more than thirty days, shall be given by mail to all persons known or believed by the commissioner to have an interest in the seized property and by publication twice in a newspaper to be designated by the commissioner and circulating in the county where the property was seized once in each of the two consecutive calendar weeks preceding such hearing. After such hearing, the commissioner shall file his determination in the form of an order which shall be subject to review on certiorari to the Supreme Court. Service of notice of application for such writ shall operate as a stay of the commissioner's order until further order of the court or of a justice thereof. All monies received by the commissioner hereunder shall be reserved during the time allowed any person an opportunity of establishing a right thereto and shall immediately thereafter be accounted for by the commissioner as in the case of license fees received hereunder. All sales by the commissioner shall convey the commissioner's right, title and interest which shall be that of sole and absolute ownership, free and clear of all outstanding title, rights, interest and liens.

Goods not claimed.

Forfeiture terminates property interest.

Hearing, notice and publication.

Order filed after hearing.

Disposition of monies.

Sale.

Released property subject to further seizure.

Property seized and released shall thereafter be subject to further seizure because of ownership, possession or use thereof in connection with further unlawful alcoholic beverage activities.

Personal property, etc., seized.

(b) All alcoholic beverages, fixtures and personal property located in or upon any premises, building, yard or enclosure connected with a building, in which an illicit beverage is found, possessed, stored or kept, are hereby declared unlawful property and shall be seized, forfeited and disposed of in the same manner as other unlawful property seized under this section.

Vehicles and load seized.

(c) All alcoholic beverages manufactured, sold, imported or transported in violation of rules and regulations, together with any vehicle containing the same, are hereby declared unlawful property and shall be seized, forfeited and disposed of in the same manner as other unlawful property seized under this section.

Preparations, etc., seized.

(d) Any contrivance, preparation, compound, tablet, substance or recipe advertised, designed or intended for use in the manufacture of alcoholic beverages for personal consumption or otherwise in violation of this act is hereby declared unlawful property and shall be seized, forfeited and disposed of in the same manner as other unlawful property seized under this section. Any person who shall advertise, manufacture, sell or possess for sale, or cause to be advertised, manufactured, sold or possessed for sale property declared unlawful under this paragraph, shall be guilty of a misdemeanor and punished by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00), or imprisonment for not less than thirty (30) days and not more than six (6) months or by both such fine and imprisonment in the discretion of the court.

Advertising.

Property returned upon payment of costs.

(e) The commissioner upon being satisfied that a person whose property has been seized or forfeited pursuant to the provisions of this section has acted in good faith and has unknowingly violated the provisions thereof, may order that such

property be returned upon payment of the reasonable costs incurred in connection with the seizure, such costs to be determined by the commissioner.

Seized vehicle returned.

The commissioner may, upon being satisfied that a common carrier, whose vehicle has been seized under the provisions of this act, has acted in good faith and had no knowledge at the time of the seizure, that the vehicle contained illicit alcoholic beverages, order that the seized vehicle be returned to the common carrier.

Validity of lien recognized.

(f) The commissioner, upon being satisfied that a person having a bona fide and valid lien upon or interest in property seized or forfeited pursuant to the provisions of this section has acted in good faith and had no knowledge of the unlawful use to which the property was put or of such facts as would have led a person of ordinary prudence to discover such use, may, in his discretion and subject to rules and regulations, recognize the validity and priority of such claim or interest. Where the validity and priority of a lien or interest have been so recognized by the commissioner, he may (1) order, where it appears that the amount or value of said lien or interest exceeds the value of the property plus costs, that the property be returned to the innocent claimant upon payment of the reasonable costs incurred in connection with the seizure, such costs to be determined by the commissioner, or (2) order that the property be sold and that the amount of the lien or value of the interest, which amount or value shall be established to the satisfaction of the commissioner, be paid out of the proceeds of sale after having deducted therefrom the reasonable costs incurred in connection with the seizure, such costs to be determined by the commissioner.

Order property returned.

Order property sold.

Section 65 repealed.

21. Section sixty-five of the act of which this is an amendment is hereby repealed.

Section 73 amended.

22. Section seventy-three of the act of which this is an amendment is hereby amended to read as follows:

Sale of warehouse receipts.

73. The sale of receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages is prohibited, except under and pursuant to the provisions of a warehouse receipts license issued by the commissioner. The holder of such license shall be entitled to sell such warehouse receipts subject to rules and regulations and the fee therefor shall be one hundred dollars ($100.00). No publication shall be required with respect to applications for warehouse receipts licenses.

Fee.

Publication not required.

23. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 258

AN ACT to supplement an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Refunding indebtedness of school districts.

1. School districts to which applicable; power to fund or refund debts. Whenever, pursuant to an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred thirty-one, as amended and supplemented, hereinafter referred to as the "commission act," the municipal finance commission, hereinafter referred to as the "commission," shall function in a municipality having a school district coterminous therewith which is governed by the provisions of article VII of the act to which this

act is a supplement, hereinafter referred to as the "school law," the commission shall have power from time to time to prepare and certify to the board of education of such school district, in the manner and mode of procedure provided in the commission act, resolutions providing for the funding or refunding of notes or bonds or other indebtedness of such school district, and the interest thereon, which the commission shall have found after public hearing to be outstanding and unpaid and to be due or to become due. The commission may include in the amount of indebtedness to be funded or refunded the expense of issuing and selling notes or bonds hereunder, including the estimated cost of printing, advertising, attorney's fees, execution, certification, exchange and delivery.

Procedure.

2. Public hearing on resolution; adoption. Any proposed resolution providing for the issuance of notes or bonds, if such notes or bonds are payable more than one year from the date of issue, shall be certified as aforesaid only after a public hearing by the commission; but no resolution or amendment thereto determining or altering the form of notes or bonds or providing for their sale, execution or delivery shall require any public hearing before such certification.

Resolution certified after hearing.

3. Adoption upon direction of commission. Such resolutions shall, on direction of the commission, be adopted by the board of education of such school district, by the vote of a majority of the members thereof, in the form certified by the commission.

Adoption by school board.

4. Other laws inapplicable. Such resolutions and any notes or bonds authorized to be issued thereunder shall not be subject to a referendum of the legal voters of the school district or to the limitations or other provisions of any other act.

No referendum.

5. Form of notes or bonds. Subject only to the limitations of this act, such resolution or resolutions supplemental thereto shall determine the terms and the form of notes or bonds to be issued thereunder. Such notes or bonds may be subject to such terms of redemption, with or without premium, and

Details of issue.

Redemption.

contain such provisions with respect to the acceleration of the obligation to pay the principal thereof upon any default in the payment of the interest thereon, as the resolution authorizing this issuance may provide. Any notes or bonds issued under this act in exchange for any instrument issued under any other act may be authorized by such resolution or resolutions to contain a provision that, in case of default in payment of the principal of or interest on any such note or bond, the holder thereof shall not only have all his rights and remedies thereunder, but in addition shall be reinvested with the same rights and remedies as if he were the owner and in possession of the instrument in exchange for which such note or bond shall have been issued. Such notes or bonds may contain such reference to any special covenants or provisions contained in the resolution authorizing their issuance and such other terms, provisions or conditions not inconsistent herewith as may be deemed by the commission to give said notes or bonds a higher degree of marketability as the resolution or resolutions determining the form of the notes or bonds may provide. All notes or bonds issued under this act containing any one or more of such references, terms, provisions, or conditions shall be deemed negotiable instruments, the provisions or limitations of any other law to the contrary notwithstanding; *provided, however,* that nothing in this section shall be construed to impair the negotiability of any other instruments negotiable under other laws of this State.

If default.

Specific provisions.

Issues considered negotiable.

Proviso.

Provision for principal and interest:

6. Collateral agreements. To the end that the principal of and interest on the notes or bonds issued hereunder may be further secured and thereby a more favorable sale or exchange effected, the resolution authorizing the issuance of notes or bonds hereunder may contain provisions which shall be a part of the contract with the holders of such notes or bonds as to (a) the amount to be raised by taxation in the school district in each year for debt service and for reserve or sinking

Amount;

funds; (b) the setting aside of reserve or sinking funds and the amount, source, securing, regulation and disposition thereof; (c) the pledging, depositing or trusteeing of moneys to be applied to the payment of the principal of and interest on the notes or bonds, and the securing of such deposits; (d) the pledging of taxes and other revenues or moneys of the school district directly to the payment of the principal of and interest on the notes or bonds, or to reserve or sinking funds; (e) limitations effective for not exceeding ten years from the effective date of such resolution or resolutions on the amount or nature of borrowing or incurring of indebtedness by the school district; (f) limitations effective for not exceeding five years from the effective date of such resolution or resolutions on the controllable amounts which may validly be voted to be raised by taxes in any year for purposes other than debt service; (g) the terms and conditions upon which such resolution or resolutions or any contract entered into thereby may be amended, rescinded or repealed; (h) any other or further course of conduct on the part of the school district which may tend to improve its credit standing. Any school district adopting a resolution containing any provision authorized hereunder shall have and possess all of the powers necessary and appropriate for the performance thereof. The provisions of any such resolution shall be enforceable by mandamus or other appropriate action or proceeding at law or in equity instituted by the commission or by the holder of any note or bond on behalf of all the holders of such notes or bonds.

Sinking fund; Pledges; Use; Effective period; Limitations; Alterations. Authority. Enforcement.

7. Sale or exchange of notes or bonds. Subject only to the limitations of this act, such resolution or resolutions supplemental thereto shall provide for the sale or exchange and the execution and delivery by such officers of the school district as shall be therein designated, of the notes or bonds to be issued thereunder, and it shall be mandatory upon such officers to sell or exchange and execute

Sale, exchange, etc., of issues.

and deliver such notes or bonds as so determined and provided.

Conditions of sale:

8. Conditions of sale or exchange. All such notes or bonds shall be sold at not less than par at public sale after notice setting forth the terms and conditions of sale, published in such newspaper circulating in the school district, and in such financial newspaper, as shall be designated by any such resolution, except in the following cases:

Regarding bids;

(a) If no bids are received at such public sale, or if all bids are rejected, any notes or bonds or part thereof may with the written assent of the commission be sold without further notice at private sale at any time within six months.

Exchanges;

(b) With the approval in writing of the commission, any notes or bonds or part thereof may be exchanged for any notes or bonds, including interest thereon, of the school district issued under this

Change in rate of interest.

or any other act. The rate of interest borne by any such notes or bonds may be higher or lower than the rate of interest borne by the notes or bonds surrendered.

Creditors may be paid directly with issues;

(c) With the approval in writing of the commission, any notes or bonds may be issued directly to any creditor of the school district in absolute and unconditional payment of the indebtedness and interest thereon of such school district to such

Proviso, release by creditor;

creditor, provided that notes or bonds shall not be so issued unless and until the amount due such creditor has been determined by the board of education and by the commission, nor unless and until the school district receives from such creditor a release running to the school district and if such creditor is a party-plaintiff in any suit, action or proceeding pending against the school district relative to such indebtedness, a stipulation of dismissal of

Release approved.

such suit, action or proceeding. Such release and such stipulation shall be approved as to form by counsel to the school district and by counsel to the commission.

To whom offered and purchase;

(d) Any notes or bonds, or any part thereof, may be sold without any previous public offering

to, and be purchased by, any sinking fund commission or the insurance or pension fund commissioners of the school district offering the bonds, or be sold to any board, commission or officers of the State, authorized by law to purchase such notes or bonds.

(e) Any notes or bonds payable not more than seven years from their date may be sold at private sale with the written assent of the commission. Private sale.

9. Effect of resolutions. Excepting resolutions determining or altering the form of notes or bonds or providing for their sale, execution and delivery, and resolutions amendatory thereof or supplemental thereto, such resolutions adopted by the board of education shall be published in a newspaper circulating in the school district and shall take effect immediately upon such publication. Resolutions printed.

Resolutions determining or altering the form of notes or bonds and resolutions amendatory thereof or supplemental thereto shall take effect immediately upon adoption by the board of education. When effective.

Thirty days after taking effect all resolutions shall be conclusively presumed to have been duly and regularly adopted by the board of education, and to comply with the provisions of this and of every other law; and the validity of any such resolution shall not thereafter be questioned by either a party-plaintiff or a party-defendant, except in a suit, action or proceeding commenced prior to the expiration of such thirty days; and unless a suit, action or proceeding questioning the validity of notes or bonds purporting to be issued by virtue of any such resolution be commenced prior to the expiration of such thirty-day period, any such notes or bonds reciting that they are issued pursuant to this act shall, after their issuance and delivery, if no suit relating thereto is then pending, be conclusively presumed to be fully authorized by all the laws of this State and to have been issued, sold, executed and delivered by the school district in conformity therewith and shall not be questioned by the school district or any taxpayer or legal voter

Presumed regularly adopted.

Validity.

Fully authorized.

Unquestioned.

thereof in any court, anything herein or in any other statutes to the contrary notwithstanding.

District taxed to meet obligations.

10. Power to raise taxes for payment of obligations issued hereunder. Any school district which shall have issued any notes or bonds pursuant to this act shall have the power to raise by a district tax any sum or sums for the purpose of providing for the payment of the interest thereon and the principal thereof and for the setting aside of necessary reserve or sinking funds therefor. The full faith and credit of such school district shall be deemed to have been pledged for the punctual payment of interest on and principal of all notes and bonds issued pursuant to this act.

Assent to increase debt.

11. Additional indebtedness and expenditures limited. In order to conserve the financial resources of the school district, neither the legal voters nor the board of education thereof, without the assent in writing of the commission, shall issue or authorize the issuance of notes or bonds of any kind or character, or create any obligation or indebtedness of the school district, except pursuant to subdivision XIV of section eighty-six of the school act.

Limitation on voters.

Nor shall any action taken by the legal voters of the school district be effective in so far as it purports to raise by tax in any year any sum or sums for any purpose or purposes, except to provide for the payment of the interest on or principal of any debt or obligation of such school district or for the setting aside of necessary reserve or sinking funds therefor, in excess of the sum or sums voted to be raised by tax for like purposes in the preceding year without like assent of the commission.

Default in interest.

12. Further limitations on expenditures. Whenever such school district, or the municipality with which such school district is coterminous, has been or shall be in default for twelve months in the payment of interest on any of its bonds or notes or other written evidence of indebtedness (except where the same is under litigation as to its validity, or where the validity thereof has been denied by formal notice given by the school district or mu-

nicipality, and no suit, action or proceeding to enforce the same has been commenced by the holder); or whenever any such school district or municipality has been or shall be in default for six months in the payment of any part of its regular pay roll, or, in the case of the municipality, in the payment of any sums due from the annual tax levy to the State, county or school district, then in any event no action taken by the legal voters of the school district shall be effective in so far as it purports to raise by tax in any year any sum or sums for any purpose or purposes, except to provide for the payment of the interest on or principal of any debt or obligation of such school district or for the setting aside of necessary reserve or sinking funds therefor, in excess of such limits as may be fixed by the commission.

Default in salaries.

Uses of tax.

13. Assistants of commission; expenses. For the purpose of enabling the commission to carry out this act, the commission shall have power to employ an auditor and such other assistants, legal, clerical or otherwise, and to fix their duties, terms of service and compensation and to incur such other expenses as it may deem necessary, but no expenses (other than expenses directly attributable to the school district such as the costs of issuing the obligations of the school district and the costs of audit) shall be incurred exceeding ten thousand dollars ($10,000.00) for any one school district in any fiscal year of such school district without the consent of a justice of the Supreme Court.

Auditor and assistants.

Expenses limited.

14. Powers and duties of auditors. Whenever the commission shall certify to the board of education that it intends to exercise the powers conferred by this section, thereafter no claims shall be passed for payment by the board of education or other officers of the school district until the auditor of the commission shall have certified that the same have been examined by him and found to be within the amount voted to be raised by tax therefor, and that there is or will be available in an appropriate account sufficient ready funds for its payment.

Duties of auditor.

Counter-signing.

Furthermore, thereafter all warrants, checks or other instruments for the withdrawal or transfer of funds of the school district shall be submitted to such auditor for his counter-signature and no banking institution in which funds of the school district have theretofore been or shall thereafter be deposited shall honor warrants or checks drawn thereon unless the counter-signature of such auditor shall appear on the face of such instruments. The board of education shall provide an adequate office for such auditor, who shall have access to all books of account, records, papers and memoranda of such school district.

Office facilities.

Meeting expenses.

15. Expenses to be paid by school district. The commission shall from time to time certify to the board of education the amount of its expenses, which amount shall be a legal charge upon the school district payable to the commission, and may be raised by the issuance of notes by the board of education, but the amounts so certified, if remaining unpaid, and the amounts of any notes so issued shall be included by the board of education, without any authorization by the legal voters of the school district, in the next succeeding amount certified to the county board of taxation as the amount to be raised by taxation for the purposes of the school district.

Commission acting when school authorities lax.

16. Power of commission to act directly. Whenever any direction of the commission authorized under this act has not been fully performed or carried out by the board of education or other officials of the school district affected, the commission shall have power to perform directly, or cause to be performed by its agents, in the name of the school district, any act so directed by the commission under the provisions of this act, including the power to execute, sell, issue and deliver any notes or bonds directed by the commission to be issued by the school district for the funding or refunding of its indebtedness in the manner and mode of procedure provided by the commission act for the issuance of notes or bonds by a municipality.

17. Remedies. Whenever the commission shall function in a municipality having a school district coterminous therewith which is governed by the provisions of Article VII of the school law, Remedies:

(a) no judgment, decree, levy or execution against such school district or the property thereof for the recovery of the amount due on any bonds, notes or other obligations of the school district, in the payment of which such school district has defaulted, shall be enforced until otherwise specially ordered by the Supreme Court or a justice thereof in an appropriate proceeding for such purpose, after notice to the commission, and the enforcement of any such judgment, decree, levy or execution shall be and it hereby is stayed until otherwise specially ordered as aforesaid; Enforcement of judgments, decrees when default:

(b) no action or proceeding of any kind either direct or ancillary, by way of mandamus or otherwise, shall be brought against such school district, municipality, or any public officers for the assessment, levy or collection of taxes for such school district and any and all actions or proceedings therefor shall be and they hereby are stayed; except that first, the Supreme Court or a justice thereof, after notice to the commission may authorize one or more creditors of such school district to bring and maintain an action or proceeding therefor in the Supreme Court, which shall be brought for the benefit of themselves and all other creditors of such school district and in which all other creditors of such school district shall have the right to intervene and assert their claim and in which all other creditors of such school district may, and said commission shall, be made parties in such manner and upon such notice as the Supreme Court shall approve; and except that, second, the commission may bring and maintain an action or actions by way of mandamus or by any other appropriate proceeding or proceedings for the assessment, levy or collection of taxes for such school district for the payment of principal and/or interest of the indebted- Bringing action; By creditors; By commission:

ness of the school district found to be outstanding as provided in section one of this act;

Disposition of property or funds;

(c) no action or proceeding at law or in equity shall be brought or prosecuted, the purpose of which is to affect the disposition of property or funds owned or controlled by the school district, except as herein provided; if any such school district has in its possession or under its control, or there is in the possession or under the control of the commission, any property or funds of such school district which are or may be available for the payment of interest or principal upon any of the debts of such school district (over and above the payment of the current operating expenses of the school district and the maintenance of a reasonable working capital), then such school district in its discretion may apply, or if directed by the commission shall apply, to the Supreme Court to determine the application and distribution of such property or funds to and among the creditors of the school district, and in any such case the Supreme Court in its discretion may permit an application for relief of the same character to be made by any creditor of the school district; in any such proceedings all creditors of the school district shall be made parties thereto in such manner and upon such notice by publication or otherwise as the Supreme Court shall approve, and any creditor may appear therein and assert his rights to receive all or any part of such property or funds.

Order for disposition of available means;

Order for relief.

Plan of adjustment submitted by creditors.

18. Plan of adjustment of debts. (1) Whenever the commission shall function in any municipality having a school district coterminous therewith which is governed by the provisions of Article VII of the school law, then, upon the verified petition of any creditors of such school district made on behalf of themselves and all other creditors of the school district for the approval of a plan of adjustment or composition of the claims of all creditors or of a class or classes of them similarly situated, which plan shall be submitted with and made a part of

the petition, the Supreme Court by a justice thereof may take jurisdiction of the subject matter and order the filing of the petition in the office of the clerk of the Supreme Court. The school district and the commission shall be made parties to such proceeding. All creditors of the school district shall be made parties thereto by notice to be published and given in such manner as the Supreme Court by its justice may direct. Any creditor of the school district may appear and assert his rights. In the petition the creditors shall allege that the school district is or will be unable to pay in full according to their terms the claims proposed to be adjusted or composed and perform its public functions and preserve the value of property subject to taxation; that the adjustment or composition proposed in the plan is substantially measured by the capacity of the school district to pay, is in the interests of all the creditors affected thereby, and is not detrimental to other creditors of the school district or of the municipality.

Supreme Court to have jurisdiction.

Parties to proceedings.

Allegations.

(2) In any such proceeding, after hearing on the plan proposed or on the plan as modified by order and if such plan as proposed or modified is approved in writing by creditors representing eighty-five per centum (85%) in amount of the indebtedness affected thereby and by the school district and the commission, the Supreme Court by a justice thereof may by order authorize and approve such adjustment or composition if the court by its justice determines (1) that the school district is unable to pay in full according to their terms the claims proposed to be adjusted or composed, and perform its public functions and preserve the value of property subject to taxation, (2) that the adjustment or composition is substantially measured by the capacity of the school district to pay, (3) that it is in the interest of all the creditors affected thereby, and (4) that it is not detrimental to other creditors of the school district or of the municipality.

Approval of scheme of adjustment.

Conditions.

(3) The plan of adjustment or composition so authorized and approved shall forthwith and with-

Plan binding and effectual.

out any further action of any kind be binding upon all the creditors included in such plan, whether or not they appear in such proceeding, and insofar as said plan provides for the substitution of any new bonds, notes, or other obligations of the school district in place of any outstanding bonds, notes or other obligations or claims then outstanding, such substitution shall be effectual from and after such date as may be fixed in such order.

Staying proceedings.

(4) After the institution of any proceeding provided for by this section and pending the determination thereof, the Supreme Court by a justice thereof may by order continue the stay provided by the act

Jurisdiction.

of which this act is a supplement. In the event that a plan shall be authorized and approved pursuant to this act, the court shall retain jurisdiction of such proceeding and thereafter no creditor whose claim is included in such adjustment or composition

Bringing subsequent action.

shall be authorized to bring any action or proceeding of any kind or character for the enforcement of his claim except with the permission of the Supreme Court and then only to recover and enforce the rights given to him by such adjustment or composition.

Amount of indebtedness not reduced.

(5) Notwithstanding any provisions of this act, the commission shall not approve any adjustment or composition, or plan presented pursuant to this section, which provides for the reduction in the principal amount of any outstanding notes or bonds of the school district.

Parts of act severable.

19. Act severable. The powers granted and the duties imposed by this act shall be independent and severable. If any one or more sections, clauses, sentences or parts of this act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision so held unconstitutional or invalid.

Object of act to meet emergency.

20. Act remedial. It is declared and enacted that this act is intended by the Legislature to meet the

public emergency arising from a default in the payment of municipal and school district obligations, and the resulting impairment of public credit requiring intervention by the State to provide for the payment of existing obligations in such a way as to cause the least embarrassment to property owners as taxpayers; that this act is remedial in nature, and that the powers hereby granted shall be liberally construed.

Act remedial.

21. Act effective. This act shall take effect immediately, and, as to the subject matters thereof, shall supersede the provisions of all other laws.

Effectiveness of act.

Approved June 8, 1935.

CHAPTER 259

AN ACT to amend an act entitled "An act to regulate elections" (Revision 1930), approved April eighteenth, one thousand nine hundred and thirty.

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

1. Section thirty of article twenty-two of the act of which this act is amendatory be and the same is hereby amended so that henceforth it shall read as follows:

Par. 295 amended.

Sample Ballots and Envelopes Furnished to District Board.

Par. 295, Sec. 30. The municipal clerk in each municipality in this State shall furnish to a member of each district board in his municipality, at his office, or in any other way that he sees fit, on or before Tuesday preceding the primary election in each year, sufficient sample ballots and sufficient stamped envelopes to enable said board to mail sample ballots to said voters as aforesaid. Each of said boards shall give the municipal clerk a receipt of said sample ballots and envelopes, signed by one of their members.

Sample ballots and envelopes furnished district boards.

2. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 260

AN ACT concerning the legal settlement of any person in this State.

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

Determining legal settlement.

1. For the period of present economic emergency, the time or period beginning January thirty-first, one thousand nine hundred and thirty-five, during which any person, resident of this State, shall receive dependency or poor relief from any of the poor or emergency relief agencies of this State, or of the several municipalities thereof, shall not be counted in computing the residence or domiciliary period necessary for any such person to either gain or lose a place of legal settlement under any law of this State, to the end that the place of legal settlement of any person receiving dependency or poor relief shall be and remain the same during this emergency.

Period of operation.

2. This act shall take effect immediately, but shall become inoperative on and after January thirty-first, one thousand nine hundred and thirty-eight.

Approved June 8, 1935.

CHAPTER 261

A SUPPLEMENT to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

No exclusion by reason of nonpayment.

1. Whenever at the beginning or during a school year a board of education receives pupils from another district on a tuition basis, it shall not exclude during that year any such pupils because of the nonpayment of tuition; *provided,* the sending board delivers to the receiving board a school warrant in accordance with the terms of the contract or agreement between such boards. Such warrant shall bear interest at the legal rate. The board of education sending the pupils to said district shall not withdraw any such pupils during the year without the consent of the receiving board.

Proviso.

Withdrawal of pupils.

2. This act shall take effect immediately.

Approved June 8, 1935.

CHAPTER 262

AN ACT to amend an act entitled "An act concerning the issuance of bonds by municipalities to pay, fund or refund certain bonds or other indebtedness," approved April fourth, one thousand nine hundred and thirty-four, constituting chapter sixty of the laws of one thousand nine hundred and thirty-four.

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

Section 2 amended.

1. Section two of the act of which this act is an amendment is hereby amended to read as follows:

Name of bonds.

2. All bonds issued under this act shall be known as "Serial Funding Bonds," and shall recite in the body thereof that they are issued pursuant to this act. Subject to the terms and conditions of sections three and four of this act, such bonds shall be authorized by ordinance finally passed on or before December thirty-first, one thousand nine hundred and thirty-six, in the method or mode of procedure prescribed by an act entitled "An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township, or any municipality governed by an improvement commission, or any municipality governed by a board of commissioners," approved March twenty-second, one thousand nine hundred and sixteen, and the acts amendatory thereof and supplemental thereto, or any revision thereof, and shall be issued from time to time in such amount or amounts, in one or more series, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, payable semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable at such place or places and be

Issue authorized by ordinance.

Procedure.

Issuing details.

subject to such terms of redemption, with or without premium, as such ordinance or subsequent resolution may provide, or as may otherwise be determined in accordance with the terms and provisions of this act.

2. This act shall take effect immediately.

Approved June 10, 1935.

CHAPTER 263

AN ACT to validate certain budgets, tax ordinances and tax resolutions heretofore adopted.

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

Validates municipal budgets, etc.

1. Any budget and/or tax ordinance heretofore adopted by any municipality, and any budget and/or tax resolution heretofore adopted by any county, for the year one thousand nine hundred and thirty-five, is hereby validated, ratified and confirmed, notwithstanding any defect or irregularity in the procedure required for the adoption of such budget, tax ordinance or tax resolution by "An act concerning municipal and county finances," approved March twenty-eighth, one thousand nine hundred and seventeen, and the amendments thereof and supplements thereto, said act being usually designated as the "Budget Act"; *provided,* a public hearing was held with respect to the proposed budget, tax ordinance or tax resolution prior to its final adoption, *and provided also* that no legal proceedings shall have been heretofore instituted in any court to set aside such budget, tax ordinance or tax resolution, or any proceedings instituted in connection therewith.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved June 10, 1935.

CHAPTER 264

AN ACT to validate bonds of boroughs and proceedings for their issuance.

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

Validates borough bonds.

1. All proceedings for the issuance and sale by boroughs of this State of bonds for lawful purposes are hereby ratified, validated and confirmed, and said bonds, if heretofore delivered and paid for, or delivered in exchange for obligations to be funded or refunded by the issuance thereof, or if hereafter delivered and paid for, or delivered in exchange for obligations to be funded or refunded by the issuance thereof, in accordance with a contract of sale or exchange heretofore made, or in accordance with the terms of ordinances or resolutions heretofore adopted, shall be valid and binding borough obligations, notwithstanding any defect or irregularity in the proceedings for the issuance and sale or exchange of said bonds; *provided,* that the proceeds of said bonds shall be applied solely to the purpose or purposes specified in the ordinance or ordinances providing for their issuance.

Proceedings validated.

Proviso.

2. This act shall take effect immediately.

Approved June 10, 1935.

CHAPTER 265

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, one thousand nine hundred and twenty-one.

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

1. Subdivision four of section twenty-one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Subsec. 4 of sec. 21 amended.

(4) No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State the outside width of which is more than ninety-six (96) inches, except vehicles now in operation which, by reason of the substitution of pneumatic tires for other types of tires, exceed the above limit; or the extreme over-all length of which exceeds twenty-eight (28) feet for a two-axle four-wheeled vehicle, or thirty-five (35) feet for a three-axle six-wheeled vehicle, or the height of which exceeds twelve and one-half (12½) feet, except that a vehicle exceeding the above limitation may be operated when a special permit so to operate is secured in advance from the Commissioner of Motor Vehicles. No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in this State, except a tractor and semitrailer combination not in excess

Limits size of commercial vehicle.

Total length.

of a total over-all length of forty-five (45) feet and a truck and trailer combination not in excess of a total over-all length of fifty (50) feet, and also except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of which shall not exceed seventy (70) feet. All of the aforesaid dimensions shall be inclusive of the load. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State having a combined weight of vehicle and load of more than (a) thirty thousand (30,000) pounds in the case of a two-axle four-wheeled vehicle, (b) forty thousand (40,000) pounds in the case of a three-axle six-wheeled vehicle, (c) sixty thousand (60,000) pounds in the case of a tractor and semitrailer combination, and (d) sixty thousand (60,000) pounds in the case of a truck and trailer combination; *provided, however,* that no commercial motor vehicle shall be driven over a bridge in this State upon which is posted in a conspicuous place a sign stating the gross weight the bridge will carry, if the gross weight of the commercial motor vehicle and load is greater than the gross weight stated on the sign; and the owner and operator of any vehicle used in violation of this proviso shall be responsible to the municipal or other corporation owning or maintaining such bridge, or to the State if such bridge is maintained by the State, for any damage done to the bridge by reason of the violation.

Limits combined weight of vehicle and load.

Proviso.

2. Subdivision six of section fourteen of the act to which this act is an amendment be and the same is hereby repealed.

Subsec. 6 of sec. 14 repealed.

3. This act shall take effect immediately; *provided,* that the limitations as to combined weights and lengths of vehicle and load as applied to vehicles now in operation or manufactured or constructed prior to the first day of January, one thousand nine hundred and thirty-six, shall not be effective until the first day of January, one thousand nine hundred and forty-one.

Act effective.

Proviso.

Approved June 10, 1935.

CHAPTER 266

AN ACT to amend an act entitled "An act to regulate the occupation of barbering, to provide for the licensing of persons to carry on such occupation and to provide rules regulating the proper conduct and sanitation of the occupation of barbering for the protection of the public health, and to provide penalties for violation thereof," approved May twenty-fourth, one thousand nine hundred and thirty-three.

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

1. Section seven of the act to which this is an amendment is hereby amended to read as follows: Section 7 amended.

7. The State Department of Health shall conduct the examination of applicants for certificates of registration to practice as registered barbers not less than three times each year at such times and places as the State Department of Health may determine. Examinations by department of health.

The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written and oral test, and shall embrace the following subjects: scientific fundamentals for barbering, hygiene, bacteriology, histology of the hair, skin, nails, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands and nails, hair cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair. Nature of examinations.

2. Section ten of the act to which this is an amendment is amended to read as follows: Section 10 amended.

10. Any person, resident of this State, who for three years immediately preceding the passage of this act, was continuously engaged in the practice Certificate without examination.

of barbering at one or more established places of business in this State, shall be granted a certificate of registration as a registered barber, without examination, by making application to the State Department of Health and paying the same fee as is required of an applicant for an examination to determine his fitness to receive a certificate of registration and the fee for the issuance of the certificate.

Fee.

Ad interim certificate.

The State Department of Health may, at its option, in the interim between stated examinations of applicants for certificates of registration to practice as registered barbers, issue to applicants a permit to practice barbering upon the payment of a fee of six dollars ($6.00) and the payment of such fee, shall entitle such applicant to a certificate of registration as a licensed barber; *provided*, such applicant successfully passes the required examination within one year from the date of issuance of such permit. The holder of such permit shall be permitted to practice as a journeyman barber for the term of said permit, unless he has sooner qualified by examination for a certificate of registration as a practicing barber.

Fee.

Proviso.

Practice.

Section 17 amended.

3. Section seventeen of the act to which this is an amendment is amended to read as follows:

Registration fees.

17. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is five dollars ($5.00) and for the issuance of the certificate one dollar ($1.00).

Renewals.

The fee to be paid for renewal of the certificate of registration to practice barbering is three dollars ($3.00), and for restoration of an expired certificate six dollars ($6.00).

Apprentice's fee.

The fee to be paid for registration of an apprentice is one dollar and fifty cents ($1.50).

Section 23 amended.

4. Section twenty-three of the act to which this is an amendment is amended to read as follows:

Penalty.

23. Any person violating any of the provisions of this act shall be deemed and adjudged a disorderly person, and upon conviction by any police

justice or recorder or by any other court of competent jurisdiction in this State shall be punished by a fine not exceeding one hundred dollars ($100.00).

5. This act shall take effect immediately.

Approved June 10, 1935.

CHAPTER 267

AN ACT to repeal an act entitled "An act authorizing the State Tax Commissioner to adjust and settle transfer inheritance taxes due the State, where the matter is now in litigation and the question of the domicile of decedent is at issue," approved July eleven, one thousand nine hundred and thirty-four.

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

1. An act entitled "An act authorizing the State Tax Commissioner to adjust and settle transfer inheritance taxes due the State, where the matter is now in litigation and the question of the domicile of decedent is at issue," approved July eleven, one thousand nine hundred and thirty-four, be and the same is hereby repealed. Chap. 249, P. L. 1934, repealed.

2. This act shall take effect immediately.

Approved June 10, 1935.

CHAPTER 268

AN ACT imposing taxes for the privilege of selling tangible personal property at retail, providing for the disposition of the proceeds therefrom, and prescribing the method of collection.

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

ARTICLE I

SHORT TITLE AND PURPOSE

101. Short title.

Short title.

This act shall be known and may be cited as the "Sales Tax Act."

102. Purpose.

Purpose.

The purpose of this act is to establish additional sources of revenue for the general State fund in order to provide for financing, from that fund, relief for unemployed and dependent persons and for reducing general property taxes.

ARTICLE II

DISPOSITION OF TAX MONEYS

201. Disposition.

Disposition of tax moneys.

All taxes, fees, interest and penalties, imposed and collected under this act, shall be paid by the commissioner to the State Treasurer for the credit of the general State fund to meet expenditures under appropriations from said fund, including appropriations for the relief of unemployed and dependent persons, appropriations designed to reduce general property taxes, appropriations for the expenses of administering this act, and appropriations for any refunds that may be found to be due to any person under the provisions of this act.

ARTICLE III

DEFINITIONS

301. Definitions.

For the purposes of this act and unless otherwise required by the context: Terms defined:

a. "Advertisement" means any public announcement of whatever kind or character and includes any notice or announcement in any radio broadcast, newspaper, magazine, catalog, circular, handbill, sign, placard or on any billboard; Advertisement;

b. "Auditor" means the State Auditor; Auditor;

c. "Business" means any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect; Business;

d. "Commissioner" means the State Tax Commissioner; Commissioner;

e. "Comptroller" means the State Comptroller; Comptroller;

f. "Department" means the State Tax Department; Department;

g. "Licensee" means any person holding a valid and subsisting license issued pursuant to the provisions of this act; Licensee;

h. "Person" means any individual, firm, copartnership, joint adventure, association, corporation, receiver, trustee, guardian, executor, administrator or any other person acting in a fiduciary capacity, or any estate, trust or group or combination acting as a unit, and the plural as well as the singular, and the feminine and neuter as well as the masculine, unless the intention to give a more limited meaning is disclosed by the context; Person;

i. "Retail sales" or "sales at retail" means any sale of tangible personal property, in the ordinary course of business, for consumption or use or for any purpose other than for resale in the form of tangible personal property. The term "retail sale" or "sale at retail" includes conditional sales, installment lease sales, and any other transfer of Retail sales;

tangible personal property when the title is retained as security for the payment of the purchase price and is intended to be transferred later. The term "retail sale" or "sale at retail" does not include an isolated transaction in which any tangible personal property is sold, transferred, offered for sale, or delivered by the owner thereof, or by his representative for the owner's account, such sale, transfer, offer for sale or delivery not being made in the ordinary course of repeated and successive transactions of a like character by such owner or on his account by such representative;

Retailer; j. "Retailer" means every person engaged in the business of making sales at retail;

Rules and regulations; k. "Rules and Regulations" means those made and promulgated by the commissioner in the administration of this act;

Sale; l. "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration;

Taxable sale; m. "Taxable Sale" means any sale which is subject to the tax imposed by this act;

Taxpayer; n. "Taxpayer" means any person subject to a tax imposed by the provisions of this act;

Total gross selling price; o. "Total Gross Selling Price" means the total amount of the sales price of the retail sales of retailers, including any services that are a part of such sales, or that are rendered to induce such sales, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property of any kind or nature, and also all obligations to pay for the whole or a part of the selling price, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor performed or service rendered, interest paid, losses sustained or any

Proviso; other expense whatsoever; *provided, however*, that there shall not be included the price received for labor or services used in installing, applying, remodeling or repairing the property sold;

Treasurer. p. "Treasurer" means the State Treasurer.

ARTICLE IV

IMPOSITION OF TAX

401. Tax Rate.

For the privilege of selling tangible personal property at retail, in this State, during the period commencing July first, nineteen hundred thirty-five, and ending June thirtieth, nineteen hundred thirty-eight, every person shall pay a tax of two per centum upon the total gross selling price thereof, except as in this act provided. This tax shall be in addition to all other taxes.

Act operative July 1, 1935, to June 30, 1938.

Tax rate.

Additional tax.

402. Adding tax to sales price.

Every retailer shall add the tax imposed by this act, or the average equivalent of said tax, to his sales prices, except as hereinafter provided, and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price. When the sales price shall involve a fraction of a dollar, the tax shall be added to the sales price upon the following schedule:

Tax added to sales price.

Schedule for adding tax.

(a) Upon sales amounting to twelve cents or less, no part of the tax shall be added to the price.

(b) Upon sales amounting to more than twelve cents but less than sixty-three cents, the retailer shall add to the sales price the sum of one cent.

(c) Upon sales amounting to more than sixty-two cents but less than one dollar and thirteen cents, the retailer shall add to the sales price the sum of two cents.

(d) Upon sales amounting to more than one dollar and twelve cents, the retailer shall add to the sales price on each even dollar thereof the sum of two cents and on any fraction thereof according to the schedule above set forth.

This section is hereby declared to be separable and distinct from all other portions of this act, and shall not be deemed a consideration or induce-

Section declared severable.

Validity.

ment for the enactment of the whole or any portion of this act. If this section shall for any reason be declared invalid, the remainder of this act shall remain in full force and effect and shall be as completely operative as though this section had not been included herein.

403. Presumption concerning sales.

Burden of proof upon seller.

The burden of proving that a sale was not a sale at retail shall be upon the person who made it.

404. Sales under contracts made prior to effective date.

Contract sales prior to effective date.

Sales made subsequent to the effective date of this act, pursuant to contracts entered into prior thereo, shall be subject to the tax imposed by this act and the retailer shall add the tax and collect it from the purchaser.

405. Cancellation of sale; tax credit.

Cancellation of sales.

Where a sale has been rescinded or cancelled and the goods if delivered have been returned and the full sale price and the tax thereon have been refunded or credited, the retailer shall be entitled to a credit for the amount of the tax which would have accrued had the sale not been rescinded or cancelled. If the tax has already been paid to the commissioner the credit shall be applied against any present or future liability of the retailer, under this act, and if there be no such liability the retailer shall be entitled to a refund of the tax so paid.

Tax credit allowed.

406. Exemptions.

Exemptions:

Sales of tangible personal property as follows shall be exempted from the provisions of this act:

Feed stuffs;

a. Sales of commercial feeding stuffs upon which a tax is imposed pursuant to chapter 218, laws of 1912, as amended;

Fertilizers;

b. Sales of fertilizers upon which a tax is imposed pursuant to chapter 179, laws of 1912, as amended;

c. Sales of gas and electricity upon which a tax is imposed pursuant to chapter 25, laws of 1919, as amended: Gas and electricity;

d. Sales of motor fuels upon which a tax is imposed pursuant to chapter 334, laws of 1927, as amended; Motor fuels;

e. Sales of alcoholic beverages upon which a tax is imposed pursuant to chapter 434, laws of 1933, as amended; Alcoholic beverages;

f. Sales of water delivered to consumers through mains or pipes; Water;

g. Sales of magazines which sell at retail for less than eleven cents and sales of all current newspapers; Magazines and newspapers;

h. Sales by all State use industries and all sales by any governmental agency in this State to any other governmental agency in this State; Sales by State use industries;

i. Sales of tangible personal property which this State is prohibited from taxing under the Constitution or laws of the United States of America. Sundry.

ARTICLE V

COLLECTION OF TAX

501. Reports to the commissioner; penalty for failure to file.

Every retailer shall file with the commissioner, on or before the fifteenth day of each month, a report under oath on such form as the commissioner shall prescribe, which shall disclose the total gross selling price of all sales made during the preceding calendar month, and such other information as the commissioner shall require. The commissioner by regulation may waive reporting nontaxable sales. Any retailer who shall fail to file any such report on the day when the same shall be due, shall pay a penalty of five dollars for each day thereafter until said report is filed, but such penalty shall not continue to accrue after the suspension or revocation of his license, as provided in article six of this act. All such penalties shall be payable to, and recover- Report. Contents. Failure to file report. Penalty. Payment of penalties.

able by, the commissioner in the same manner as if they were a tax imposed by this act. If the failure to file such report when required to be filed is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any such penalty.

May waive penalty.

502. Payment of tax; penalty for failure to pay; interest.

When payable.

The taxes imposed by this act shall be due and payable at the time of the sale. Upon such terms and conditions as the commissioner may prescribe, he may permit a postponement of payment to a date not later than the fifteenth day of the month next following the month in which the sales so taxed were made. Any person who shall fail to pay any tax imposed by this act, on or before the day when the same shall be required to be paid, shall pay a penalty of five per centum of said tax, and in addition thereto the interest on said tax at the rate of one per centum each month or fraction thereof that the same remains unpaid, to be calculated from the date the tax was originally due. All such penalties and interest shall be payable to, and recoverable by, the commissioner, in the same manner as if they were a tax imposed by this act. If the failure to pay such tax when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any such penalty.

Penalty for nonpayment.

Payment of penalty.

May waive payment of penalty.

503. Security for payment of tax.

Security for payment of tax.

The commissioner may require a bond or other security for the payment of taxes, interest, and penalties imposed pursuant to this act, when he shall find that the collection thereof may be prejudiced without such security.

504. Tax a debt; proceedings to recover; preference.

Tax a debt.

The taxes, fees, interest and penalties imposed by this act, from the time the same shall be due, shall be a personal debt of the retailer to the State

of New Jersey, recoverable in any court of competent jurisdiction in an action at law in the name of the State of New Jersey, and shall have preference in any distribution of the assets of the taxpayer, whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment obtained hereunder shall be paid to the commissioner. Recovery. Payment of proceeds.

505. Certification of debt; judgment; procedure thereon.

As an additional or alternative remedy, the commissioner may issue a certificate, to the clerk of the Supreme Court or to the clerk of the court of common pleas of any county, that any person is indebted under this act in an amount named in such certificate and thereupon the clerk to whom such certificate shall have been issued shall immediately enter upon his record of docketed judgments the name of such person, the amount of the debt so certified and the date of making such entries; and the making of the entries shall have the same force and effect as the entry of a docketed judgment in the office of such clerk and the commissioner shall have all of the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action at law upon contract. Every person who shall be licensed to sell tangible personal property, in accordance with the provisions of article six of this act, shall by the acceptance of his license be deemed to have consented to the procedure set forth in this section. Docketing judgment. Action to enforce judgment. Consent by licensee.

506. Release of lien.

The commissioner, upon application made to him and upon the payment of a fee of one dollar, may release any property from the lien of any certificate, judgment or levy procured by him; *provided,* payment be made to the commissioner of such sum as he shall deem adequate consideration for such release or provided a deposit shall be made with the commissioner of such security as he shall deem adequate to secure the payment of any debt evi- Fee for release of lien. Proviso.

denced by any certificate, judgment or levy, the lien of which is sought to be released. Such release shall be given under the seal of the commissioner and may be recorded in any office in which conveyances of real estate may be recorded.

Form of release.

507. Arbitrary assessment; deficiency assessment; jeopardy assessment; procedure.

Arbitrary assessment.

a. If any retailer shall fail to make a report as herein required, the commissioner may make an estimate of the taxable liability of such retailer, from any information he may obtain and according to such estimate so made by him, assess the taxes, fees, penalties and interest due the State from such retailer, give notice of such assessment to the retailer, and make demand upon him for payment.

Deficiency assessment.

b. After a report is filed under the provisions of this act, the commissioner shall cause the same to be examined and may make such further audit or investigation as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess the additional taxes, penalties and interest due the State from such retailer, give notice of such assessment to the retailer, and make demand upon him for payment.

Payment in 15 days.

c. All taxes, penalties and interest assessed by the commissioner pursuant to the provisions of subdivisions a or b of this section shall be paid within fifteen days after notice and demand shall have been mailed to the retailer by the commissioner.

Assessment upon failure to pay.

If such taxes, penalties and interest, so assessed, shall not be paid within the said fifteen days, there shall be added to the amount of the assessment a sum equivalent to five per centum of the tax assessed as a penalty, which penalty shall be in addition to the penalties provided for in sections 501 and 502 of this act.

Payment of penalties.

All such additional penalties shall be payable to, and recoverable by, the commissioner in the same manner as if the penalties were taxes imposed by this act.

May waive payment.

If the failure to pay the taxes, penalties and interest so assessed

when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment in whole or part of any such additional penalty.

Notice to make immediate report and payment.

d. If the commissioner finds that a retailer designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property, or to discontinue business, or to do any other act tending to prejudice or render wholly or partly ineffectual proceedings to collect such tax, unless such proceedings be brought without delay, the commissioner shall cause notice of such finding to be given to such retailer, together with a demand for an immediate report and immediate payment of such tax. All taxes, assessed pursuant to the provisions of this subdivision, shall be paid within fifteen days after notice and demand shall have been mailed to the retailer by the commissioner. If such payment be not made within said fifteen days, there shall be added to the amount of the tax so assessed a sum equivalent to five per centum thereof, and in addition thereto interest thereon at the rate of one per centum a month for each month or fraction thereof from the date demand was made for payment of said tax until the same shall be paid. All such penalties and interest shall be payable to, and recoverable by, the commissioner in the same manner as if the penalty or interest were a tax imposed by this act. If the failure to pay such tax when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of such penalty and interest.

Payment in 15 days.

Penalty upon failure to pay.

Recovery of penalty.

May waive payment.

Protest assessment.

e. If any retailer shall be aggrieved by any finding or assessment of the commissioner, he may, within thirty days of receipt of the notice of assessment or finding, file a protest in writing signed by himself or his duly authorized agent, which shall be under oath, and shall set forth the reason therefor, and may request a hearing. Thereafter the commissioner shall grant a hearing to the retailer, if the same shall be requested. He may make an

Hearing.

Order.

Filing of protest not to abate penalties.

order confirming, modifying or vacating any such finding or assessment. The filing of any such protest shall not abate penalties for nonpayment, nor shall it stay the right of the commissioner to collect the tax in any manner herein provided, unless the retailer shall furnish security of the kind and in the amount satisfactory to the commissioner.

508. Refunds and credits.

Claim for refund.

a. Any retailer, at any time within two years after the payment of any original or additional tax assessed against him, may file with the commissioner a claim under oath for refund, in such form as the commissioner may prescribe, stating the grounds therefor; *provided, however,* that no claim for refund shall be required or permitted to be filed with respect to a tax paid, after protest has been filed with the commissioner or after proceedings on appeal have been commenced as provided in this act.

Proviso.

Credit allowed.

b. If upon examination of such claim for refund, it shall be determined by the commissioner that there has been an overpayment of tax, the amount of such overpayment shall be credited against any liability of the retailer under this act and if there be no such liability the retailer shall be entitled to a refund of the tax so overpaid. If the commissioner shall reject the claim for refund in whole or in part, he shall make an order accordingly and serve a notice upon the retailer.

Notice upon rejection.

Refund of mispaid taxes.

c. Where no questions of fact or law are involved and it appears from the records of the commissioner that any moneys have been erroneously or illegally collected from any retailer or other person or have been paid by any retailer or other person under a mistake of fact or law, the commissioner may at any time, upon making a record in writing of his reasons therefor, certify to the comptroller that the retailer is entitled to such refund and thereupon the comptroller shall authorize the payment thereof from the appropriation for this purpose.

ARTICLE VI

LICENSE TO SELL AT RETAIL

601. License required.

License required.

After June thirtieth, one thousand nine hundred thirty-five, no person shall engage in or conduct the business of making sales of tangible personal property at retail, without having first obtained a license for that purpose.

602. Issuance of license; fee; duration.

Issuing license.

All licenses shall be issued by the commissioner, who may make rules and regulations respecting applications therefor and issuance thereof. Each such license issued prior to July one, one thousand nine hundred thirty-six, shall expire on the last day day of June, one thousand nine hundred thirty-six; thereafter, each license shall expire on the last day of June next following the date of issuance or renewal, and each such license shall be renewable annually upon the condition that the licensee shall have paid the required fee and complied with all the provisions of this act and the rules and regulations of the commissioner made pursuant thereto. For the issuance of each license and for each renewal thereof, there shall be paid to the commissioner a fee of one dollar. No license shall be issued to any person except upon the payment of the full fee therefor, any statute or exemption to the contrary notwithstanding. If a person conducts or transacts a business at two or more places of business, a separate license shall be required for each place of business. Each license certificate and such other evidence of license as may be required by the commissioner shall be exhibited in the place of business for which it is issued, as may be directed by the commissioner. No license shall be assignable or transferable, but in case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason whatsoever the operation of the business shall devolve by oper-

Expiration.

Annual renewal.

Fee.

Payment of fee before issuance.

Separate license for each place of business.

License exhibited.

License not transferable.

ation of law upon a person other than the licensee, the commissioner may, in his discretion, extend said license for a limited time to the executor, administrator, trustee, receiver or other person upon whom the same has devolved, as aforesaid. No refund of the license fee shall be paid to any person upon the surrender or revocation of any license.

No refund of license fee.

603. Revocation of license.

Revoking license.

The commissioner may, upon notice and after hearing, suspend or revoke the license of any person who shall violate any of the provisions of this act, or any of the rules or regulations of the commissioner made pursuant thereto.

604. License required in addition to other licenses.

Additional license.

The license required by this act shall be in addition to any and all other licenses which may be required by law.

Article VII

Administration

701. Power of commissioner to administer act.

Enforcement of act.

The commissioner is hereby authorized and empowered to carry into effect the provisions of this act and in pursuance thereof to make and enforce such rules and regulations as he may deem necessary.

702. Power to examine records and premises.

Examination of records.

For the purpose of administering this act, the commissioner, whenever he deems it expedient, may make or cause to be made by any employee of the State Tax Department engaged in the administration of this act, an examination or investigation of the place of business, the tangible personal property and the books, records, papers, vouchers, accounts and documents of any retailer. It shall be the duty of every retailer and of every director, officer, agent or employee of every retailer to exhibit to the commissioner or to any such employee

To exhibit property and records.

of the State Tax Department, the place of business, the tangible personal property and all of the books, records, papers, vouchers, accounts and documents of the said retailer and to facilitate any such examination or investigation so far as it may be in his or their power so to do. It shall be lawful for the commissioner or for any employee of the State Tax Department, by him thereunto designated, to take the oath of any person signing any application, deposition, statement or report required by the commissioner in the administration of this act. The provisions of this section shall also apply to any person who, the commissioner has reason to believe, is liable to the payment of a tax under this act.

Administering oath.

703. Power to conduct hearings.

The commissioner or any employee of the State Tax Department, by him thereunto designated, may conduct hearings, administer oaths to, and examine under oath, any retailer and the directors, officers, agents and employees of any retailer and as well all other witnesses, relative to the business of such retailer in respect to any matter incident to the administration of this act.

Hearings.

704. Power to subpœna witnesses; fees.

The commissioner or his deputies shall have power by subpœna to compel the attendance of witnesses and the production of any books, records, papers, vouchers, accounts or documents of any retailer or of any person who, the commissioner has reason to believe, is liable to the payment of a tax under this act or has information pertinent to any matter under investigation by the commissioner, at any hearing held pursuant to the provisions of this act. The fees of witnesses required to attend any such hearing shall be the same as those allowed to witnesses appearing in the Supreme Court. Such fees shall be paid in the manner provided for the payment of other expenses incident to the administration of this act.

Subpœna witnesses and records.

Witness fees.

705. Procedure to compel witnesses to attend and to testify.

Failure to obey subpœna.

If a person subpœnaed to attend any hearing under this act refuses to appear, be examined or answer any question, or produce any books, records, papers, vouchers, accounts or documents when subpœnaed so to do by the commissioner or any deputy, the commissioner or such deputy may apply to the Supreme Court or to any justice thereof, who shall have the power of the court for that purpose, upon proof by affidavit of such refusal, to make an order returnable in not less than two nor more than ten days, directing such person to show cause before the court or a justice thereof, why he should not obey the command of such subpœna.

Order.

Upon the return of such order, the court or justice before whom the matter shall come, shall examine the person under oath, and the person shall be given an opportunity to be heard, and if the court or justice shall determine that he refused without legal excuse to obey the command of such subpœna, or to be examined, or to answer any question, or to produce any books, papers, vouchers, records, accounts or documents which he was by subpœna commanded to answer or produce, said court or justice may order said person to comply forthwith with such subpœna or order, and any failure to obey such order of the court or of such justice may be punished by said court or by said justice as a contempt of the Supreme Court.

Contempt of court.

706. Notices; how given.

Service of notice.

Any notice required to be given by the commissioner pursuant to this act, may be served personally, or by mailing the same to the person for whom it is intended, addressed to such person at the address given in the last report filed by him pursuant to the provisions of this act, or if no report has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it was addressed.

707. Power to appoint assistants.

Appointment of assistants

The commissioner may appoint an assistant or deputy to administer this act and such other assistants as he may deem necessary, and may establish, equip, and maintain one or more offices at such places in this State as he shall determine, subject always to the appropriations provided therefor. The assistant or deputy appointed under this act, and not more than five employees assigned to special and confidential duties in connection therewith, and such employees whose duties require them to be attorneys shall be in the unclassified civil service. In case an employee in the classified service is appointed as assistant or deputy, he shall continue to have such rights of tenure in the classified service as he formerly possessed.

708. Records to be kept by retailer.

Records kept by retailer.

Every retailer shall keep complete and accurate records of all his sales. The kind and form of such records may be prescribed by the commissioner and all records shall be adequate to enable him to determine the tax liability. All such records shall be safely preserved for a period of three years in such a manner as to insure their security and accessibility for inspection by the commissioner or any employee of the State Tax Department engaged in the administration of this act. The commissioner may consent to the destruction of any such records at any time within said period.

Records preserved.

Destruction of records.

709. Commissioner's records; authentication.

Commissioner's records.

The commissioner shall keep a record of all his official acts and shall preserve copies of all rules, regulations, decisions and orders made by him. Copies of any rule, regulation, decision or order made by him and of any paper or papers filed in any office maintained by him in the administration of this act may be authenticated under his official seal and when so authenticated shall be evidence in all courts of this State of the same weight and

Authenticating records.

Fee.

force as the originals thereof. For authenticating any such copy he shall be paid a fee of one dollar.

710. Confidential character of commissioner's records.

Records confidential.

The records and files of the commissioner respecting the administration of this act shall be considered confidential and privileged and neither the commissioner nor any employee engaged in the administration of this act or charged with the custody of any such records or files shall divulge or disclose any information obtained from the said records or files or from any examination or inspection of the premises or property of any person. Neither the commissioner nor any employee engaged in the administration of this act or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except in behalf of the commissioner, in an action or proceeding under the provision of this act to which the commissioner is a party or in behalf of any party to any action or proceeding under the provisions of this act, when the records or files or the facts shown thereby are directly involved in such action or proceeding. Nothing herein contained shall be construed to prevent:

Production of records.

Use of records:

Copies of reports;

a. The delivery to a retailer or his duly authorized representative of a copy of any report or any other paper filed by him pursuant to the provisions of this act;

Statistics;

b. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

Inspection by legal representative;

c. The inspection by the Attorney-General or other legal representative of this State of the reports or files relating to the claim of any taxpayer who shall bring an action to review or set aside any tax imposed hereunder or against whom an action or proceeding has been instituted in accordance with the provisions of this act;

d. The examination of said records and files by the comptroller, auditor or State Commissioner of Finance, or by their respective duly authorized agents; Examination;

e. The furnishing, at the discretion of the commissioner, of any information disclosed by the said records or files to any official person or body of any other State who shall be concerned with the administration of any sales tax in that State. Furnishing information.

711. Preservation of reports.

All reports filed with the commissioner pursuant to the provisions of this act shall be preserved for two years and thereafter may be destroyed by order of the commissioner. Preservation of reports.

712. Dissolution of corporation prohibited until tax is paid.

Hereafter no corporation organized under any law of this State shall be dissolved by the action of the stockholders or by the decree of any court until all taxes, fees, penalties and interest imposed upon said corporation in accordance with the provisions of this act shall have been fully paid. No certificate of dissolution shall be issued by the Secretary of State and no decree of dissolution shall be signed by any court until there shall have been filed with the Secretary of State or with the court, as the case may be, the certificate of the commissioner evidencing the payment by the corporation to be dissolved of all taxes, fees, penalties and interest imposed in accordance with the provisions of this act. Tax paid before dissolution. Certificate filed in Secretary of State's office.

Article VIII

APPEALS

801. Appeals from decisions of commissioner.

Any person who shall be aggrieved by any decision, order, finding or assessment of the commissioner made pursuant to the provisions of this act or by his refusal to act, or by any certification of Appeals.

Petition.

debt to the clerk of a court, may appeal therefrom to the State Board of Tax Appeals, by filing a petition of appeal with said board in the manner and form and within the time and subject to such terms and conditions as said board shall by rules prescribe.

Appeal not to stay collection.

No such appeal shall stay the collection of any tax or the enforcement of the same by entry as a judgment, unless by order of such board, and then only after security approved by the commissioner or said board has been furnished to the commissioner.

Review of judgment.

The judgment or order of the State Board of Tax Appeals respecting any matter arising under the provisions of this act may be reviewed by certiorari in the same manner as other judgments of said board.

802. Refunds upon appeal.

Refunds upon appeals.

If by a decision or order of the State Board of Tax Appeals, or of any court of competent jurisdiction, the retailer shall be adjudged to be entitled to a refund, payment thereof shall be authorized by the comptroller from the appropriation for refunds upon presentation to him of a certified copy of such decision or order.

ARTICLE IX

PENALTIES

901. Penalty for transacting business when not licensed.

Penalty for conducting business without license.

(a) Court proceedings for recovery: Any person who shall engage in, or conduct the business of, making sales of tangible personal property at retail without first having obtained a license so to do, pursuant to the provisions of this act, or who, having had such a license, shall continue to engage in or conduct such business after said license shall have been suspended or revoked, shall be liable to a penalty of not more than two hundred fifty dollars, which penalty shall be sued for and shall be recoverable in the name of the commissioner; and each day that any such business is so engaged in

Recovery of penalty.

or conducted shall be deemed a separate offense. Every district court and every court of common pleas is hereby empowered, upon filing of a complaint in writing duly verified, which said verification when made by the commissioner or any person by him thereunto designated, may be made upon information and belief, that any person has violated any provision of this act, to issue process at the suit of the commissioner as plaintiff. The process shall be either in the nature of a summons or a warrant, which process may issue without an order of the court or judge first being obtained against the person so charged. Such process shall state what provision of this act is alleged to have been violated by the defendant, and when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen days. The officers to serve and execute all process under this act shall be the officers authorized to serve and execute process in said courts.

Issuing process.

Form of process.

Return of process.

Service of process.

(b) Judgment; commitment of defendant for nonpayment; defendant to be detained, unless bond filed, upon adjournment of trial. Upon the return of such process, or at any time to which the trial shall be adjourned, the court shall proceed in a summary manner, without a jury, to hear testimony and to determine and give judgment without the filing of any pleadings of the plaintiff, for the recovery of such penalty, with costs, or for the defendant. If judgment be rendered for the plaintiff the court shall cause any defendant, who refuses or neglects to forthwith pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for any period not exceeding thirty days. The district court or court of common pleas shall have power to adjourn the hearing or trial from time to time but, except in cases in which the first process was a summons, it shall be the duty of the judge thereof to detain the defendant in safe custody, unless he shall enter into bond to

Hearing.

Judgment.

Commitment upon failure to pay judgment.

Conducting trial.

Bond.

the commissioner, with sufficient surety in double the amount of the penalty claimed, conditioned for his appearance on the day to which the hearing shall be adjourned, and thence from day to day until the case is disposed of, and to abide by the judgment of the court. The bond, if forfeited, may be prosecuted by the commissioner.

Adjournment.

Form of conviction.

(c) Form of conviction. The convictions in prosecutions under this act shall be in the following or similar form:

State of New Jersey,
County of .....} ss.:

Be It Remembered, that on this ..... day of ..... at ....., in said county, C. D., defendant, was by (the district court of the city of ....., or the court of common pleas of the county of .....), (or as the case may be), convicted of violating section ....., of ....., in a summary proceeding at the suit of the State Tax Commissioner of the State of New Jersey upon a complaint made by ....., and further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them).

Wherefore, the said court doth hereby give judgment that the plaintiff recover of the defendant ..... dollars, penalty, and ..... dollars, costs of this proceeding.

Commitment.

(d) Signing of conviction; form of commitment. The conviction shall be signed by the judge of the court before whom the conviction is had. If the defendant is committed to jail in default of payment of the penalty, a commitment in the following form shall be added, beneath the judge's signature, to the conviction:

"And the said C. D., neglecting and refusing to pay the amount of the penalty above mentioned, with costs, it is hereby ordered that the said C. D.

be, and he hereby is, committed to the common jail of the county of ..... for the period of ..... days, unless the said penalty and costs are sooner paid."

This commitment shall also be signed by the judge, and in case of commitment of any defendant to jail, the conviction and commitment shall be signed in duplicate, and one of the duplicate copies shall serve the purposes of a warrant of commitment.

Penalty for continuing violation.

(e) Penalty for further violations; recovery; disposition of penalties; proceedings in court of common pleas. In case a person shall, after conviction of any violation of this act, be again convicted of another violation thereof or of continuing the violation for which he was previously convicted, he shall be liable to a penalty of five hundred dollars for each such violation or continuation, to be sued for and recovered in the manner above set forth. In case any defendant against whom judgment has been recovered for a penalty of five hundred dollars shall fail or neglect to forthwith pay the amount of said penalty, the court shall commit him to jail in the manner above set forth, for any number of days not exceeding ninety days. A penalty recovered for any violation of this act shall be paid to the commissioner and by him accounted for and paid to the treasurer as in the case of taxes collected. In case any such proceeding is brought in any court of common pleas, the trial thereof shall proceed in a summary manner, without a jury, as above set forth, immediately upon the arrest under warrant of the defendant, or on the return day of the summons, or on any day to which the court shall continue said trial, either during the terms of said court or in vacation.

Sentence upon failure to pay judgment.

Trial.

Signing and sealing process.

(f) Signing and sealing of process; docketing of judgments in district courts; issuance of execution. The clerk of any district court or of any court of common pleas may sign and seal any process required to be issued under this act, except a warrant of commitment. The costs recoverable in any

Costs recoverable.

such proceeding shall be the same as costs taxed in actions in said courts, and shall be recovered by the commissioner in the event of the conviction of the defendant. A judgment recovered for a penalty under the provisions of this section in any district court may be docketed in the same manner as judgments in said court are docketed under the provisions of an act entitled "An act concerning district courts," approved June fourteenth, one thousand eight hundred and ninety-eight, and the acts amendatory thereof and supplemental thereto.

Issuing executions.

Execution may issue for the collection of any judgment obtained under this act against the personal property and body of the defendant without an order first obtained for that purpose.

Payment of expenses.

All expenses incident to the recovery of any penalty pursuant to the provisions of this section shall be paid for as any other expense incident to the administration of this act.

Penalty for failure to file report, etc.

902. Failure to file report; filing of false or fraudulent report. Any person who shall fail to file any report required to be filed pursuant to the provisions of this act, or shall file or cause to be filed, with the commissioner, any false or fraudulent report or statement, or shall aid or abet another in the filing, with the commissioner, of any false or fraudulent report or statement, with the intent to defraud the State or evade the payment of any tax, fee, penalty or interest or any part thereof, which shall be due pursuant to the provisions of this act, shall be guilty of misdemeanor and shall, upon conviction, be fined not to exceed one thousand dollars or be imprisoned not to exceed one year, or both, at the discretion of the court.

False swearing.

903. False swearing. Any person who shall knowingly swear to, affirm, or verify any false or fraudulent statement with intent to evade the payment of any tax hereunder shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed one thousand dollars or be imprisoned

Penalty.

not to exceed one year, or both, at the discretion of the court.

Perjury.

904. False testimony. Any person who, being under oath, shall testify falsely at any hearing held pursuant to the provisions of this act shall be guilty of perjury, and upon conviction shall be punished accordingly.

Unlawful advertising.

905. Unlawful advertisement. Any person who shall in any manner advertise or otherwise represent that the tax imposed by this act will be assumed by him and not added to his selling price, shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed one thousand dollars or be imprisoned not to exceed one year, or both, at the discretion of the court. Each such representation, or each such advertisement each day the same shall continue shall be deemed a separate offense.

Place of commiting offense.

906. Certain offenses deemed to have occurred in part at the office of the commissioner. The failure to do any act required to be done by, or under the provisions of, this act shall be deemed an act committed in part at the office of the commissioner in Trenton. The certificate of the commissioner to the effect that any act required to be done by, or under the provisions of, this act has not been done, shall be prima facie evidence that such act has not been done.

Prima facie evidence.

Article X

MISCELLANEOUS

1001. Expense of administering; appropriation.

Payment of expenses.

The expense of administering this act shall be paid by the treasurer on the warrant of the comptroller upon the presentation of adequate vouchers by the commissioner.

Appropriation.

There is hereby appropriated from the general State fund the sum of one hundred fifty thousand dollars for establishing offices and providing other necessary facilities for

the administration of this act and for the expenses of administering this act during the remainder of the fiscal year ending June thirtieth, one thousand nine hundred thirty-five. There is hereby appropriated from the general State fund the sum of twenty-five thousand dollars for the purpose of making refunds, as in this act provided, in the period ending June thirtieth, one thousand nine hundred thirty-five. Thereafter, provision shall be made for the administration of this act in the annual or supplemental appropriation bills.

Appropriation for refunds.

Subsequent appropriations.

1002. Constitutionality.

Constitutionality.

The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional, the decision of the court respecting such provision or provisions shall not affect the validity of any other provisions which can be given effect without such invalid provision or provisions.

1003. Repealer.

Repealer.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

1004. Effective date.

This act shall take effect immediately.

Approved June 11, 1935.

CHAPTER 269

AN ACT to amend an act entitled "An act to establish a State highway system, and to provide for the improvement, betterment, reconstruction, resurfacing, maintenance, repair and regulation of the use thereof" (Revision of 1927), approved March thirtieth, one thousand nine hundred and twenty-seven.

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

1. Section thirty-two of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows: Section 32 amended.

32. Route 39. Centre of the Delaware river in the vicinity of the present Yardley Bridge by passing Trenton through Bordentown to Da Costa. Route 39. Description. Beginning at a point in the center of the Delaware river on a new bridge to be constructed in the vicinity of the present Yardley Bridge, thence to the New Jersey shore of the Delaware river, and running thence in a semi-circular path around the city of Trenton, passing through the vicinity of Trenton Junction, Ewingville, Bakersville, Mercerville to Bordentown, Columbus, Vincentown, Red Lion, Indian Mills, Atsion and Da Costa.

2. This act shall take effect immediately, but shall become inoperative unless an act now pending in the Legislature entitled "An act authorizing the State Highway Department to enter into an agreement or agreements with the Department of Highways of the Commonwealth of Pennsylvania for the construction, under certain terms and conditions, of a free bridge across the Delaware river at or near Yardley; granting certain powers to the State Highway Commission in connection with said construction; and making an appropriation," becomes a law. When act effective.

Approved June 10, 1935.

CHAPTER 270

AN ACT authorizing the State Highway Commission to enter into an agreement or agreements with the Department of Highways of the Commonwealth of Pennsylvania for the construction, under certain terms and conditions, of a free bridge across the Delaware river at or near Yardley; granting certain powers to the State Highway Commission in connection with said construction; and making an appropriation.

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

Agreement to construct bridge.

1. The State Highway Commission is hereby empowered and authorized to enter into an agreement or agreements with the Department of Highways of the Commonwealth of Pennsylvania for the construction of a free bridge across the Delaware river, at or near Yardley, between the State of New Jersey and the Commonwealth of Pennsylvania, the exact location of said bridge to be fixed and determined in said agreement.

Expenses borne equally.

2. Said agreement shall provide that the cost and expense of constructing said bridge and its approaches shall be borne fifty per centum (50%) by the State of New Jersey and fifty per centum (50%) by the Commonwealth of Pennsylvania;

Proviso.

provided, however, that the State of New Jersey shall not be obligated to pay its portion of the cost unless and until the Federal government shall approve the construction of said bridge, and shall have agreed to grant to the State of New Jersey, as Federal aid, a sum equal to fifty per centum (50%) of the contract amount or one hundred per centum (100%) of the amount which will be the obligation of the State of New Jersey.

Surveys, plans and specifications.

3. Said agreement shall provide for the making and preparation of the necessary surveys, plans and specifications by the Highway Department of the State of New Jersey and the Commonwealth of Pennsylvania, either jointly or by either in such manner as may be agreed upon, and the securing of Federal approval, and the letting of the contract and supervision and inspection of the work may be handled in the same manner; *provided, however,* that said agreement shall make an equal division of the expense involved by the State of New Jersey and the Commonwealth of Pennsylvania; *and provided, further,* that each State shall secure, at its own cost and expense, the necessary right-of-way, within their respective limits, required for the construction of said bridge.

Proviso.

Proviso.

Construction in New Jersey by Highway Department.

4. Insofar as the construction in New Jersey is concerned, the State Highway Commission shall have and exercise all the powers and rights vested in the joint commission by the act approved the ninth day of March, one thousand nine hundred and twenty-seven, chapter thirty-six of the pamphlet laws of one thousand nine hundred and twenty-seven, entitled "An act to amend an act entitled 'An act authorizing the acquisition and maintaining by the State of New Jersey, in conjunction with the State of Pennsylvania, of toll bridges across the Delaware river and providing for free travel across the same,' approved April first, one thousand nine hundred and twelve," approved April tenth, one thousand nine hundred and nineteen.

Appropriation.

5. So much of the money as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the State Highway Commission out of the highway funds and all Federal aid received on said project from the Federal government shall be deposited with the State Highway funds.

Bridge free.

Maintenance.

6. Upon its completion, said bridge shall be a free bridge and shall be maintained by the State of New Jersey and the Commonwealth of Pennsylvania and the cost thereof shall be borne and paid

by the State of New Jersey and the Commonwealth of Pennsylvania in equal proportions; *provided, however,* that the State Highway Commission is empowered and authorized to enter into an agreement or agreements with the Department of Highways of the Commonwealth of Pennsylvania, providing that the maintenance shall be done by either of their respective highways departments and reimbursement made to the one doing the work by the other. So much of the money as may be necessary from time to time is hereby specifically appropriated to the State Highway Commission, out of the highway funds, for defraying the share of the cost of maintenance properly chargeable to the State of New Jersey.

Proviso.

When act effective.

7. This act shall become effective upon its approval by the Governor and the enactment of a similar, or substantially similar statute, by the Commonwealth of Pennsylvania, making a like appropriation and conferring like powers upon its Department of Highways.

Consent by Congress.

8. The Governor is hereby authorized to apply, on behalf of the State of New Jersey, to the Congress of the United States for its consent and approval to said compact or agreement; but in the absence of such consent and approval, the State Highway Departments or either of them as may be agreed upon, shall have the power which the State of New Jersey and the Commonwealth of Pennsylvania may confer upon them, or it, without the consent and approval of Congress.

Action without consent.

Approved June 11, 1935.

CHAPTER 271

AN ACT creating a State Capitol police force.

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

1. A State Capitol police force is hereby created. State Capitol police created.

The personnel of such force now in office or position shall continue to hold their offices or positions under the provisions of this act. Personnel.

Such officers shall possess all the powers of police officers. Police powers.

Each member of the said Capitol police force shall take an oath that he will well and truly serve the State of New Jersey as an officer of the State Capitol police force, which oath shall be filed with the custodian of the State Capitol building. Oath.

The duties of the said State Capitol police shall be prescribed by the State House Commission. Duties.

This act shall apply only to officers employed in service on the State Capitol grounds and adjoining parks, now known as the State Capitol police. Application of act.

2. This act shall take effect immediately.

Approved June 11, 1935.

CHAPTER 272

A SUPPLEMENT to an act entitled "An act to provide for the proper construction, grading, drainage, maintenance and repair of unimproved town, township, village and borough roads of the State and to provide State aid therefor," as said title was amended as herein given by act approved April twenty-first, one thousand nine hundred and thirty.

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

Funds used to light roads, etc.

1. Such funds as are made available pursuant to the act to which this act is a supplement may be utilized for the lighting of the roads mentioned in the act to which this act is a supplement, including the construction of traffic lights, and also for the construction of underpasses for school children, where such underpasses may be deemed necessary by the joint action of the governing body of any municipality and the State Highway Commission; *provided, however,* that the installation of any traffic lights pursuant to the provisions of this act shall receive the approval of the Commissioner of Motor Vehicles.

Proviso.

2. This act shall take effect immediately.

Approved June 15, 1935.

CHAPTER 273

A SUPPLEMENT to an act entitled "An act to amend an act entitled 'An act to provide for a State budgeting system and its operation,' approved April twentieth, one thousand nine hundred and thirty-one," approved June fifth, one thousand nine hundred and thirty-three.

Preamble. WHEREAS, The Legislature by subdivision two of section eighteen, as amended, of the act to which this act is a supplement, provided the sum of two million one hundred thousand dollars ($2,100,000.00) to be expended pursuant to "An act to provide for the proper construction, grading, drainage, maintenance and repair of unimproved town, township, village and borough roads of the State," approved March twenty, one thousand nine hundred and sixteen, as amended or supplemented; and

Preamble. WHEREAS, It is desirable that such sum shall also be made available for lighting of said roads, including the construction and maintenance of traffic lights, and for the construction of underpasses for school children, where such underpasses may be deemed necessary by the joint action of the governing body of any municipality and the State Highway Commission, and with the approval of the Commissioner of Motor Vehicles; now, therefore;

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

Use of moneys. 1. The sum of two million one hundred thousand dollars ($2,100,000.00) made available by subdivision two of section eighteen, as amended, of the act to which this act is a supplement, is hereby made

Lighting. available for the lighting of roads as in said subdivision mentioned, including the construction and maintenance of traffic lights, and for the construction of underpasses for school children, where such underpasses may be deemed necessary by the joint action of the governing body of any municipality and the State Highway Commission; *provided, however,* that the installation of any traffic lights pursuant to the provisions of this act shall receive the approval of the Commissioner of Motor Vehicles.

Underpasses.

Proviso.

2. This act shall take effect immediately.

Approved June 15, 1935.

CHAPTER 274

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

Empowered to authorize railroads to charge greater rates.

1. In addition to the powers given to the Board of Public Utility Commissioners by the act to which this is a supplement, said board shall have power, upon application, after investigation and hearing, to authorize in writing any railroad company to charge or receive a greater rate of compensation for transportation of property between way stations, or between a terminal station and a way station, than for transportation of such property between terminal stations, or to charge less for any longer distance than for any shorter distance for the transportation of property where competitive

conditions make it equitable. In exercising the authority conferred upon it hereby the board shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential competition not actually in existence.

Charges to be reasonable.

Authorization not to be granted.

2. This act shall take effect immediately.

Approved June 15, 1935.

CHAPTER 275

AN ACT to amend an act entitled "An act to amend an act entitled 'An act regulating and providing for the government of cities of this State containing a population of less than twelve thousand inhabitants,' approved March twenty-first, one thousand eight hundred and ninety-nine," approved July second, one thousand nine hundred and twenty-nine.

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

1. Section two of the act of which this is amendatory be and the same hereby is amended to read as follows:

Section 2 amended.

2. The term of office of any mayor hereafter elected in any such city shall be two years, and his term of office, and that of all other elective officers

Term of mayor and other officers.

herein provided for shall commence at twelve o'clock noon on the first day of January next succeeding their election, and the term of all appointive officers herein provided for shall commence immediately after their appointment and qualification as required by law; *provided, however,* that the term of office of any mayor hereafter elected in any such city located in a county of the fourth class shall be four years.

Proviso, fourth class counties.

Section 3 amended.

2. Section three of the act of which this act is amendatory be and the same hereby is amended to read as follows:

Election of mayor.

3. The mayor shall be the chief executive officer of such city and shall possess the powers and privileges and shall perform the duties which are hereinafter specified and shall be elected for the term of two years at the annual general election to be held on the first Tuesday after the first Monday in November in each year, and shall receive such annual compensation for this service, not exceeding one thousand dollars ($1,000.00) per annum, as the common council shall, by ordinance, fix and determine, and he shall receive no fee or other compensation whatever; *provided, however,* that the mayor of any such city located in a county of the fourth class shall be elected for a term of four years.

Term.

Salary.

Proviso.

Repealer.

3. All acts or parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

4. This act shall take effect immediately.

Approved June 15, 1935.

CHAPTER 276

AN ACT to amend an act entitled "An act concerning conditional sales and to make uniform the law relating thereto," approved April fifteenth, one thousand nine hundred and nineteen.

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

1. Section twenty-two of the act to which this is amendatory be and the same is hereby amended so as to read as follows: Section 22 amended.

22. If the proceeds of a resale are not sufficient to defray the expenses thereof, and also the expenses of retaking, keeping and storing the goods and chattels, and the balance due upon the purchase price, the seller may recover by an action at law the deficiency from the buyer; *provided, however,* in any suit for such deficiency the vendee shall be entitled to a credit upon any sum so found due in an amount equal at least to the fair market value of the goods and chattels so sold at the time of the sale thereof; *and provided, further,* the amount received at any sale authorized under the provisions of this act shall be evidential of the said fair market value, but shall not be conclusive proof thereof. Recovery of deficiency. Proviso. Proviso.

2. All inconsistent laws are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved June 15, 1935.

CHAPTER 277

AN ACT concerning the term of office of tax assessors in this State.

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

Terms of tax assessors.

1. Any person now holding the position or office of tax assessor of any municipality of this State and/or any person who may be hereafter appointed or elected to the position or office of tax assessor shall hold his said office for a period of five years from the date of his election or appointment, and

Terms extended.

the terms of all officials now in office are extended for said period, so as to give to said incumbent a term of five years from the date of appointment or

Proviso.

election; *provided,* that the provisions of this act shall not apply to the term of any tax assessor whose office may hereafter expire but whose successor has been elected; *provided, however,* that

Proviso.

nothing in this act contained shall be construed to modify or affect the provisions of an act entitled "An act concerning the appointment and term of office of commissioners of assessment of taxes in certain cities," approved May sixth, one thousand

Proviso.

nine hundred and twenty-nine; *and provided, further,* that the provisions of this act shall not apply to any municipality wherein the population is three hundred thousand or more.

Tax assessor defined.

2. The term "tax assessor" as used in this act shall be construed to mean and include assessors, members of the boards of assessors and all other persons charged with the duty of assessing real and personal property for taxation in each municipality of this State, including municipalities governed by a city manager form of government.

3. This act shall take effect immediately.

Approved June 15, 1935.

CHAPTER 278

AN ACT to create the South Jersey Transit Authority and to provide for the appointment of the members thereof, and to define its purposes, powers, duties and jurisdiction, including the power to finance projects and making an appropriation for its expenses.

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

ARTICLE I

South Jersey Transit Authority created.

1. There is hereby created a body corporate and politic to be known as "The South Jersey Transit Authority" (hereinafter called "Authority"), which is constituted the public corporate instrumentality of the State of New Jersey for the following public purposes and which shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

Purposes:

Improve transportation;

(a) The investigation of the public necessity for improving transportation between the vicinity of Haddon avenue and Carman street, in the city of Camden, and other points in the counties of Camden, Ocean, Monmouth, Burlington, Gloucester, Salem, Cumberland, Cape May and Atlantic, in the State of New Jersey, and making such studies, surveys and estimates as may be necessary to determine the feasibility and cost of any additional or improved means of communications; and

Establish transportation facilities;

(b) The effectuation, establishment, construction, operation and maintenance of railroad or other facilities for the transportation of passengers from the vicinity of Haddon avenue and Carman street in the said city of Camden, and to other parts in the above mentioned counties of New Jersey.

Co-operate with other facilities;

(c) The co-operation with all other bodies interested in or concerned with, or affected by, the crea-

tion of better transportation facilities in the above mentioned counties of New Jersey; and

Procure Federal consent.

(d) The procurement from the Government of the United States of any consents which may be requisite to enable any project, within its powers, to be carried forward.

ARTICLE II

Authority, how constituted.

1. The Authority shall consist of eight members, resident voters of the State of New Jersey to be appointed by the Governor with the advice and consent of the Senate. They shall hold office for a period of five years and until their respective successors are appointed and qualified, but no period during which any member shall hold over shall be deemed to be an extension of his term of office for the purpose of computing the date on which his successor's term expires. Succeeding members shall be appointed by the Governor for a period of five years.

Terms.

Vacancies.

In the event of vacancy in the office of a member hereof, such vacancy shall be filled by the Governor with the advice and consent of the Senate for the unexpired term only.

No salary: expenses met.

Members shall receive no salary but shall be reimbursed for necessary expenses incurred in performance of their duties.

ARTICLE III

Authority to have charge of property.

1. The members shall have charge of the Authority's properties and affairs and shall, for the purpose of doing business, constitute a board, but no action of the members shall be binding unless a majority of the members of the Authority shall vote in favor thereof.

Action by majority.

ARTICLE IV

1. For the effectuation of its authorized purposes, the Authority is hereby granted the following powers: Powers of authority:

(a) To have perpetual succession; Succession;

(b) To sue and be sued; Suits;

(c) To adopt and use an official seal; Seal;

(d) To elect a chairman and vice-chairman and to adopt suitable by-laws for the management of its affairs; Organization;

(e) To appoint such other officers, and such agents and employees as it may require for the performance of its duties, and fix and determine their qualifications, duties and compensation; Assistants;

(f) To enter into contracts; Contracts;

(g) To acquire, own, hire, lease, use, operate, and dispose of personal property; Personal property;

(h) To acquire, own, use, lease, operate and dispose of real property and interests in real property, and to make improvements thereon; Real property;

(i) To grant the use of, by franchise, lease or otherwise, and to make charges for the use of, any property or facility owned or controlled by it; Franchises;

(j) To borrow money upon its bonds or other obligations either with or without security; and to accept grants of money from the United States Government or any agency thereof; Borrow money, etc.;

(k) To exercise the right of eminent domain; Eminent domain;

(l) To determine the exact location, system and character of, and all other matters in connection with, any and all improvements or facilities which it may be authorized to own, lease, construct, establish, effectuate, operate or control. Facilities;

(m) To exercise all other powers, not inconsistent with the Constitutions of the State of New Jersey or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy Sundry.

taxes or assessments, and generally to exercise, in connection with its property and affairs and in connection with property within its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

ARTICLE V

Use of property by Authority deemed superior.

1. If, for any of its authorized purposes (including temporary construction purposes), the Authority shall find it necessary or convenient to acquire any real property in the State of New Jersey, whether for immediate or future use, the Authority may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for public use, and, upon such determination, the said property shall be deemed to be required for a public use, until otherwise determined by the Authority, and, with the exceptions hereinafter specifically noted, the said determination shall not be affected by the fact that such property has theretofore been taken for or is then devoted to a public use, but the public use in the hands or under the control of the Authority shall be deemed superior to the public use in the hands or under the control of any other person, association or corporation.

Condemnation proceeding.

2. If the Authority is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in the State of New Jersey for any reason whatsoever, then the Authority may acquire, and is hereby authorized to acquire, such property, whether a fee simple absolute or a lesser interest, by condemnation or the exercise of the right of eminent domain, either under and pursuant to the provisions of the act of the State of New Jersey, entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of one thousand nine hundred, ap-

proved March twentieth, one thousand nine hundred) and acts amendatory thereof and supplementary thereto, or under and pursuant to the provisions of an act entitled "An act concerning and regulating acquisition and taking of lands by the State of New Jersey, or any agency thereof; providing a procedure therefor, and the manner of making compensation for lands so taken," approved April twenty-first, one thousand nine hundred and twenty, and the various acts amendatory thereof and supplementary thereto.

Right of eminent domain.

3. The power of the Authority to acquire real property by condemnation or the exercise of the power of eminent domain in the State of New Jersey shall be a continuing power and no exercise thereof shall be deemed to exhaust it.

Entering upon lands for surveys.

4. The Authority and its duly authorized agents and employees may enter upon any land in the State of New Jersey, for the purpose of making such surveys, maps or other examinations thereof, as it may deem necessary or convenient for its authorized purposes.

Taking municipal property.

5. However, anything to the contrary contained in this act notwithstanding, no property now or hereafter vested in or held by any county, city, borough, village, township or other municipality shall be taken by the Authority without the consent of such municipality unless expressly authorized so to do by the State of New Jersey. All counties, cities, boroughs, villages, townships and other municipalities, and all public agencies and commissions of the State of New Jersey, notwithstanding any contrary provision of law, are hereby authorized and empowered to grant and convey to the Authority upon its request, but not otherwise, upon reasonable terms and conditions, any real property which may be necessary or convenient to the effectuation of its authorized purposes, including real property already devoted to public use.

Conveying municipal property.

Use of State owned property.

6. The State of New Jersey hereby consents to the use and occupation by the Authority of any real

property of the said State, which may be or become necessary or convenient to the effectuation of the authorized purposes of the Authority, including lands lying under water and lands already devoted to public use.

Real property defined.

7. The term "real property," as used in this act, includes lands, structures, franchises, and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the said term, and includes not only fee simple absolute but also any and all lesser interests such as easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments, and every estate, interest or right, legal or equitable, including terms of years and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate.

Article VI

Property to vest in Authority.

1. The control, operation and revenues of any facilities acquired, owned, leased or operated by the Authority shall be vested in the Authority.

Article VII

Not to pledge State, etc., credit.

1. Notwithstanding any provision of this act, the Authority shall have no power to pledge the credit of the State of New Jersey, or the credit of any county, city, borough, village, township or other municipality of said State, or to create any debt of said State or of such municipality.

Article VIII

Enforce rules and regulations.

1. The Authority is hereby authorized to make and enforce such rules and regulations and to establish, levy and collect (or to authorize by contract, franchise, lease or otherwise, the establishment, levying and collection of) such rents, rates, fares and other charges in connection with the operation

and use of the aforesaid facilities and any other properties which it may hereafter construct, erect, acquire, own, lease, operate or control as it may deem necessary, proper, desirable and reasonable, which said rents, rates, fares and other charges shall be at least sufficient to meet the expenses thereof, including interest and sinking fund charges; and the Authority is hereby authorized and empowered to pledge such rates, fares, rents and other revenues, or any part thereof, either presently received or to be received in the future, or both, as security of the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes and as security for the satisfaction of any other obligation assumed by it in connection with such loans or advances.

Article IX

State covenants not to diminish powers.

1. The State of New Jersey hereby covenants and agrees with the holders of any bonds or other securities or obligations of the Authority for which there may be or shall be pledged the rents, rates, fares or other revenues, or any part thereof, of any property or facility owned, leased, operated or controlled by the Authority that (so long as any of said bonds or other securities or obligations remain outstanding and unpaid and unless and until adequate provision is made by law for the protection of those advancing money upon such obligations) the State will not diminish or impair the power of the Authority to own, lease, operate or control said properties and facilities or to establish, levy and collect rents, rates, fares and other charges in connection with such properties or facilities.

ARTICLE X

Character of obligations issued by Authority.

1. The bonds or other securities or obligations which may be issued by the Authority for any of its authorized purposes, and as security for which there may be pledged the rents, rates, fares and other revenues, or any part thereof, of any properties or facilities owned, leased, operated or controlled by the Authority are hereby made securities in which all State and municipal officers and bodies of the State of New Jersey, all banks, bankers, trust companies, savings banks, saving and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever, who now or may hereafter be authorized to invest in bonds or other obligations of the State of New Jersey, may properly and legally invest any funds, including capital belonging to them or within their control, and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or agency of the State of New Jersey for any purpose for which the deposit of bonds or other obligations, of the State, is now or may hereafter be authorized.

Bonds as investments.

ARTICLE XI

Property to be tax exempt.

1. The effectuation of its authorized purposes by the Authority is and will be in all respects for the benefit of the people of the State of New Jersey, for the increase of their commerce and prosperity and for the improvement of their health and living conditions, and since the Authority will be performing essential governmental functions in effectuating

said purposes, the Authority shall not be required to pay any taxes or assessments upon property acquired or used by it for such purposes, and the bonds or other securities or obligations issued by the Authority, their transfer and the income therefrom (including any profits made on the sale thereof) shall, at all times, be free from taxation within the State of New Jersey.

ARTICLE XII

Annual report.

1. The Authority shall make annual reports to the Governor and Legislature of the State of New Jersey, setting forth in detail its operations and transactions, and may make such additional reports, from time to time, to the Governor and Legislature, as it may deem desirable.

Appropriation.

2. The sum of $10,000 is hereby specifically appropriated to The South Jersey Transit Authority to be used by it for any of the purposes of the said Authority.

Act not to apply.

3. This act does not in any way diminish, impair or affect the powers and duties of the Delaware River Joint Commission, or the provisions of chapter three hundred and ninety-one, laws of New Jersey, one thousand nine hundred and thirty-one, approved June thirtieth, one thousand nine hundred and thirty-one, and the various acts supplementary thereto and amendatory thereof.

Repealer.

4. All acts and parts of acts inconsistent herewith are hereby repealed.

5. This act shall take effect immediately.

Approved June 15, 1935.

CHAPTER 279

AN ACT declaring and carrying into effect the public policy of the State of New Jersey with respect to causes of action for alienation of affections, criminal conversation, seduction, and breach of contract to marry, actions thereon, contracts with respect thereto and acts and proceedings in connection therewith.

Preamble.

WHEREAS, The remedies herein provided for by law for the enforcement of actions based upon alleged alienation of affections, criminal conversation, seduction and breach of contract to marry have been subjected to grave abuses, causing extreme annoyance, embarrassment, humiliation and pecuniary damage to many persons wholly innocent and free of any wrongdoing, who were merely the victims of circumstances, and such remedies having been exercised by unscrupulous persons for their unjust enrichment and such remedies having furnished vehicles for the commission or attempted commission of crime and in many cases have resulted in the perpetration of frauds, it is hereby declared as the public policy of the State of New Jersey that the best interests of the people of the State will be served by the abolition of such remedies. Consequently, in the public interest, the necessity for the enactment of this article is hereby declared as a matter of legislative determination; therefore,

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

Right of action abolished.

1. The rights of action heretofore existing to recover sums of money as damage for the alienation of affections, criminal conversation, seduction, or breach of contract to marry are hereby abolished.

Action commenced in 60 days.

2. All causes of action to recover a sum of money as damage for the alienation of affections, criminal conversation, seduction and breach of contract to marry, which have heretofore accrued, must be commenced within sixty days after this article takes effect.

Breach of existing contracts.

3. All actions to recover a sum of money for a breach of a presently existing contract to marry must be commenced within sixty days after the cause of action has accrued. All such actions not so commenced shall be thereafter completely and forever barred for lapse of time.

No right of action.

4. No act hereafter done within this State shall operate to give rise, either within or without this State, to any of the rights of action abolished by this article. No contract to marry, hereafter made or entered into in this State shall operate to give rise, either within or without this State, to any cause or right of action for the breach thereof.

Service, etc., of process unlawful.

5. It shall hereafter 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 the State, setting forth or seeking to recover a sum of money upon any cause of action abolished or barred by this article, whether such cause of action arose within or without the State.

Contracts void.

6. All contracts and instruments of every kind, name, nature or description, which may hereafter be executed within this State in payment, satisfaction, settlement or compromise of any claim or cause of action abolished or barred by this article, 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,

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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; *provided, however,* that 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 article, or any contracts or instruments heretofore executed, or to the bona fide holder in due course of any negotiable instrument which may be hereafter executed.

Unlawful to sue on contract.

Proviso.

Fine.

7. Any person who shall violate any of the provisions of this article shall be guilty of a felony which shall be punishable by a fine of not less than one thousand dollars ($1,000.00) nor more than five thousand dollars ($5,000.00), or by imprisonment for a term of not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

Construing.

Constitutionality.

8. This article shall be liberally construed to effectuate the objects and purposes thereof and the public policy of the State as hereby declared. If any clause, sentence, paragraph or part of this article shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall have been rendered. If the application of this article, or any part thereof, to any person or circumstances shall be adjudged by such court to be invalid or ineffectual for any reason, such judgment shall not affect the application of such article or part to any other person or circumstances.

9. This article shall supersede all acts and parts of acts, inconsistent with this article, to the extent of such inconsistency, but in all other respects shall be deemed supplemental to such acts and parts of acts. Nothing contained in this article shall be construed as a repeal of any of the provisions of the penal law or the code of criminal procedure or of any other law of this State relating to criminal or quasi-criminal actions or proceedings. Status of act.

10. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 280

AN ACT to amend an act entitled "An act imposing taxes for the privilege of selling tangible personal property at retail, providing for the disposition of the proceeds therefrom, and prescribing the method of collection," approved June eleventh, one thousand nine hundred and thirty-five, and constituting chapter two hundred sixty-eight of the pamphlet laws of one thousand nine hundred and thirty-five.

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

1. Section four hundred and six of the act of which this act is an amendment be and the same is hereby amended to read as follows: Section 406 amended.

406. Exemptions.

Sales of tangible personal property as follows shall be exempted from the provisions of this act: Exemptions:

a. Sales of commercial feeding stuffs upon which a tax is imposed pursuant to chapter 218, laws of 1912, as amended; Feed stuffs;

Fertilizers; b. Sales of fertilizers upon which a tax is imposed pursuant to chapter 179, laws of 1912, as amended;

Gas and electricity; c. Sales of gas and electricity delivered to consumers through mains, pipes or wires;

Motor fuels; d. Sales of motor fuels upon which a tax is imposed pursuant to any law of this State;

Alcoholic beverages; e. Sales of alcoholic beverages upon which a tax is imposed pursuant to chapter 434, laws of 1933, as amended;

Water; f. Sales of water delivered to consumers through mains or pipes;

Magazines and newspapers; g. Sales of magazines which sell at retail for less than eleven cents and sales of all current newspapers;

Sales by State use industries. h. Sales by all State use industries and all sales by any governmental agency in this State to any other governmental agency in this State;

Sundry; i. Sales of tangible personal property which this State is prohibited from taxing under the Constitution or laws of the United States of America;

Milk. j. Retail sales of fluid whole milk, flavored or unflavored, skimmed milk, and buttermilk, but not of cream.

Section 504 amended. 2. Section five hundred and four of the act of which this act is an amendment be and the same is hereby amended to read as follows:

Tax a debt. 504. Tax a debt; proceedings to recover; preference.

Recovery. The taxes, fees, interest and penalties imposed by this act, from the time the same shall be due, shall be a personal debt of the retailer to the State of New Jersey, recoverable in any court of competent jurisdiction in an action at law in the name of the State of New Jersey. Such debt, whether sued upon or not shall be a lien on all the property of the debtor except as against an innocent purchaser for value in the usual course of business and without notice thereof, and shall have preference in any distribution of the assets of the taxpayer,

Debt a lien.

whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment obtained hereunder shall be paid to the commissioner. Payment of proceeds.

3. Section ten hundred one of the act of which this act is an amendment be and the same is hereby amended to read as follows: Section 1001 amended.

1001. Expense of administering; appropriation.

The expense of administering this act shall be paid by the Treasurer on the warrant of the Comptroller upon the presentation of adequate vouchers by the commissioner. There is hereby appropriated from the general State fund the sum of fifty thousand dollars for establishing offices and providing other necessary facilities for the administration of this act and for the expenses of administering this act during the remainder of the fiscal year ending June thirtieth, one thousand nine hundred thirty-five. There is hereby appropriated from the general State fund the sum of four hundred thousand dollars for establishing offices and providing other necessary factilities for the administration of this act and for the expenses of administering this act during the fiscal year ending June thirtieth, one thousand nine hundred thirty-six. There is hereby appropriated from the general State fund the sum of one hundred thousand dollars for the purpose of making refunds, as in this act provided, in the period ending June thirtieth, one thousand nine hundred thirty-six. Thereafter, provision shall be made for the administration of this act in the annual or supplemental appropriation bills.

Payment of expenses.

Appropriation for 1935.

Appropriation for 1936.

Appropriation for refunds.

Subsequent appropriations.

4. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 281

AN ACT to promote the public health, safety and welfare of the people of the State of New Jersey, and to regulate, control and license the cleaning and dyeing trade; to create a State trade board for the cleaning and dyeing trade; to define the duties and powers of said board; to provide for its costs, and providing penalties.

DECLARATION OF LEGISLATIVE POLICY AND INTENT

Preamble. WHEREAS, Competition in the cleaning and dyeing trade has developed unfair, unjust, destructive and demoralizing practices which have disrupted the stability of said trade, impaired the security of the working capital invested therein, resulting directly in oppressive conditions, smaller wages for labor and a lowering of the standards of living for the people employed therein; and

Preamble. WHEREAS, Such unregulated conditions results in a lowering of the standards of sanitation in the plants where the cleaning and dyeing services are performed which directly affects the health of the people of the State of New Jersey; and

Preamble. WHEREAS, The evils of unfair, unjust, destructive and demoralizing competitive practices in said trade render imperative the exercise of the police power reserved to the State for the protection of said trade and of the employees engaged therein and for the protection of the public welfare and health of the inhabitants of this State; therefore,

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

Emergency law. 1. It is declared by the Legislature of the State of New Jersey in the exercise of the police power reserved to the State in order to protect the public

health, welfare and safety of the inhabitants of this State, that this act be an emergency law necessary for the immediate preservation of the peace, health, safety and welfare of the inhabitants of this State.

State Trade Board for the Cleaning and Dyeing Trade.

2. The Governor of this State shall appoint, immediately after the passage of this act, a board to be known as the "State Trade Board for the Cleaning and Dyeing Trade." Said board shall consist of three members, each of whom must have been a citizen of this State for at least three consecutive years prior to his appointment. Two of the members of the board shall, in the opinion of the Governor, be experts in the field of economics, and the third member shall be the executive secretary of the New Jersey Dyers and Cleaners Association. The members of said board shall receive as compensation for said services the sum of twenty-five dollars ($25.00) for each day engaged in the performance of the duties thereof, not to exceed, however, the sum of three hundred dollars ($300.00) in any one month. The board shall elect one of its members as chairman and one of its members as vice-chairman. The board shall have authority to appoint a secretary and such other clerks, inspectors and legal aids as it may deem necessary, fix their duties, compensation and terms of service. All salaries and other necessary expenses of said board shall be made payable from funds herein appropriated to said board by the provisions of this act.

Members.

Qualifications.

Compensation.

Organization.

Assistants.

May use services of employees of trade associations.

The board, in carrying out the duties and powers imposed upon it by the provisions of this act, may call upon and utilize the services of the agents, servants and employees of any of the cleaning and dyeing trade associations of the State of New Jersey; *provided, however,* that there shall be no obligation upon the State or upon the board to pay any fees or salaries of those whose services may thus be utilized under the provisions of this paragraph.

Proviso.

Terms.

The members of the board shall hold office for the period of two years; *provided, however,* that the

Proviso.

third member named herein as the executive secretary of the New Jersey Dyers and Cleaners Association shall hold office as a member of said board during such time as he may continue to hold the position of executive secretary of said association, and upon his death, resignation or removal as executive secretary of said association, the person replacing him in said association shall automatically replace him as a member of this board.

Powers of Board;

3. The State board of the cleaning and dyeing trade is hereby declared to be an instrumentality of the State for the purpose of attaining the ends in this act declared and it is hereby vested with power:

Regulate and license;

A. To regulate, control and license the entire cleaning and dyeing trade of the State of New Jersey.

Rules and regulations;

B. To adopt and enforce all rules, regulations and orders necessary to carry out the provisions of this act.

Prevent unfair trade practices;

C. To prevent by rules or regulations the following unfair trade practices by any member of the cleaning and dyeing trade:

Misleading advertising;

(1) Misleading Advertising: The use (or participation therein) of, the publication, or the broadcasting of any untrue, deceptive, or misleading statement, representation, or illustration, in connection with and for the purpose of furthering the sale of cleaning or dyeing service.

Defamation, etc., of competitors;

(2) Defamation or Disparagement of Competitors: The false imputation to competitors of dishonorable conduct, of inability to perform contracts, of poor or questionable credit standing, and false representation concerning the grade or quality of the service rendered by competitors.

Underselling;

(3) Underselling Claims: Advertising which announces or lays claims to a policy or continuing practice on the part of the advertiser of generally or regularly underselling competitors.

Misleading guarantees;

(4) Misleading Guarantees: Guarantees which are not specific as to the nature and extent of the guarantee or which for any reason are unenforceable against the guarantor.

(5) Disclaimers: Attempts by stipulation to evade, limit, or nullify what would otherwise be the lawful responsibility of a member of the trade for articles left with him for cleaning or dyeing. Disclaimers;

(6) Misrepresentation of Prices: Representation of any prices or credit terms as "special" when they are in fact the regular prices and/or credit terms of the person making such representation; also the creation of the implication that quoted prices apply to completely finished work when in fact they apply to partially processed work. Misrepresentation;

(7) Selling or Offering to Sell Below Regional Price: The sale or offer to sell of any cleaning and dyeing services in, or for delivery to, or for resale in any regional locality at less than the minimum wholesale or retail minimum price (as the case may be) for such service, as established for such regional locality by the Trade Board of the Cleaning and Dyeing Trade. Selling below regional prices;

(8) Unfair Merchandising Devises: Unfair merchandising;

a. The furnishing of free work to anyone except a bona fide charity.
b. The furnishing of free storage to customers.
c. The payment of a commission or any other consideration to anyone not a member of the trade or regularly employed by a member of the trade, for the solicitation or procuring of cleaning or dyeing work.
d. The use of lotteries.
e. The use of coupon books, discount coupons, or premiums.

(9) Added Charges: The attempt to secure an additional charge for the eradication of spots or stains after the member of the trade agreed to dry-clean them for a stated price. Added charges;

(10) Secret Rebates: The secret payment or allowance to any customer, or to any employee of a customer, of rebates, refunds, remissions of past Secret rebates;

indebtedness, commissions or discounts, whether in the form of money or otherwise, including the extension to particular customers of special services or privileges, false invoicing and rebates under the guise of allowances for lost, misplaced or damaged articles.

Imitation of competitors;

(11) Imitation of Competitors: The simulation or copying of a competitor's style of store front, of signs or of advertising, with the intention, or having the tendency and capacity, of deceiving the customers of such competitors.

Coercion of employees;

(12) Coercion in the Sale of Stock to Employees: Coercion of employees to purchase stock of an employer's company as a condition to obtaining payment of past due wages or for any purpose designed to substitute such purchase in whole or in part for full payment of wages.

Selling below standard quality;

(13) Selling or Offering to Sell Below Standard Quality: The offering or sale of any cleaning and dyeing service to the public below such minimum standards of quality for such service as shall be prescribed by the Trade Board for the Cleaning and Dyeing Trade.

Posting insurance information;

(14) Posting of Insurance Information: Failure to display in a conspicuous place a printed or written placard stating whether, to what extent, and against what hazards fabrics left for cleaning and dyeing are protected by insurance for the benefit of the consumer.

False statements concerning insurance;

(15) False or Misleading Statements Concerning Insurance: False or misleading statements or representations by any means whatsoever as to the amount and/or character of insurance carried for the benefit of the consumer on fabrics left for cleaning and/or dyeing.

Accepting work from solicitors;

(16) Accepting Work from Solicitors: Accepting of work from a person who solicits cleaning and/or dyeing work and who is neither a member of the trade nor regularly employed by a member of the trade; the intention of this section being to prevent the operation of commissioners or bobtails (as they are known in the trade).

(17) Violence, Intimidation or Unlawful Coercion: Violence, intimidation or unlawful coercion;

a. Any use of violence to person or property, intimidation or unlawful coercion, by a member of the trade against a member of the trade.

b. Any threat by a member of the trade to use such violence, intimidation or unlawful coercion.

c. Any conspiracy among members of the trade or among members of the trade and others, to use or to threaten to use such violence, intimidation or unlawful coercion.

d. Any combining or co-operating by a member of the trade with anyone who is using or threatening to use such violence, intimidation or coercion.

D. To establish and prescribe fair and reasonable minimum wholesale and retail prices, by regions and/or by local areas for the several services comprised within the definition of cleaning and dyeing; such minimum wholesale and retail prices to be consistent with the maintenance of a fair standard of living in the industry, and the furnishing of staple employment necessary to maintain the trade; and sufficient to provide for the payment of such minimum wages as may from time to time be prescribed by the board; and likewise sufficient to provide for the payment or recoupment of such other fair and reasonable costs, charges, expenses, elements or factors as may be found and deemed pertinent to production costs by the trade board. Said minimum prices when established may from time to time be increased or decreased by the trade board according to changing conditions. For the purpose of carrying out the requirements of the section, the trade board may investigate the practices, policies and wages, hours of labor, conditions of employment, price indices, trade practices, cost productions, charges and records, and such other

Establish fair prices.

Minimum wages;

Investigate wages, etc.

avenues of information as by the said trade board may be deemed relevant, and shall likewise have the power to conduct hearings, subpœna witnesses, and examine such witnesses under oath, examine books, records and accounts of persons, firms and corporations engaged in the business herein defined and on the basis of the investigations made by it may prescribe and establish minimum prices for any trading area as said board may define such trading area. Any member of the trade board or its representative shall have access to, and may enter at any reasonable hour all the places where the businesses herein defined are conducted.

Conduct hearings;

Subpœna witnesses, etc.;

Access to premises;

E. To define the several processing services of the cleaning and dyeing trade; to prohibit partial cleaning and dyeing services where the use of such partial services has a tendency to adversely affect the cleaning and dyeing trade.

Define processing and partial services;

F. To establish standards of sanitation, regulating the place, method of processing, conditions of health of employees and working conditions of employees for the protection of the health of the inhabitants of this State.

Establish standards of sanitation;

G. The trade board shall have power to act as mediator or arbitrator to settle any controversy or issue that may arise among or between any of the persons, firms or corporations engaged in the businesses as defined in this act and/or consumers, any of whom may petition the trade board in writing concerning violations of any of the provisions of this act, or of the rules and regulations of the trade board, or concerning unsanitary, unethical or unfair trade practices in the trade generally.

Act as mediator;

H. To make studies and investigations of conditions and practices current in the trade; to gather statistics from governmental and other agencies; to require and collect from all members of the trade in such form as it may prescribe and with full protection to each member as to the confidential nature of the data, such information as is reasonably pertinent to the effectuation of the purposes of the act; to compile, tabulate, publish and distribute reports

Investigations;

Repor

based on such studies, investigations, statistics and information.

I. To define the territorial limits of trade regions and local trade areas. Define territorial limits;

J. To establish minimum rates of pay, maximum hours of employment, and to prohibit the employment of child labor in the cleaning and dyeing trade of this State. Establish working conditions.

4. Licenses: The Trade Board of the Cleaning and Dyeing Trade is hereby empowered to license all persons, firms or corporations engaged in the cleaning and dyeing trade within this State. The licenses shall be valid for a period of one year and no more, unless sooner revoked or suspended by said trade board under the provisions of this act. License. Term.

The annual fees for such licenses shall be as follows: Schedule of fees.

a. For each retail outlet—$10.00.

b. For each retail plant owner—$30.00.

c. For each wholesale plant owner—$60.00.

Such license fees shall be collected by the trade board and disbursed and accounted for as hereinafter provided. Collection.

5. The trade board may decline to grant a license, or may suspend or revoke a license already granted, upon due notice and after hearing, upon the ground of any violation of the provisions of this act or of the rules, regulations or orders of the trade board; *provided, however,* that any person aggrieved by the decision of said board shall have the right to appeal from such decision, in the event of a refusal to grant or the suspension or revocation of any license, by certiorari to the Supreme Court of this State. No appeal, or the allowance of a rule to show cause, or the allowance of the writ of certiorari, or the institution of any proceeding to review any order of the board, by the Supreme Court aforesaid, shall supersede or stay the decision, ruling or order of the board, unless the Supreme Court or a justice thereof shall so direct; and such stay shall be upon such term or terms as may be directed by the Supreme Court or any justice thereof. Decline or revoke license. Proviso, appeal. Appeal not to stay decision of board.

Disposition of fees.

Appropriation.

Payment of expenditures.

Proviso.

Proviso.

6. All fees received by the trade board shall be paid to the State Treasurer. Of said revenues, a sum not to exceed forty-five thousand dollars ($45,000.00) is hereby appropriated to pay expenses incurred by said trade board in the administration of this act for the period of one year, and shall be paid from the monies so received as aforesaid. All such expenditures shall be made by the State Treasurer on a warrant of the Comptroller after approval by the chairman of the board; *provided, however,* that any such expense of administration shall at no time exceed the monies so received, to the end that the board created by the provisions of this act shall at all times be self-sustaining; *and provided, further,* that any surplus remaining in such funds in the hands of the treasurer at the close of any fiscal year shall revert to and become a part of the general fund of the State of New Jersey.

Penalties.

7. Penalties: Any person, firm or corporation violating or failing to comply with any of the provisions of this act or with any rule or regulation adopted by said trade board hereunder, or engaging in the cleaning and dyeing trade without a valid license as herein provided, shall upon conviction be deemed and adjudged a disorderly person, and upon conviction before any police judge, recorder or magistrate in those municipalities, townships, et cetera, in which there are no police judge or recorder, shall be subject to a fine of not more than one hundred fifty dollars ($150.00) or imprisonment for not more than ten days, for each offense, and each day such violation continues shall be deemed a separate offense.

Who may institute proceedings.

Court of jurisdiction

8. Any person whose interests may be affected, or the Attorney-General of this State, may institute proceedings to prevent and restrain any violation of this act, or of any rule or regulation approved or adopted thereunder. The Court of Chancery of this State is hereby vested with jurisdiction of such proceedings.

Enforcement of act.

9. It shall be the duty of the Attorney-General of this State to enforce this act or any rule or regulation approved or adopted thereunder, by proceeding as herein provided for. For such purpose the Attorney-General may appear in person or by any duly authorized representative, deputy or assistant, acting pursuant to his direction, in any court of this State having jurisdiction, and conduct proceedings in the name of the State. This section shall not be construed, however, as to deprive any person whose interests may be affected in accordance with paragraph eight above from appearing and being represented by private counsel.

Construing.

When services becomes object of regulation.

10. It is the intent of the Legislature that the instant, whenever that may be, that delivery of any fabrics upon which cleaning and dyeing services have been rendered by a person, firm or corporation dealing in such services outside the State of New Jersey, becomes the object of regulation by the State of New Jersey in the exercise of its police powers, all the provisions of this act and of the rules and regulations established or adopted by the trade board for the cleaning and dyeing trade shall apply, and such trade board shall have jurisdiction over the sale or resale of such fabrics as if such fabrics were originally serviced within this State.

Terms defined:

11. Definitions: Words used in this act, unless otherwise expressly stated or unless the context or subject matter otherwise required shall have the following meaning:

Trade board, State board;

a. "Trade board" or "State board" or "Board" shall mean the State Trade Board for the cleaning and dyeing trade as created by this act.

Cleaning and dyeing trade;

b. "Cleaning and dyeing trade" includes all cleaning and dyeing establishments.

Cleaning and dyeing establishment;

c. "Cleaning and dyeing establishment" includes any place or vehicle where the service of dry cleaning, wet cleaning, as a process incidental to dry cleaning, dyeing, spotting, or finishing any fabrics is rendered for hire or is sold, resold or offered for sale or resale. The term does not, however, include establishments where any such services are per-

Exceptions;

formed solely in the course of the original manufacture of fabrics.

Fabric; d. "Fabric" means any article of wearing apparel (including hats), household furnishings, rugs, textile, fur and leather.

Retail outlet; e. "Retail outlet" includes any cleaning and dyeing establishment where dry cleaning is sold or offered for sale direct to the consumer.

Dry cleaning; f. "Dry cleaning" means the process of cleaning fabrics by immersion and agitation, or by immersion only, in volatile solvents (including, but not by way of limitation, solvents of the petroleum distillate type, and the chlorinated hydrocarbon type) and processes incidental thereto (including, but without limitation, spotting, wet-cleaning and finishing).

Membership; g. "Member of the cleaning and dyeing trade" includes anyone engaged in the operation of a cleaning and dyeing establishment as above defined either as an employer or in his own behalf.

Retail plant owner; h. "Retail plant owner" includes any person, firm, partnership or corporation operating a cleaning and dyeing establishment, performing dry cleaning for sale direct to the consumer.

Wholesale plant owner. i. "Wholesale plant owner" includes any person, firm, partnership or corporation operating a cleaning and dyeing establishment, performing dry cleaning for sale to retail outlets as herein defined.

Act operative. 12. Duration of Act: This act shall remain in effect for a period of two years from the effective date hereof.

Constitutionality. 13. Constitutionality. If any provision of this act or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

14. Effective Date: This act shall go into effect immediately.

Approved June 27, 1935.

CHAPTER 282

A SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. Any person who shall cause the death of another by driving any vehicle carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others shall be guilty of a misdemeanor; *provided, however,* that 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. Misdemeanor. Proviso.

2. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 283

AN ACT to create a New Jersey State bird.

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

1. The Eastern Goldfinch is hereby designated as the New Jersey State bird. State bird.

2. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 284

AN ACT to amend an act entitled "An act to establish juvenile and domestic relations courts, defining their jurisdiction, powers and duties, and regulating procedure therein" (Revision of 1929), approved April twenty-second, one thousand nine hundred and twenty-nine.

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

Section 2 amended.

1. Section two of said act is hereby amended to read as follows:

Juvenile and domestic relations courts established.

2. A juvenile and domestic relations court is hereby established in each county of the State and is vested with exclusive jurisdiction to hear and determine all cases of juvenile delinquency.

Juvenile delinquency defined.

Juvenile delinquency is hereby defined as the commission by a child under sixteen years of age of any act which when committed by a person of the age of sixteen years or over would constitute:

(a) A felony, high misdemeanor, misdemeanor, or other offense, or

(b) The violation of any penal law or municipal ordinance, or

(c) Any act or offense for which he could be prosecuted in the method partaking of the nature of a criminal action or proceeding, or

(d) Being a disorderly person,

And also the following acts on the part of a child under the age of sixteen years:

(e) Habitual vagrancy, or

(f) Incorrigibility, or

(g) Immorality, or

(h) Knowingly associating with thieves or vicious or immoral persons, or

(i) Growing up in idleness or delinquency, or

(j) Knowingly visiting gambling places, or patronizing other places or establishments, his admission to which constitutes a violation of law, or

(k) Idly roaming the streets at night, or

(l) Habitual truancy from school, or

(m) Deportment endangering the morals, health or general welfare of said child.

Jurisdiction of court.

The court shall also have jurisdiction to hear and determine disputes involving the domestic relation or the welfare of children, the jurisdiction over which is now or hereafter may be vested by law in any court of this State except the Court of Chancery or orphans' court. It shall have jurisdiction to hear and determine complaints for violation of the following acts: "An act concerning disorderly persons" (Revision of 1898), "An act for the settlement and relief of the poor" (Revision of 1924), "An act concerning the welfare of children" (approved April the eighth, nineteen hundred and fifteen), "An act for the maintenance of bastards" (Revision of 1898), "An act to promote home life for dependent children," and the acts amendatory of and supplemental to the above entitled acts, together with any future acts, revision, re-enactment or new acts covering similar complaints or offenses, where the gravamen of the complaint under such acts is the failure or neglect of one member of the family to satisfy or discharge his legal obligations to another of a family, and also jurisdiction to hear and determine complaints against any person who shall abuse, neglect, cruelly treat or abandon a child or children or who shall contribute to the delinquency of any child. It shall also have jurisdiction to hear and determine in a summary manner disputes and complaints involving the domestic relation where the gravamen of the complaint is the failure to provide support or adequate support, or desertion.

3. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 285

A FURTHER SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Incapable of committing crime.

1. A person under the age of sixteen years is deemed incapable of committing a crime under the common law or statute law of this State.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 286

A FURTHER SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

False swearing.

1. Any person, his procurers, aiders and abettors, who shall wilfully swear falsely in any judicial proceeding, or who shall wilfully 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 false swearing.

Contradictory statements.

2. Where a person has made contrary statements on his oath or oaths administered within the provisions of this act above stated, 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 wilful, 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.

Prima facie evidence.

Proof by witness not applicable.

3. The rule that there must be corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath shall not be applicable to prosecution under this act. It shall not be necessary to prove, to sustain a charge under this act, that the oath or matter sworn to was material, or if before a judicial tribunal, that such tribunal had jurisdiction.

Misdemeanor.

4. False swearing is hereby constituted a misdemeanor.

Legality of affirmation.

5. An affirmation shall be for all the purposes of this act the same as an oath. Wilful shall, for the purposes of this act, be understood to mean intentional and knowing the same to be false.

6. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 287

A FURTHER SUPPLEMENT to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Alternate jurors empaneled.

1. Any judge of the court of oyer and terminer, or judge of the court of quarter sessions, before whom a trial shall be commenced, which trial is likely to be protracted, may, in his discretion, order a jury empaneled not to exceed fourteen members, the members of which jury shall have the same qualifications and shall be empaneled and sworn in the same manner as is, or may be, provided by law for the empaneling of juries in such courts of oyer and terminer and courts of quarter sessions.

All jurors hear cause.

2. All said jurors shall sit and hear said cause. Should any condition arise during the trial of said cause, which, in the opinion of the trial court, justifies the excusal of any of the jurors so empaneled from further service, he may do so, and the said trial shall proceed, unless the number of said jurors be reduced to less than twelve.

Excuse of juror empaneled.

Drawing of final jury.

3. In the event there shall be more than twelve jurors left on said jury, after the charge of the court, the clerk of the court, in the presence of said court, shall place the names of all of said jurors on slips, folded so as to conceal the names thereon, in a suitable box provided for that purpose by the clerk, and shall draw therefrom twelve names, the first drawn to act as foreman. The twelve members thus drawn shall then proceed to determine the issue presented, in the manner provided by law.

4. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 288

A FURTHER SUPPLEMENT to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Opening statement by defense.

1. At trials, pursuant to the provisions of the act to which this act is a further supplement, immediately after the opening by the State, the defendant or his counsel, shall open his case to the jury outlining his defense. Should the defendant or his counsel elect not to make an opening statement at such time he shall not thereafter be permitted to make any opening statement to the jury.

Barred from making statement.

Comments by prosecutor or judge.

2. The prosecutor of the pleas, or other person appearing on behalf of the State, may in his closing statement to the jury comment on the failure of the defendant or his counsel to make such opening statement; and further the judge of the court in his charge to the jury may likewise comment upon the failure of the defendant or his counsel to make such opening statement.

3. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 289

AN ACT concerning the insurance and financial coverage of motor vehicles carrying passengers for hire over the highways of this State and requiring the filing of insurance policies with the Board of Public Utility Commissioners and vesting in said board the power to reject such policies for lack of financial responsibility.

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

Terms:

Motor vehicle carrying passengers for hire;

1. Definitions. (a) The term "motor vehicle carrying passengers for hire" as used in this act is hereby defined as meaning any motor vehicle propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks exclusively) carrying passengers for hire of any kind over the highway, in this State except (1) motor vehicles carrying passengers for hire over the highways in this State by virtue of municipal consent or consents upon a route or routes established in any municipality or municipalities; (2) taxicabs; (3) hotel buses; (4) buses employed solely for transporting school children and teachers; (5) auto buses with a carrying capacity of not more than six passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality, which route does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other auto bus route; (6) auto buses operated over highways in this State for the purpose of carrying passengers from a point outside the State to another point outside the State, or from a point outside the State to a point within the State, or from a point within the State to a point outside the State between fixed termini on a regular schedule.

(b) The term "self-insurer" as used herein means any person who by virtue of any law of this State, or in case of a nonresident, of the State of which such person is a resident and in which any motor vehicle coming within the provisions of this act is registered, is exempted by some official, board or body of this State or such other State from requirements imposed upon other owners of similar motor vehicles to carry insurance or secure possible claims for damages by a bond of a surety company. Self-insurer;

(c) The term "financial responsibility" as used herein means ability to satisfy claims to the extent set forth in sections two and three of this act. Financial responsibility;

(d) The term "for hire" as used herein means compensation in any form, whether directly or indirectly made. For hire;

(e) The term "financial coverage" as used herein means insurance and also self-insurer. Financial coverage;

(f) The term "magistrate" as used herein shall be deemed and understood to mean and include all justices of the peace, judges of county and criminal courts, police judges, recorders, mayors and other officers having powers of the committing magistrate; *providing, however,* it shall not include a justice of the peace sitting within the corporate limits of any municipality having a police judge, police justice, recorder's court or city criminal court. Magistrate; Proviso.

(g) The word "person" as used herein shall be construed to include corporations, associations and partnerships. Person.

2. Any person engaged in the business of operating motor vehicles carrying passengers for hire, as herein defined, shall at all times have financial coverage as herein defined. If such financial coverage shall be by insurance policy, such insurance policy or policies, or true copies thereof, shall be filed with the Board of Public Utility Commissioners. Said board may reject any policy if and when it determines after hearing upon notice in writing to the insurance company that the company or companies writing or underwriting said policies of insurance Financial coverage required. Copy of policy filed. May reject policy.

Burden of proof.

is or are not financially responsible to respond in damages. Upon any hearing as provided herein, the burden of proving its financial responsibility shall rest upon said insurance company or companies.

Liability stated in policy.

Said insurance policies shall be conditioned for the payment of a minimum sum, hereinafter called "minimum liability," on any one judgment, and a maximum sum, hereinafter called "maximum liability," on all judgments recovered against any such person, copartnership, association, joint stock company or corporation upon claims arising out of the same transaction or transactions connected with the same subject of action, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments, for damages because of bodily injury, including death, at any time resulting therefrom caused in the operation, maintenance, use or the defective construction of such motor vehicles, as follows:

Claims for bodily injury prorated.

Bodily injury.

(a) For damages because of bodily injury, including death, at any time resulting therefrom for each motor vehicle having a seating capacity of more than twelve passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of fifty thousand dollars ($50,000.00).

Property damage.

3. For damages because of injury to or destruction of property, for each motor vehicle an insurance policy with a minimum liability of one thousand dollars ($1,000.00) and a maximum liability of five thousand dollars ($5,000.00).

Continuing liability.

4. Insurance policies filed hereunder shall contain a provision for a continuing liability, notwithstanding any recovery thereon, until the expiration thereof, according to their terms or until ten days after notice in writing of cancellation has been given to the Board of Public Utility Commissioners.

Construing.

5. Nothing herein contained shall be construed to repeal any law permitting self-insurance of motor vehicles carrying passengers for hire, as herein defined, nor shall the foregoing requirements

as to insurance apply to a vehicle owned or operated by a nonresident who is a self-insurer under the laws of the State of which he is a resident and in which such vehicle is registered, if such laws are substantially similar to the laws of this State with respect to the qualifications for self-insurance; *provided,* any such nonresident self-insurer shall have filed with the Board of Public Utility Commissioners a certified copy of the certificate permitting such operator to be a self-insurer under the laws of the State of which he is a resident and in which the motor vehicle is registered; *and further provided,* that the Board of Public Utility Commissioners may reject any such certificate of self-insurance if and when it determines, after hearing upon notice in writing to the self-insurer, that such self-insurer is not financially responsible to respond in damages.

Proviso.

Proviso.

6. The driver of every motor vehicle carrying passengers for hire shall have in his possession and exhibit for inspection when requested by any proper person, either (a) the original policy of insurance covering such vehicle or (b) a certificate thereof issued by the insurance company; or (c) if a self-insurer, a certificate of such self-insurance issued by the official, board or body authorized by law to permit such self-insurance.

To exhibit evidence or coverage.

7. The Board of Public Utility Commissioners is hereby empowered to make rules and regulations not inconsistent with the laws of this State with respect to financial coverage as herein provided.

Rules and regulations.

8. Any person who shall knowingly operate or permit to be operated any motor vehicle carrying passengers for hire not at the time of such use covered by insurance or other financial coverage as herein provided for shall be guilty of a misdemeanor.

Violation a misdemeanor.

9. Any driver of a motor vehicle carrying passengers for hire who shall fail or refuse to exhibit upon request of a proper person the evidence of insurance or other financial coverage provided for in this act shall, upon conviction, be adjudged a disorderly person and shall be liable to a penalty of

Failure to exhibit coverage.

Penalty.

not more than one hundred dollars ($100.00) or imprisonment for a term of not more than ninety days, or both a fine and imprisonment not exceeding the aforesaid maximum, at the discretion of the magistrate before whom the conviction shall be had.

Construing.

10. This act shall not be construed to repeal any act or portion of any act not wholly inconsistent therewith, but all such acts shall be construed in paria materia herewith.

11. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 290

A SUPPLEMENT to an act entitled "An act for the payment of a bonus to each soldier, or a dependent or dependents thereof, who served in the military or naval forces of the United States during the war between the United States and the German Empire and its allies, and providing for the issuance of bonds and for the payment of interest and principal thereof," approved April thirteenth, one thousand nine hundred and twenty.

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

Payment to sinking fund to relieve tax burden.

1. In order to relieve the tax burden, whenever requested so to do by the Governor, the Sinking Fund Commission created by the act to which this act is a supplement shall, by its secretary, certify to the Governor the amount of money which, in the judgment of such commission, is necessary to be added to said fund to pay the principal and interest of all bonds issued pursuant to the act to which this act is a supplement, and the Treasurer of this State is hereby authorized and directed to pay to

said Sinking Fund Commission out of any funds in his hands, upon the warrant of the Comptroller, and upon the order, in writing, of the Governor, such sums of money as the Governor shall deem proper.

Levying soldiers' bonus tax in future.

2. When a sum of money sufficient in the judgment of said Sinking Fund Commission is paid to said commission, no further tax known as the Soldiers' Bonus Tax, shall be levied in this State and should the amount of money paid into said Sinking Fund Commission under the terms of this act be hereafter ascertained to be less than the requirements of the Sinking Fund, the Governor shall, by order, in writing, direct to be paid out of any funds in the hands of the State Treasurer, on the warrant of the Comptroller, such sum as shall be ascertained to be necessary to meet the requirements of said Sinking Fund.

3. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 291

A SUPPLEMENT to an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved May twenty-first, one thousand nine hundred and thirty-five.

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

Payment to school fund.

1. The Treasurer of this State is hereby authorized and directed to pay to the State Public School Fund established by the act to which this act is a supplement, out of any funds in his hands, on the

warrant of the Comptroller, and upon the order, in writing, of the Governor, such sums of money as the Governor shall deem proper.

2. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 292

AN ACT to supplement an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred and thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred and thirty-one, as amended.

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

Various duties of auditor.

1. Whenever, pursuant to the act to which this act is a supplement, the municipal finance commission, hereinafter referred to as the "commission," shall function in any municipality, the auditor appointed by the commission in and for such municipality shall, upon the adoption by the commission of a resolution providing therefor, have with respect to such municipality authority to recommend the tentative annual budget to the governing body thereof and to the commission; to review all contracts prior to their execution and their authorization by the governing body; to make recommendations concerning all capital improvements; to attend all meetings of the governing body with the right to take part in discussions but without the right to vote on any matters; to investigate the affairs of any department, officer, department head, employee, subordinate or assistant of such municipality; and to make recommendations with respect to any or all matters aforesaid both to the governing body and to the commission.

Additional duties of commission.

2. Whenever, pursuant to the act to which this act is a supplement, the commission shall function in a municipality, it shall have, in addition to the powers granted in the foregoing section hereof, the power by resolution to make to the governing body of such municipality recommendations with respect to the annual budget or tax ordinance, and whenever the commission shall deem it necessary in order to conserve the financial resources of the municipality and maintain essential governmental services, it may by resolution determine, after hearing, the maximum amount for any purpose of expenditure or for any estimate of revenue which may be included in any annual budget or tax ordinance and certify the same to the governing body of the municipality and to the county board of taxation, and no appropriation or tax levy for any purpose and no estimate of revenue shall to the extent that it exceeds the maximum amount so fixed by the commission be valid or effective.

Maximum appropriation.

Certifying that duties not performed.

3. Whenever, pursuant to the act to which this act is a supplement, the commission shall function in a municipality, it shall have, in addition to the powers granted in the foregoing sections hereof, the power, and it shall be its duty, to certify by resolution to the governing body and to the officer or employee concerned any failure on the part of such officer or employee of such municipality to perform any duty imposed upon such officer or employee under the provisions of any statute, local ordinance or regulation. Unless prior to the thirtieth day following the date of such certification, the governing body and the commission shall by resolution declare that such officer or employee has satisfactorily undertaken the performance of such duty, the governing body shall by resolution either remove, or suspend, with or without pay, such officer or employee; *provided, however,* that nothing herein contained shall be deemed to authorize the removal or suspension hereunder without pay of any elected officer, but such officer may be suspended hereunder with pay for the remainder of his term

If duties not performed official removed.

Proviso.

Appointing substitute.

of office. Upon the removal or suspension hereunder of any officer or employee, it shall be the duty of the governing body, with the concurrence and approval of the commission, to appoint a person or persons satisfactory to the governing body and to the commission to perform the duties of such officer or employee. In the event that no such satisfactory person can be found to perform such duties who is a resident of the municipality, it shall be lawful to appoint a person residing outside of the municipality.

Special collectors.

4. Whenever, pursuant to the act to which this act is a supplement, the commission shall function in a municipality, it shall have, in addition to the powers granted in the foregoing sections hereof, the power by resolution to recommend to the governing body of such municipality the appointment of one or more persons to act as special collectors of delinquent taxes or any other revenues in such municipality. Thereupon it shall be the duty of the governing body, with the concurrence and approval of the commission, to appoint a person or persons satisfactory to the governing body and to the commission to act as such special collector or collectors and to fix his or their compensation, and it shall be lawful so to appoint a person or persons residing outside of the municipality.

Application of taxes.

5. The commission shall have power from time to time by resolution to direct that for such period as may be stated in such resolution the proceeds of any taxes collected, received, or realized in any manner during such period shall be applied equally and ratably to the purposes for which such taxes were levied.

Certified resolutions binding on municipality.

6. Any resolution adopted by the commission pursuant to this act may be certified to the municipality by the commission in the manner provided in section four hundred two-A of the act to which this act is a supplement, and when so certified the provisions of such resolution shall be binding upon such municipality.

7. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 293

AN ACT to amend an act entitled "Supplement to an act entitled 'Supplement to an act entitled "A further supplement to an act entitled 'An act concerning the militia of the State' (Revision of 1925), approved April sixteenth, one thousand nine hundred and thirty," which supplement was approved February nineteenth, one thousand nine hundred and thirty-four.' "

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

Section 1 amended.

1. Section one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Rifle companies of colored citizens in Mercer and Camden counties.

1. For the purpose of further carrying out and executing the provisions of the act to which this act is a supplement, the Adjutant-General is hereby authorized and directed to organize and equip a rifle company composed of colored citizens of Mercer county and vicinity, with headquarters in the city of Trenton; a rifle company composed of colored citizens of Camden county and vicinity, with headquarters in the city of Camden, and a battalion headquarters company; all to be part of the said colored battalion of militia.

2. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 294

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission or any municipality governed by a board of commissioners; approved March twenty-second, one thousand nine hundred and sixteen, and constituting chapter two hundred and fifty-two of the pamphlet laws of one thousand nine hundred and sixteen," approved June eleventh, one thousand nine hundred and thirty-four.

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

Section 2 amended.

1. Section two of which this act is amendatory be and the same is hereby amended to read as follows:

When act effective.

2. This act is hereby declared to be emergency legislation. It shall take effect immediately, and shall expire by limitation on April fifteenth, one thousand nine hundred and thirty-six.

Approved June 27, 1935.

CHAPTER 295

AN ACT to supplement an act entitled "An act concerning municipalities," approved March twenty-seventh, nineteen hundred and seventeen.

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

Covenants in certain sewer bonds.

1. Notwithstanding any provisions of the act to which this act is a supplement, any ordinance adopted pursuant to the local bond act, constituting chapter seventy-seven of the pamphlet laws of one thousand nine hundred and thirty-five, and authorizing the issuance of bonds to finance the improvement or extension of any existing sewer system and/or the acquisition, improvement and extension of a privately owned sewer system, may contain provisions which shall constitute covenants with the holders of such bonds (a) as to the use and disposition of the revenues to be derived from the operation of the whole or any part of the sewer system of the municipality (including any improvements thereto or extensions thereof thereafter constructed or acquired), (b) pledging to the punctual payment of the principal of and interest on such bonds all or any part of such revenues, (c) as to the setting aside out of the revenues of one or more reserve funds, and the regulation and disposition thereof, (d) as to the fixing and collecting of such rates, rentals and other charges for connection with and the use of the sewer system of the municipality (including improvements thereto and extensions thereof thereafter constructed or acquired) as will annually produce revenues at least sufficient to provide (1) for all expenses of operation, maintenance and repair of the sewer system, (2) for the payment of the principal of and interest on such bonds, (3) for such reserve funds as may have been provided for in such ordinance, and (4) for the pay-

Provisions set out.

ment of any mortgage or mortgages subject to which the sewer system or any part thereof may have been acquired, and (e) as to the procedure, if any, by which the terms of any covenant with the bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given. The bonds may contain such recitals of or reference to any such covenants as the resolution determining their form may provide.

Recitals.

2. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 296

AN ACT authorizing and empowering the Quartermaster-General on behalf of the State to accept Federal and any other grants and to combine same for the construction, alteration of and addition to National Guard and Naval Militia armories.

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

Sundry appropriations combined.

1. The Quartermaster-General is hereby authorized upon the receipt of any grant of monies from the Federal government for the purpose of armory construction, alteration or additions to transfer or otherwise combine all State appropriations, or balances thereof, made under any laws of the State for construction, alterations and additions to armories, and for services in connection therewith, in order that the total appropriations made for this purpose shall be treated as one sum and used for the combined armory project; notwithstanding certain definite restrictions which may be imposed on the use of these monies by the aforesaid acts; *and provided further*, that the amounts appropriated in the aforesaid acts are not increased.

Use.

Proviso.

2. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 297

AN ACT validating ordinances heretofore passed by municipalities.

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

1. Any ordinance heretofore finally passed by the governing body of any municipality shall be valid notwithstanding that said ordinance shall not have been read in full prior to the final passage thereof; *provided, however,* the ordinance together with a notice of the introduction thereof and the time and place when and where such ordinance was to be further considered for final passage shall have been published as required by law prior to the consideration thereof for final passage; *and provided, further,* the ordinance after final passage shall have been again published in full as required by law. Validating certain ordinances. Proviso. Proviso.

2. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 298

AN ACT authorizing the conveyance to the town of Westfield in the county of Union of lands situate therein owned by the State of New Jersey and no longer needed for military purposes.

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

1. The Quartermaster-General of the State, acting for, on behalf, and in the name of the State of New Jersey, is hereby authorized and empowered to convey to the town of Westfield, a municipal cor- Conveyance of armory property to Westfield.

poration, in the county of Union, for the nominal consideration of one dollar ($1.00), the following

Description. described lands in the town of Westfield: Beginning at a point formed by the intersection of the southwesterly sideline of Rahway avenue and the southeasterly sideline of Codding road and running thence, (1) south 27° 48′ east along the present southwesterly sideline of Rahway avenue, a distance of 511.71 feet to the southeasterly sideline of the State Armory property; thence, (2) south 37° 48′ west along said southeasterly sideline of the State Armory property, a distance of 10.97 feet; thence, (3) north 27° 48′ west, 511.71 feet to the northwesterly sideline of the State Armory property; thence, (4) north 37° 48′ east, a distance of 10.97 feet to the point and place of beginning.

Deed. 2. Such conveyance shall be by deed to be executed in the name of the State by the Quartermaster-General and the land so conveyed shall be used by the said town of Westfield for the purpose of widening Rahway avenue in said town.

No cost involved. 3. All charges and costs in connection with such widening and straightening of said Rahway avenue, whether for curbing, sidewalks, grading or other assessments shall be without charge to the State of New Jersey.

4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed and this act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 299

AN ACT to amend an act entitled "An act to regulate elections" (Revision 1930), approved April eighteenth, one thousand nine hundred and thirty, approved January twenty-eighth, one thousand nine hundred and thirty-five.

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

1. Article two, paragraph seven, section three, of the act of which this act is amendatory, be and the same is hereby amended to read as follows: Paragraph 7 amended.

Time for Holding Primary Elections.

Par. 7, Sec. 3. The primary election for the general election shall be held on the third Tuesday of September in each year except in any year when the President of the United States is to be elected and in such Presidential year the said primary election for the general election shall be held on the third Tuesday in May. Primary elections for special elections shall be held not earlier than thirty nor later than twenty days prior to such special election. Dates of primaries.

2. Article three, paragraph ten, section three, of the act of which this act is amendatory, be and the same is hereby amended to read as follows: Paragraph 10 amended.

Party Offices Selected at Primary Elections.

Par. 10, Sec. 3. In each Presidential year delegates and alternates to the national conventions of said political parties shall be elected at the primary election to be held on the third Tuesday in May of said year. The aforesaid members of the State, county and municipal committees of said political parties shall be chosen at the primary for the general election as hereinafter provided. Delegates to national conventions.

Paragraph 103 amended.

3. Article ten, paragraph one hundred and three, section one of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Certifying party vote.

Par. 103, Sec. 1. The Secretary of State shall within thirty days after the completion of the canvass by the Board of State Canvassers, certify to each county clerk and county board the fact that at the next preceding general election, ten per centum (10%) of the total vote cast in the State for members of the General Assembly had been cast for candidates having the same designation thereby creating, within the meaning of this act, a political party, to be known and recognized as such under the same designation as used by the candidates, for whom the required number of votes were cast. He shall also between the fifteenth day of July and the first day of August in every year except in Presidential years, then between the fifteenth day of March, and the first day of April, wherein electors of President and Vice-President of the United States, a representative of the United States Senate, members of the House of Representatives, a Governor, or Senator for any county, or any of them, are to be elected or any public question to be submitted to the voters of the entire State, direct and cause to be delivered to the clerk of the county and the county board wherein any such election is to be held, a notice stating that such officer or officers are to be elected and that such public question is to be submitted to the voters of the entire State at the ensuing general election.

Notice of officers to be elected.

Paragraph 104 amended.

4. Article ten, paragraph one hundred and four, section two, of the act of which this is amendatory, be and the same is hereby amended to read as follows:

County Clerks to Municipal Clerks.

Certification by county clerk.

Par. 104, Sec. 2. The clerk of such county shall immediately upon the receipt of the certificate from the Secretary of State, setting forth that a political party has been created, forward a certified copy of

said certificate to each municipal clerk of his county. He shall also between the first day of August and the fifteenth day of August in every year except in Presidential years, then between the first day of April and the fifteenth day of April, cause a copy of the notice received from the Secretary of State, of the officer or officers to be elected at the ensuing general election, certified under his hand to be true and correct, to be delivered to the clerk of each municipality in said county. The Secretary of State shall on or before the tenth day of August except in Presidential years, then on or before the tenth day of May, certify to the county boards in counties of the first class and to the municipal clerks in the respective municipalities in all counties the number of justices of the peace to be elected for full terms or to fill vacancies in said municipalities at the next succeeding general election.

Notice as to justices of peace to be elected.

5. Article ten, paragraph one hundred and six, section four, of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Paragraph 106 amended.

Notice of Offices to Be Filled.

Par. 106, Sec. 4. It shall be the duty of the clerk of every county between the first day of August and the fifteenth day of August in every year except in Presidential years, then between the first day of April and the fifteenth day of April immediately preceding the expiration of the term of office of all other officers who are voted for by the voters of the entire county or of more than one municipality within said county, to direct and cause to be delivered to the clerk of each municipality and the county board in counties of the first class, a notice that such officer or officers, as the case may be, will be chosen at the ensuing general election.

Notice of county offices to be filled.

6. Article ten, paragraph one hundred and seven, section five, of the act of which this act is amendatory, be and the same is hereby amended so as to read as follows:

Paragraph 107 amended.

Municipal Clerks to County Clerks.

Certification by municipal clerks.

Par. 107, Sec. 5. It shall be the duty of all municipal clerks, and on or before the first day of August in every year, except in Presidential years, then on or before the first day of April, to make and to certify under their hands and seals of office and forward to the clerk of the county in which such municipality is located a statement, designating the public offices which are to be filled at such election, and the number of persons to be voted for each office. In counties of the first class said statement shall also be forwarded to the county board.

Paragraph 266 amended.

7. Article twenty-two, paragraph two hundred and sixty-six, section one, of the act of which this act is amendatory, be and the same is amended to read as follows:

PRIMARY ELECTION FOR THE GENERAL ELECTION

NOTICE OF ELECTIONS

Party Officials to Public Officials.

Notice by party chairman.

Par. 266, Sec. 1. The chairman of the State committee of a political party shall, on or before the fifteenth day of July, except in Presidential years, then on or before the fifteenth day of March, in the year when a Governor is to be elected, notify in writing the chairman of each county committee of said party that a member of such State committee is to be elected from said county at the ensuing general election, and each such chairman shall, on or before the first day of August of said year, except in Presidential years, then on or before the first day of April, send a copy of such notice to the clerk of each municipality within said county.

In presidential year.

The chairman of each county committee shall also, on or before the first day of August in each year except in Presidential years, then on or before the first day of April, file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to such county committee.

8. Article twenty-two, paragraph three hundred and five, section forty, of the act of which this act is amendatory, be and the same is hereby amended to read as follows: Paragraph 305 amended.

BALLOTING

Time and Place of Holding.

Par. 305, Sec. 40. Time and place of holding. The primary election for the general election shall be held for all political parties upon the third Tuesday of September in each year, except in Presidential years, then the third Tuesday in May, between the hours of seven A. M. and eight P. M., Eastern Standard Time. Said primary election for the general election shall be held for all political parties in the same places as hereinbefore provided for the ensuing general election. Primary day. General methods followed.

9. Article twenty-seven, paragraph three hundred and seventy-one, section three, of the act of which this act is amendatory, be and the same is hereby amended so as to read as follows: Paragraph 371 amended.

FIRST REGISTRATION

Canvassing Procedure.

Par. 371, Sec. 3. The district boards in all election districts in the State, not having permanent registration shall meet annually on the first Tuesday of September in each year, except in Presidential years, then the first Tuesday in May, and having first organized, shall proceed to ascertain and truly and accurately enter in canvassing books, to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next ensuing general election by making actual inquiry at every dwelling house or habitation or of the head of every family residing therein, entering in the case of a female voter her own Christian name with the title "Miss" or "Mrs.," as the case may be. In making such House to house convass. Work divided.

enumeration the said district boards may divide their election districts into subdivisions, and any two of their number, of opposite political faith, together and in company, may make the enumeration in such subdivision. The name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing books, but no name shall be entered on such canvassing books without the concurrence of both said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof. Said board shall continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed; *provided,* that such enumeration shall terminate on or before the Friday next succeeding. Immediately after the completion of such enumeration the district board shall transcribe and make up from his canvassing books one register of voters for use at the general election, arrange alphabetically according to surnames, and adding information as to the residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next general election. At the same time a correct list of the names entered on said register of voters with residences and street numbers, if any, to be known as the general election registry list, shall be prepared and certified by the district board in hand-bill form, and shall be posted in some conspicuous public place within such election district on or before the following Tuesday. The canvassing books duly certified and signed by the district board as to their correctness, and the fact that a house-to-house canvass has actually been made, shall be filed with the county board on or before the following Tuesday.

Names entered.

Canvassing days.

Proviso.

Register prepared.

List posted.

Canvassing books filed with county clerk.

10. Article twenty-seven, paragraph three hundred and seventy-two, section four, of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

SECOND REGISTRATION

Preparation of Registers of Voters.

Par. 372, Sec. 4. On the third Tuesday of September next preceding the general election, except in Presidential years, then on the third Tuesday in May, said district boards shall meet at the places provided in this act for the holding of the primary election for the general election in their respective election districts at seven A. M. and continue in session until eight o'clock P. M., Eastern Standard Time. Said boards shall add to said registers of voters the names, residences, street numbers and other information of all those who shall personally appear before them and establish their right to be registered. Second registration day.

11. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 300

AN ACT to grant and release the title and interest of the people of the State of New Jersey in and to certain real estate in the county of Passaic and State of New Jersey, and to vest the same in Anthony Sorrentino.

WHEREAS, Ella Robinson Babcock, of the county of Passaic and State of New Jersey, died seized of certain lands and premises, which, it is alleged escheated to the State of New Jersey; and, Preamble.

WHEREAS, Anthony Sorrentino purchased the property in this act described through a chain of title which led him to believe that he had properly acquired the interest of the said Ella Robinson Babcock in and to said property; and, Preamble.

Preamble.

WHEREAS, Proper notice of intention to apply for the passage of this act has been given; now, therefore,

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

Grant to Anthony Sorrentino.

1. That the said State of New Jersey and the people thereof do hereby transfer and grant to Anthony Sorrentino, his heirs and assigns forever, all the estate, right, title and interest of every kind and nature of which it is alleged the State of New Jersey is seized, in and to certain real estate, situate in the city of Paterson, county of Passaic and State of New Jersey, and more particularly described as follows:

Description of transferred property.

Beginning at the corner formed by the intersection of the westerly side of East Thirtieth street with the southerly side of Twelfth avenue and runing from thence (1) southerly along the westerly side of East Thirtieth street thirty-three and thirty-three hundredths feet; thence (2) westerly at right angles and parallel to Twelfth avenue one hundred feet; thence (3) northerly parallel with East Thirtieth street thirty-three and thirty-three hundredths feet to the southerly side of Twelfth avenue, and thence (4) easterly along the southerly side of Twelfth avenue one hundred feet to the point of beginning.

Being further known as all of Lot No. 214 East 30th street and the northerly 8 33/100 feet of Lot No. 216 East 30th street as said lots are shown and designated on the official assessment map of the city of Paterson.

Vestment.

2. The said title of the State of New Jersey and the people thereof arising by reason of said escheat to be henceforth vested in fee in the said Anthony Sorrentino.

3. This act shall take effect immediately.

Approved June 27, 1935.

CHAPTER 301

AN ACT to amend an act entitled "An act providing for the appointment of weighmasters and defining their powers and duties," approved April nineteenth, one thousand nine hundred and twenty.

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

1. Section nine of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows: Section 9 amended.

9. The term of appointment for weighmasters shall be for three years, and a fee of ten dollars shall be paid by each person appointed or designated as weighmaster to the State Superintendent of Weights and Measures, which fee shall be turned over to the treasurer of the State by the said Superintendent of Weights and Measures; *provided,* that a similar fee as provided in this section shall be required for all renewals of appointments or designations as weighmasters, which fee shall also be turned into the treasury of the State by the State Superintendent of Weights and Measures. Term. Fee. Proviso.

9(a). An action for the recovery of a penalty for the violation of any of the provisions of this act shall be in the nature of an action in debt, and the same may be instituted and the penalty recovered either in the district court of any city or judicial district or in the small cause court of any county or before the police magistrate or the recorder of any city, town, township, borough or village. Recovery of penalty.

The State Superintendent of Weights and Measures or his assistants, county or assistant county superintendents of weights and measures, municipal or assistant municipal superintendents of weights and measures, are hereby charged with the enforcement of this act and are authorized to bring Enforcement of act.

proceedings within their respective jurisdictions, in their official capacities, for the use of the State or of the county or municipality which they represent. Penalties when recovered in the name of the State Superintendent of Weights and Measures or his assistants shall be payable to the State Treasurer, and when recovered by the county or assistant county superintendent of weights and measures shall be payable to the county collector of such county, and when recovered by a municipal or assistant municipal superintendent of weights and measures, shall be payable to the municipality which such official represents.

Disposition of penalties recovered.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 302

AN ACT to supplement an act entitled "An act to regulate elections," approved April eighteenth, one thousand nine hundred and thirty, and its supplements and amendments thereto, to be known as Article forty, to authorize the adoption, rental or purchase and use of voting machines at elections hereafter to be held in this State, or in any subdivision thereof, and providing that the votes cast at any such elections may be registered or recorded and counted, and the result of such elections ascertained by such machines.

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

ARTICLE XL

REQUIREMENTS OF VOTING MACHINES

Voting machine requirements.

1. Any thoroughly tested and reliable voting machines may be adopted, rented, purchased or used which shall be so constructed as to fulfill the

following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for such number of office columns, not less than forty and not exceeding sixty, as the purchasing authorities may specify and of as many political parties or organizations not exceeding nine as may make nominations, and for or against as many questions not exceeding thirty as submitted; it shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party or one or more other parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote on, but no other; for use in primary elections it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions; it shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected; it shall be so equipped with such locks as shall prevent the operation of the machine after the polls are closed; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "presidential electors for" preceded by the name of that party and followed by the names of the candidates thereof for the offices of President and Vice-President, and a registering device there-

for which shall register the vote cast for said electors when thus voted collectively; *provided, however,* that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party; also must permit a voter to vote for any person for any office whether or not nominated as a candidate by any party or organization by providing space for writing in such names or name. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

Proviso.

EXAMINATION OF VOTING MACHINES BY SECRETARY OF STATE

Examination by Secretary of State.

2. Any person or corporation owning or being interested in any voting machine may apply to the Secretary of State to examine such machine.

Fee.

Before the examination the applicant shall pay to the Secretary of State an examination fee of four hundred and fifty dollars ($450.00).

Report filed.

The Secretary of State within a period of thirty days shall examine the machine and shall make and file in the office of the Secretary of State his report of the examination, which report shall state whether in his opinion the kind of machine so examined can be safely used by such voters at elections, under the conditions prescribed in this article. If the report states the machine can be so used, it shall be deemed approved, and machines of its kind may be adopted for use at elections as herein provided.

Contents.

Examination by experts.

Before making such report the Secretary of State shall require such voting machine to be examined by three examiners to be appointed for such purpose by him, one of whom shall be an expert in patent law, and the other two mechanical experts, and shall require of them a written report on such machine, which the Secretary of State shall attach to his own report on such machine.

Examiner's compensation.

Each examiner

shall receive one hundred and fifty dollars ($150.00) for his compensation and expenses in making an examination and report as to each voting machine examined by him from and out of the examination fee of four hundred and fifty dollars ($450.00). Neither the Secretary of State nor any examiner shall have any pecuniary interest in any voting machine. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency, or capacity shall not render necessary a re-examination or reapproval thereof. Any form of voting machine not so approved cannot be used at any election. The certificate of approval or a certified copy thereof shall be conclusive evidence that the kind of machine so examined complies with the provisions of this act except that the action of the Secretary of State in approving such machine may be reviewed by the Supreme Court of New Jersey, upon a writ of certiorari, providing that the proceeding for such review shall be commenced within sixty days after the approval by the Secretary of State.

Not to have interest in machine.

Changes in machine.

Certificate of approval.

ADOPTION OF VOTING MACHINE.

3. The board of chosen freeholders of any county or the governing body of any municipality by a majority vote of their respective bodies may adopt for use at all elections any kind of voting machine that meets the requirements of this act, or any voting machines which meet the requirements of this act may also be adopted in any county or municipality at any general, local, or special election by popular referendum, by a majority of the qualified votes cast. Such referendum shall be placed on the ballot on petition of ten per centum (10%) of the qualified voters of such county or municipality who cast their votes at the last preceding general election in such county or municipality and shall be adopted by a majority vote of the qualified electors voting thereon. Such referendum shall read as follows: "Shall voting machines be adopted and used in all elections in the (county or municipality)

Adoption of machine by governing body.

Adoption by referendum.

Proposition placed on ballot.

of.....?'' Upon the adoption thereof the local governing body of such political unit shall proceed to acquire within eighteen months by rental or purchase a complete equipment of voting machines. The governing body of a county or municipality shall provide that all election districts of any one municipality are equipped with voting machines on the same day.

CUSTODY AND CARE OF MACHINES

Custody of machines.

4. When voting machines are installed in any county or municipality they shall be placed and remain in the custody of the county board of elections or the officials in charge of elections or the municipal clerk as the case may be, who shall preserve and keep them in repair.

PAYMENT FOR MACHINES

Paying for machines.

5. Any voting machines owned and in use by a municipality at the time of a county-wide installation at county expense may be taken over by the county if mutually agreeable between the county and municipality. In no case, however, shall the municipality be reimbursed to the extent of more than the original cost of the machines. Any county and the board of chosen freeholders thereof and any municipality and the governing body thereof on the adoption and rental or purchase of voting machines shall provide for the payment thereof in such manner as the governing body of such governmental unit deems best according to the financial condition of said unit and said governing body may meet the necessary expenditure by budget appropriation, and for the purpose of purchasing shall have the power within this act to borrow money and issue negotiable bonds to pay for same, in accordance with and subject to the provisions of an act of the Legislature of the State of New Jersey entitled ''An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough,

village, town, township, or any municipality governed by an improvement commission," approved March twenty-second, one thousand nine hundred and sixteen, and all acts amendatory thereof and supplemental thereto.

PRINTING OFFICIAL BALLOTS

Printing official ballots.

6. All official ballots shall be printed on clear white paper or cardboard of such form and size as will fit the ballot frames of the machines, printed in black ink in type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what push knob, pointer, lever or other device is to be used or operated in order to vote for the candidates or candidate of his choice. The providing of said official ballots and the order of the precedence and arrangement of parties and of candidates shall be as now required by law.

Specifications.

MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS

Sample ballots.

7. The officer or officers whose duty it may be under this act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide two sample ballots or more, or instruction ballots which sample or instruction ballot shall be arranged in the form of a diagram showing such portion of the face of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample or instruction ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

Open to inspection.

Mailing sample ballots.

There shall be furnished a sufficient number of sample ballots (a facsimile of the face of the machine) of a reduced size, one of which sample ballots shall be mailed to each registered voter and five posted as now required by law.

Posting.

NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED

Official ballots furnished.

8. At least one week prior to any primary, local, or general election two sets of official ballots shall be provided for each voting machine, for each polling place, for each election district for use in and upon the voting machine, one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the custodian, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine; at the close of the election all official ballots (except those actually in or upon the voting machine at the close of the election) whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner herein provided.

Unused ballots returned.

DUTIES OF MUNICIPAL OFFICIALS

Municipal officials duties.

9. It shall be the duty of the county officials in charge of elections or municipal clerk of the municipality, as the case may be, wherein voting machines have been adopted to have the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election. For the purpose of placing ballots in the ballot frames of the machine; putting it in order, setting, testing, and adjusting and delivering the machine, the county election officials or the municipal clerk, as the case may be, may employ or appoint one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed by said county election officials or municipal clerk, as the case may be, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of elections. Before prepar-

Custodian.

Notice to chairman and political parties.

ing a voting machine for any election, written notice shall be mailed to the chairman of the county committee of at least two of the principal political parties, stating the time and place where the machines will be prepared, at which time one representative of each such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials, but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify, upon a form to be provided by the county election official or municipal clerk, as the case may be, to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. Such certificate shall be filed with the county election officials or the municipal clerk, as the case may be. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the county election officials or municipal clerk, as the case may be, together with a written report made by the custodian stating that it is in every way properly prepared for the election. After the voting machines shall be transferred to the polling places by the municipal clerk, it shall be the duty of the governing body of said municipality to provide ample police protection against molestation, or tampering or damage to the machine. Every voting machine shall be furnished with a lantern, or an electric light fixture, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the district board of registry and election in examining the counters. The lantern or electric light fixture shall be prepared in good order by the said county election officials or municipal clerk, as the case may be, for use before the opening of the polls.

Machine sealed.

Certify machine is set.

Machine locked.

Transferred to voting place.

Machines lighted.

INSTRUCTION OF ELECTION OFFICERS

Instructions in use of machines.

10. Not less than ten nor more than twenty-one days before each election, the custodian or custodians of the machines shall instruct the members of the district boards of registry and election who are to serve in election districts in the use of the machine, and in their duties in connection therewith; and he shall give to each member of each district board of elections who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting or meetings of the district boards of elections as shall be necessary. Such custodian shall within five days, file a report with the county election officials, stating that he has instructed the district election officers, giving the names of such officers, and the time and place where such instruction was given. The members of the district board of registry and election of each election district in which a voting machine is to be used shall attend such meeting, or meetings, as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of any district board of elections shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the custodian of the machine; *provided, however,* that this shall not prevent the appointment of a person as a member of the district board of registry and election to fill a vacancy in an emergency, as now provided by law.

Report of custodian.

Members of board instructed.

Not to serve without instructions.

Proviso.

INSTRUCTION OF VOTERS BEFORE ELECTION

Instructions to voters.

11. Where voting machines are to be used, the county election officials, or municipal clerk, as the case may be, shall designate suitable and adequate

times and places where voting machines containing sample ballots showing titles of offices to be filled, and, so far as practicable the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions in the use of voting machines to all voters who apply for the same. No voting machine to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the election. During public exhibition of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the said county election officials or municipal clerk, as the case may be, having charge and control of the elections.

Counting mechanism concealed during instructions.

OFFICIAL BALLOTS FURNISHED

12. Official ballots of the form and description set forth in this act for use upon voting machines shall be prepared and furnished in the same manner as now provided by law.

Official ballots furnished.

NUMBER OF REGISTERED VOTERS IN A DISTRICT

13. Election districts in which voting machines are to be used may be altered, divided or combined by the county election officials so as to provide that each district in which one machine is to be used shall contain as nearly as may be seven hundred and fifty registered voters, and that each district in which two machines are to be used shall contain as nearly as may be one thousand registered voters and that each district in which three machines are to be used shall contain as nearly as may be one thousand five hundred registered voters; *provided, however*, that nothing herein shall prevent any election district from containing a less number than above if necessary for the convenience of the voters. Whenever more than two machines are to be used in a district, two additional members of the district board of elections, who shall be of opposite political parties, shall be appointed for each additional machine.

Number of voters in districts.

Proviso.

Additional members.

VOTING MACHINE OUT OF ORDER

Procedure in case machine is damaged.

14. In case any voting machine being used in any election district shall, during the time the polls are open, become damaged so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the custodian, and it shall be the duty of such custodian to substitute a machine in perfect mechanical order for the damaged machine, and at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election: unofficial ballots made as nearly as possible in the form of the official ballot may be used, received by the election officers and placed by them in a ballot box in such case to be provided as now required by law, and counted with the votes registered on the voting machines; and the result shall be declared the same as though there had been no accident to the voting machine; the ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same were voted.

OPENING OF POLLS

Opening polls.

15. The district boards of election of each election district shall meet at the polling place three-quarters of an hour before the time set for opening of the polls, at each election, and shall proceed to arrange the furniture, stationery and voting machine for the conduct of the election. The district

Board of registry to receive ballots.

boards of registry and election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of offices to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be

Keys delivered.

delivered to the district election officers by the

county election officials or municipal clerk, as the case may be; in any manner that they or he may deterimne, at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, in which shall be written or printed the number and location of the voting machine; the number of the seal with which it is sealed and the number registered on the protective counter or device, as reported by the custodian. The envelope containing the keys shall not be opened until at least one member of the board from each of two political parties shall be present at the polling place, and shall have examined the envelope to see that it has not been opened. Before opening the envelope all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the district election officers shall proceed to open the doors concealing the counters, and each district election officer shall carefully examine every counter and see that it registers zero (000) and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting. If any counter is found not to register zero (000) the district board of election shall immediately notify the custodian who shall, if practicable, adjust the counters at zero (000) but if it shall be impracticable for the custodian to arrive in time to so adjust such counters before the time set for opening the polls, the district election officers shall immediately make a written statement of the designating letter and number of such

Seal.

Opening envelope containing keys.

Machines opened.

Examination of counter.

Setting machine.

counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and in filling out the statement of canvass, they shall subtract such number from the number registered thereon on the close of the polls.

IRREGULAR BALLOTS

Irregular ballots.

16. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be written or affixed in or upon the receptacle or device provided on the machine for that purpose. With that exception, no irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

LOCATION OF VOTING MACHINES

Location of voting machines.

17. At all elections whereat voting machines may be used, the arrangement of the polling room shall be generally the same as is now provided for by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling room and at least four feet from any table whereat any of the district election officers may be engaged or seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers

and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted. The district election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper places and have not been mutilated or defaced and that the machine has not been damaged. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed. No person shall be permitted in or about the polling room except as now permitted by law in elections where ballots and ballot boxes are used.

Machine inspected after each vote.

Counter covered during election.

TIME ALLOWED A VOTER

18. Where a voter presents himself for the purpose of voting, the election officer shall follow the procedure as now required by the act to which this act is a supplement regarding the eligibility of a person to vote. If such eligibility is established, one of the district election officers shall announce the name of the voter and permit him to pass to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than two minutes, and having cast his vote the voter shall at once emerge therefrom and leave the polling room; if he shall refuse to leave after the lapse of two minutes he shall be removed by the district election officers; the said election officers shall ascertain the name and address of each voter in the manner now provided by law, before he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever; only one voter at a time shall be permitted in the voting machine booth to vote.

Time allowed each voter.

Upon refusal of voter to leave room.

INSTRUCTING VOTERS ON ELECTION DAY

Instructing voters.

19. For the instructing of voters on any election day there shall, so far as practicable, be provided by the said county election officials or municipal clerk, as the case may be, for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the district election officer's table or in some other place which the voters must pass to reach the machine, and each voter shall, before entering the machine, be instructed regarding its operation and such instruction illustrated on the model, and the voter given opportunity to personally operate the model. The voter's attention, shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the officers and candidates. In case any voter, after entering the voting machine, shall ask for further instructions concerning the manner of voting, two district election officers of opposite political parties shall give such instructions to him, but no officer or person assisting a voter shall in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular ticket, or for or against any particular candidate, or for or against any particular amendment, questions or proposition. After giving such instructions and before such voter shall have registered his vote, the officers or person assisting him shall retire and such voter shall then register his vote in secret as he may desire.

Model machine.

Instruction after entering booth.

BLIND OR PHYSICALLY DISABLED VOTERS

Physically disabled voters.

20. The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machines are used, and the word "booth," when used in such sections, shall include the voting machine inclosure or curtain.

ANNOUNCING THE VOTE AND LOCKING THE MACHINE AGAINST VOTING

Announcing vote.

21. Immediately upon the close of the polls, the district election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The judge of the district board of registry and election under the scrutiny of a member of said board, of a different political party, shall then in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters, and shall then read the votes recorded for each office on the irregular ballots; he shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition or other questions. As each vote is read and announced, it shall be recorded in two statements of canvass by two other members of said district board of registry and election of opposite political party, and when completed the record thereof shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the judge of said board and the statement of canvass, after being duly certified, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine and any necessary corrections shall then and there be made by the said district board of election. No tally sheets nor return blanks as required by law for use in election districts where paper ballots are used shall be furnished or used in election districts where voting machines are used, but in lieu thereof there shall be furnished two copies of a statement of canvass to conform to the requirements of the make and type of voting machine or machines being used.

Recording vote.

Comparing vote.

No tally sheets furnished.

Statements of canvass furnished.

LOCKING THE MACHINE AND RETURNING THE IRREGULAR BALLOTS

Counter locked.

22. The district election officers shall, as soon as the count is completed and fully ascertained, as by this act required, lock the counter compartment and it shall so remain for a period of thirty days, except it be opened by order of the Chief Justice or of a justice of the Supreme Court. Within said period and upon written request of any defeated candidate, or upon petition of any ten qualified voters of a county or municipality using machines who voted in the election in question, the court shall, at no expense to the candidate or petitioners order the machines in question opened and the registering counters rechecked against the election officers' returns. Such recheck shall be made under the supervision of the county election officials and in co-operation with the parties at interest or their representatives. Whenever irregular ballots of whatever description have been voted, the district election officers shall return all such ballots in a properly secured package endorsed "irregular ballots" and return and file such package with the municipal clerk at the same time the original statement of the results of the election made by them is filed. Said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge of a court lawfully empowered to direct the same to be opened and examined. At the end of said six months, said packages may be opened and said ballots disposed at the discretion of the official having charge thereof.

Court order to open counter for recheck.

Making recheck.

Irregular ballots returned.

Ballots kept for six months.

DISPOSITION OF KEYS

Disposition of keys.

23. The keys of the machine shall be enclosed in an envelope to be supplied by the municipal clerk on which shall be written the number of the machine and the district and ward where it has been used, which envelope shall be securely sealed and

endorsed by the district election officers, and shall be returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machine shall be kept securely by the officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine and all district election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored by the municipal clerk as soon after the close of the election as possible, and the machines and the boxes for the machines shall at all times be stored in a suitable place, which place shall be a fireproof public building in such municipalities as have same.

Possession of keys.

Machines stored.

APPLICATION OF PREVIOUS ARTICLE AND PENAL LAW

24. Any unauthorized person found in possession of any such voting machine in use or to be used in a primary or election, or keys thereof, shall be deemed guilty of a misdemeanor, and any person willfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine, shall be deemed guilty of a high misdemeanor.

Unlawful possession.

DEFINITIONS

25. The list of candidates used or to be used on the front of the voting machine for an election district in which the voting machine is used pursuant to law shall be deemed official ballots under this chapter. The word "ballot" as used in this article

Terms:

List of candidates.

Ballot.

(except when reference is made to irregular ballots) means that portion of the cardboard or paper within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition with the word "yes" for voting for any question or proposition, and the word "no" for voting against any question. The term "question" shall mean any constitutional amendment, proposition or other question submitted to the voters at any election. The term "official ballot" shall mean the printed strips of cardboard, or paper containing the names of the candidates nominated and a statement of the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever.

Question.

Official ballot.

Irregular ballot.

Voting machine custodian.

Protective counter.

APPLICATION

Application of act.

26. All laws relating to elections now in force in this State shall apply to all elections under this act so far as the same may be applicable thereto; and so far as such provisions are not inconsistent with the provisions of the act pertaining to the use of the paper ballots and ballot boxes.

Approved June 29, 1935.

CHAPTER 303

AN ACT to validate and ratify proceedings for the issuance and sale of water bonds in boroughs of this State.

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

Validating proceedings to issue bonds.

1. All proceedings heretofore taken for the issuance of water bonds by any borough in this State, where ordinances therefor were not fully published, as required by law, are hereby validated and confirmed, and the proceedings taken relative to the issuance and sale of such bonds are hereby adjudged and deemed to be valid and effectual in law.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 304

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform standard of weights and measures in this State, to establish a Department of Weights and Measures, and to provide penalties for the use of other than standard or legal weights and measures,' approved April twenty-fourth, one thousand nine hundred and eleven," approved March twenty-ninth, one thousand nine hundred and twenty-six, approved April twenty-eighth, one thousand nine hundred and thirty-one, approved April eleventh, one thousand nine hundred and thirty-two, approved June fifteenth, one thousand nine hundred and thirty-three.

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

Section 8 amended.

1. Section eight of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Fuel to be sold by weight.

8. All grain, coal, coke, charcoal, coal briquets or other patent fuel, regardless of quantity, shall be sold by weight, and the said commodities shall be weighed on accurate scales tested, approved and sealed by the State Superintendent of Weights and Measures or his assistants, or by the county or municipal superintendents of weights and measures or their assistants. No person, firm, copartnership, corporation or association shall deliver, start out for delivery or cause to be delivered any coal, coke, charcoal, coal briquets or other patent fuel, in amounts exceeding one hundred pounds, without same first being weighed by a certified weighmaster appointed by the State Superintendent of Weights and Measures, and such sale or delivery being ac-

Weight certified.

companied while in transit by a delivery ticket and duplicate thereof; *provided, however,* that there shall be a delivery ticket and duplicate thereof delivered with each load or part of load of grain, coal, coke, charcoal, coal briquets or other patent fuel offered, exposed or intended for sale or sold or delivered, including loads or parts of loads weighing less than one hundred pounds. On both tickets there shall be distinctly and indelibly expressed, in ink or otherwise, the net quantity or quantities in pounds of each load or portion of load contained in the delivery of grain, coal, coke, charcoal, coal briquets or other patent fuel, together with the number of bags or sacks of any commodity specified in this act, when bags or sacks are representative of the quantity contained in the cart, wagon, truck or other vehicle or container used in such delivery, the name and address of the purchaser, thereof, the name and address of the dealer from whom purchased, and when the amount exceeds one hundred pounds, except in the case of grain, the signature and official number of the weighmaster who performed the weighing, together with an impress of the official seal of the said weighmaster. One of such tickets shall be delivered to the person receiving such grain, coal, coke, charcoal, coal briquets or other patent fuel, and the other ticket shall be retained by the seller of the grain, coke, coal, charcoal, coal briquets or other patent fuel for a period of one year and shall be subject to inspection by the State Superintendent of Weights and Measures or his assistants, county or assistant county superintendents of weights and measures or municipal or assistant municipal superintendents of weights and measures, within this time; *provided, however,* that the provisions of this section shall not apply to grain, coal, coke, charcoal, coal briquets or other patent fuel, sold to be delivered by the entire railroad car or cargo direct from the vessels, boats or railroad cars containing the same to one destination and consigned to one person, firm or corporation,

Delivery ticket.

Proviso.

Delivery ticket to show quantity, weight, etc.

Ticket given to purchaser.

Ticket retained by seller.

Proviso.

and accepted by the purchaser on the original bill of lading or invoice as proof of weight; *provided, further,* that grain, coal, coke, charcoal, coal briquets or other patent fuel, sold or offered for sale in this State in quantities of thirty pounds or less, in paper bags, sacks, or similar containers, where the name and address of the dealer and the net contents in terms of avoirdupois weight are distinctly and indelibly marked, in ink or otherwise, on such paper bags, sacks or similar containers, in Gothic type not less than one-half inch in height, shall be exempt from the provisions of this section requiring delivery tickets and duplicates thereof; *provided, further,* that any person, firm, copartnership or corporation violating any of the provisions of this section shall, for the first offense, be liable to a penalty of not less than twenty-five dollars, nor more than fifty dollars, and for a second offense be liable to a penalty of not less than fifty dollars, nor more than one hundred dollars, and for each subsequent offense shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars.

Proviso.

Proviso.

Penalty.

Approved June 29, 1935.

CHAPTER 305

AN ACT to amend an act entitled "An act regulating the offering for sale, and sale of certain commodities heretofore commonly sold by dry measure or by basket, barrel, or container of any kind, providing penalties for the violation thereof and for the method of recovering such penalties," approved March sixth, one thousand nine hundred and twenty-four.

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

1. Section one of the act of which this act is amendatory be and the same is hereby amended so as to read as follows: Section 1 amended.

1. From and after the taking effect of this act, all commodities heretofore commonly offered for sale, or sold by dry measure or by basket, barrel or container of any kind, except as hereinafter provided, shall be offered for sale or sold upon the basis of avoirdupois net weight, or by numerical count only, and it shall thereafter be unlawful for anyone to use or employ any dry capacity measure, basket, barrel or container of any kind as a means of determining the amounts or quantities of any such commodities offered for sale, or sold; *provided, however,* that the provisions of this act shall not be construed to apply to fruits and vegetables offered for sale or sold in closed or covered original standard containers, nor to such commodities offered for sale or sold by bona fide farmers in any farmers' public market, in open or uncovered original standard containers, nor to vegetables which by common custom are offered for sale, or sold by the bunch; nor shall the provisions of this act be construed to apply to fresh berries and to other small fruits which are customarily offered Commodities sold by weight. Proviso.

for sale, and sold by the box, basket or other receptacle, except, however, when such fresh berries or such other small fruits are offered for sale, or sold in bulk, in which case the provisions of this act shall apply to the extent that such fresh berries and such other small fruits shall be offered for sale, and sold by avoirdupois net weight only; *provided, further, however,* that all fresh berries and such other small fruits when offered for sale or sold shall be so offered for sale or sold in boxes, baskets, or receptacles of uniform size to hold one quart or one pint dry measure only, which said boxes, baskets or other receptacles shall be uniformly and evenly filled throughout.

Proviso.

Section 5 amended.

2. Section five of the act of which this act is amendatory be and the same is hereby amended so as to read as follows:

Commodities defined.

5. The term "commodities" as used in this act shall be construed to mean articles of food, other than liquids, which are capable of being measured by dry capacity measure and which have been at any time prior to the passage of this act sold by dry capacity measure in this State.

Dry capacity measure defined.

The term "dry capacity measure" within the meaning of this act shall be construed to be the bushel, half-bushel, peck, half-peck, quarter-peck, quart, pint, half-pint, and similar measures.

Original standard container defined.

The term "original standard container" as used in this act shall be construed to mean and include only barrels, boxes, baskets, hampers or similar containers, the dimensions or capacity of which is established by law of this State or by act of Congress, the contents of which have not been removed, or repacked, and upon which is plainly and conspicuously marked the net quantity of contents thereof in terms of weight, measure or numerical count.

Bona fide farmers defined.

The term "bona fide farmers" as used in this act shall be construed to mean agriculturists or growers of fruits and vegetables who actually produce the commodities they sell and who are registered as such either with the State Department of Agricul-

ture or with any county agent or board of agriculture.

Constitutionality.

3. Should any provision of this act be declared unconstitutional or invalid by any court of competent jurisdiction, the remaining provisions of this act shall not thereby be invalidated.

4. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 306

AN ACT to amend an act entitled "An act concerning and regulating the sale, purchase, and transfer of motor vehicles; requiring bills of sale therefor, and providing penalties for the violation thereof," approved April twenty-first, one thousand nine hundred and thirty-one, and being chapter one hundred and sixty-six of the laws of one thousand nine hundred and thirty-one.

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

Section 8 amended.

1. Section eight of the act of which this act is amendatory is hereby amended to read as follows:

File title papers in 5 days.

8. Filing Title Papers; Filing Fee and Credit for Tax; Assessing Values in Certain Cases; Lost Papers. Any person other than a dealer, who purchases a motor vehicle in this State or brings a motor vehicle into this State for operation therein, if such vehicle must be registered in this State in compliance with the provisions of chapter two hundred and eight of the laws of nineteen hundred and twenty-one, entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of drivers thereof; fixing rules and regulating the speed of motor vehicles; fixing the amount of license and registration fees; preserving and regulating process and the service

thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, one thousand nine hundred and twenty-one, and amendments thereof and supplements thereto, shall submit to the commissioner, within five days thereafter, title papers from the time that said motor vehicle was first sold. The commissioner shall stamp such papers, retain and file the duplicates and return the originals to said person; *provided, however,* if any such title is subject to a contract, the title papers, with the exception of the abstract of contract in the case of a sale of a used motor vehicle, shall be returned to the seller named in said contract. For the receiving and filing of title papers as herein provided, the commissioner shall collect a fee of fifty cents plus an amount equivalent to two per centum (2%) of the purchase price of said vehicle, on which shall be allowed a credit of the amount of any tax imposed by this State on the seller of said vehicle and which pursuant to any law of this State was added by the seller to his sales price; *provided,* that in the case of any person who files with the commissioner his title papers from any other State or any province of the Dominion of Canada, accompanied by a certificate of registration of such vehicle in his name in such State or province and such proof of residence in such State or province as the commissioner may require, the filing fee shall be one dollar. In any case in which the title papers, in the opinion of the commissioner, do not disclose the actual purchase price of the motor vehicle, the commissioner may require the person filing such papers to submit satisfactory proof of the price paid for such vehicle or to accept an arbitrary assessment by the commissioner as a basis for the imposition of the filing fee; and the commissioner is authorized in such case arbitrarily to assess the value of such vehicle and to base the filing fee on such arbitrary valuation. In assessing the value of motor vehicles, under the provisions of this section, the commissioner shall assess

Proviso.

Filing fees.

Proviso.

Proof of price paid.

Assessing motor vehicle.

at a uniform price all motor vehicles of the same year of manufacture, by the same manufacturer, and of the same model, and shall base his valuations on prices published by the motor vehicle trade for the information and guidance of dealers. If title papers are lost, upon proof by affidavit or otherwise as required by the commissioner, and if the commissioner is satisfied of bona fides of application, he shall prepare copy of said title papers, certify same, and authorize their use in place and stead of originals with same effect as though originals, and make a charge for same of one dollar for certificate and twenty-five cents for each paper so lost.

In case title papers are lost.

Fee.

2. This act shall take effect July one, one thousand nine hundred and thirty-five.

Act effective.

Approved June 29, 1935.

CHAPTER 307

AN ACT to regulate those who desire to engage in the occupation of beauty culture, by providing for examination and registration; defining beauty culture; regulating beauty culture shops, schools, students, teachers, managers and operators; creating a board of beauty culture control and conferring powers and duties thereupon; providing for appeals to certain courts by applicants and licensees; and providing penalties.

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

1. The Department of Beauty Culture Control is hereby established. The same shall be governed by a board to be known as the Board of Beauty Culture Control and shall consist of five members.

Department of Beauty Culture established.

Members, qualifications.

Three of the members of the Board of Beauty Culture Control to be appointed under the provisions of this act shall have been engaged in the occupation of beauty culture for a period of at least five (5) years immediately preceding the date of their appointment; one member shall have been engaged in the business of conducting a school for the teaching of beauty culture for a period of at least five (5) years immediately preceding the date of appointment; and one member shall not, at the time of appointment, be directly or indirectly identified with the business of beauty culture in any of its branches. At least two members of the Board of Beauty Culture Control shall be women. All members of the board shall be citizens of the United States and of the State of New Jersey for at least five (5) years prior to the date of their appointment. All members of this board shall be appointed by the Governor. The five members first appointed under this act shall be appointed as follows: two members for a period of three (3) years, two members for a period of two (2) years and one member for a period of one (1) year, respectively, as appointed, and members appointed thereafter shall serve for a period of three years. The Governor may remove any member of the State board for cause and appoint some other person to fill the vacancy caused by death, resignation or removal shall be for the unexpired term only. Members of the State board shall receive as compensation for their services two thousand dollars ($2,000.00) per annum and necessary traveling expenses, which shall include only the cost of transportation to and from the place of the performance of their duties.

Appointed by Governor.

Terms.

Removal of member.

Compensation.

Organization.

2. The said board shall organize each year by the selection of a chairman and the appointment of a secretary, who shall be an employee of the department. The board shall hold not less than twelve (12) State meetings each year and all State minutes of the meetings, thereof, shall be open to the public.

Meetings.

Provisions to be complied with.

3. On and after the passage of this act, no person, firm or corporation shall be permitted to practice the occupation of beauty culture within the confines of the State of New Jersey unless they shall have complied with the provisions of this statute.

Beauty culture defined.

4. The occupation of beauty culture as applied in this act shall be defined as follows, to wit:

(a) "Beauty culture" includes any or all work done for compensation by any person, which work is generally and usually performed by so-called hairdressers, cosmetologists, cosmeticians, beauticians or beauty culturists and however denominates, in so-called hairdressing and beauty shops ordinarily patronized by women, which work is for the cleanliness and beautification of the women's hair, such as arranging, modeling, dressing, brushing, beautifying, curling, waving, straightening, dyeing, tinting, permanent waving, cleansing, cutting, singeing, bleaching or coloring; and the massaging, cleansing, stimulating, exercising or similar work upon the scalp, face, arms, hands, or neck, with the hands or by the use of mechanical or electrical appliances, with or without cosmetic preparations, external application of creams, tonics and soothing lotions, and antiseptics for use with instruments or with the hands; and of manicuring the finger nails and beautifying the hands, which enumerated practices shall be included in the term "beauty culture." The term "mechanical or electrical appliances" as used herein, shall be interpreted to include and the right to use vibrators, electric clippers, permanent wave machines, hair driers and electrical manicuring machines, but it shall not be interpreted to include or the right to use violet ray machines.

Mechanical or electrical appliances defined.

Practice without license prohibited.

5. Practice of beauty culture without a certificate of registration or license prohibited. It shall be unlawful for any person to practice or teach beauty culture or to use or maintain any place for the practice or teaching of beauty culture for compensation unless he or she shall have first

obtained from the department a certificate of registration or license as provided in this act.

Requirements to practice.

6. Requirements to practice. Before any person may practice or teach beauty culture, such person shall file with the department a written application for a certificate of registration, accompanied by a health certificate, issued by a registered, licensed physician of New Jersey, on a form which shall be prepared and supplied by such department and shall deposit with the department of registration fee provided in this act and pass an examination as to the fitness to practice or teach beauty culture as hereinafter provided in this act.

Requirements for examination.

7. Requirements for examination. No person shall be permitted by the department to take an examination or receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training as hereinafter provided in this act, in a beauty school duly registered by the department;

Proviso.

provided, however, that the department may permit a person to take an examination without the prior studentship herein required if such person shall establish to the satisfaction of the department that he or she has been an operator in the active practice of beauty culture in New Jersey for at least twelve months within the five years next preceding the effective date of this act. No person

Age requirement.

shall be permitted to take an examination or receive a certificate of registration or license to teach beauty culture unless such person shall be at least eighteen years of age and has had at least two years' experience as a beauty culture operator in a beauty shop.

Manicuring license.

8. Manicuring. A limited certificate of registration or license to manicure the finger nails only, may be applied for and granted under all the terms and conditions of this act, except that the examination therefor shall be limited to such practice only and the required schooling shall be not less than two months.

Requirements for schools for beauty culture.

9. Requirements of schools for beauty culture. No school of beauty culture shall be granted a certificate of registration or license, unless it shall comply in all respects with the rules and regulations of the State Board of Education relating to courses in beauty culture as they are given in the public schools or vocational training schools of this State, and unless it shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; shall maintain regular classes and instruction hours; shall establish grades and hold examinations before issuance of diplomas; shall require a school term of training of not less than one thousand hours within a period of not less than six consecutive months for a complete course, comprising all or a majority of the practices of beauty culture as provided in this act and to include practical demonstrations and theoretical studies, and study in sanitation and sterilization, and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to beauty culture or any practice thereof.

Student practice upon the public.

10. Student practice upon the public. It shall be unlawful for any school of beauty culture to permit its students to practice beauty culture on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice, after having first been properly informed that the operator is a student.

Exemptions to examinations.

11. Exemptions to examination requirements. Any person who has practiced beauty culture or acted as manager of a beauty shop under a certificate, license or permit for not less than three years in another State, territory or the District of Columbia, or any person who practiced beauty culture in this State for at least one year next preceding the effective date of this act, and is thus engaged in this State at the time this act goes into effect, may secure the certificate of registration or

license required by this act without an examination or compliance with other requirements as to age or education; *provided,* such person shall make an application to the department for registration and license within ninety days after the effective date of this act. Such application shall be accompanied by a certificate of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases, and the registration or license fee required by this act. Any person studying beauty culture in an accredited school of beauty culture as required by this act at the time this act goes into effect shall receive credit for such time and studies without compliance with the requirements of this act as to age and preliminary education; *provided,* such persons shall make application to the department for registration as a student within ninety days after this act goes into effect. Students, upon graduating from a registered or licensed school of beauty culture, may apply for and receive from the department a temporary permit to practice as an operator; *provided,* such application shall be accompanied by a certificate of a practicing physician, that the applicant was examined and is free from all contagious and infectious diseases, and the registration or license fee required by this act, until the next regular examination held by the department under the provisions of this act.

Proviso.

Physician's certificate.

Credit allowed.

Proviso.

Student's temporary permits.

Proviso.

Rules and regulations.

12. Rules by department. The department shall prescribe such reasonable rules and regulations as shall be necessary to carry out the purposes of this act. Such rules and regulations as may be established by the department shall be printed and supplied to applicants and license holders.

Examinations.

13. Examinations. Any person having submitted the credentials required by this act for admission to examinations and having paid the registration fee required by this act, the department shall admit such applicant to examination and shall issue a certificate of registration or license to practice as operator, manicurist, or as a teacher of beauty cul-

ture, as the case may be, to those successfully passing the required examination. Such examinations for operators, teachers or manicurists shall include both practical demonstration and written and oral tests, as well as such other reasonable tests as the department, in its discretion, may order. The department shall hold public examinations at least twice a year in convenient cities, and at such hours as it shall prescribe.

Scope of examination.

14. Powers and duties of department. The department shall have power to refuse, revoke or suspend licenses or certificates of registration upon due hearing, on proof of violation of any provisions of this act, or the rules and regulations established by the department under this act; or for gross incompetency or dishonest or unethical practices, and shall have the power to require the attendance of witnesses and the production of such books, records and papers as it may desire; *provided,* that before the department may institute proceedings for suspension or revocation, it shall send notice in writing to the certificate holder, stating the alleged violation, together with a notice that if the violation is not abated within fifteen days, proceedings of revocation or suspension will be initiated. If such proceedings are initiated, a written statement of the charges against the license or certificate holder shall be served upon him or her, at least five days before the day set for the hearing, which hearing shall be before a duly authorized representative of the department, and at which hearing the person complained against shall have an opportunity to produce witnesses or other evidence in his or her behalf, and to confront witnesses against him or her.

Powers and duties of department.

Proviso.

Written charges served.

15. Sanitary rules and regulations. The department shall prescribe such sanitary rules and regulations as it may deem necessary with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases; and it shall be unlawful for the owner or manager of any beauty

Sanitary rules and regulations.

shop or school of beauty culture to permit any person to sleep in or use for residential purposes any room used wholly or in part as a beauty shop or school of beauty culture.

Appeals. 16. Appeal from actions of department. An appeal may be taken from any actions of the department to the court of common pleas of the county wherein the defendant resides. The judgment of the common pleas court may be reviewed by the Supreme Court on appeal.

Fees. 17. Fees. The registration fee for the issuance of licenses or certificates of registration with or without examination shall be as follows: Three dollars ($3.00) a year for registration of beauty shops; five dollars ($5.00) a year for beauty shop owners, managers or teachers; three dollars ($3.00) a year for operators or manicurists; one dollar ($1.00) for students for the entire school term; fifty dollars ($50.00) a year for private

Renewal fees. schools of beauty culture. Annual renewal fee shall be the same as above. The above fees for registration, examination and certificate shall be paid in advance to the department of beauty culture control and by it paid into the State treasury. The department of beauty culture is authorized to spend such funds as may be appropriated by legislation out of the receipts of the department for the proper administration of the provisions of this

Proviso. law; *provided, however,* that in no year shall there be appropriated or expended a sum greater than thirty-five per centum (35%) of the revenues derived and received into the State treasury from the administration of this act except for the fiscal year beginning July first, nineteen hundred and thirty-five, and ending June thirtieth, nineteen hundred and thirty-six, there is hereby appropriated for the use of this department the sum of thirty thousand dollars ($30,000.00) from the receipts to

Expenditures. be derived hereunder. All such expenditures shall be made by the Treasurer on a warrant of the Comptroller after approval by said department;

Proviso. *provided, however,* that any such expense of ad-

ministration shall at no time exceed the moneys so received, to the end that the department created by the provision of this act at all times shall be self-sustaining; *and provided, further,* that any surplus remaining in such funds in the hands of the treasurer at the close of any fiscal year shall revert to and become a part of the general fund of the State. Proviso.

18. The said department shall have authority to enter upon and to inspect any beauty culture shop or school at any time during business hours. Inspection.

19. Appointments of inspectors and other assistants shall be made by the board as and when necessary, and their compensation and duties shall be fixed by the said board, subject always to the appropriations provided therefor and to such other laws providing for the fixing of salaries for State officers and employees. All such appointments and employments shall be within the provisions of the civil service laws of this State. Appointment of assistants and inspectors. Civil service.

20. To whom provisions in this act shall not apply. Nothing in this act shall prohibit service in case of emergency or domestic administration without compensation, nor service by persons authorized under the laws of this State to practice medicine, surgery, nursing, dentistry, chiropody, osteopathy or chiropractic, nor services by barbers lawfully engaged in the performance of the usual and ordinary duties of their vocation. Act not to apply.

21. Display of certificates. Every holder of a certificate or license granted by the said department as provided in this act, shall display it in a conspicuous place in his or her principal office, place of business or employment. Certificate displayed.

22. Duration and renewal of certificates of registration or license. The certificates of registration or license issued in the year in which this act goes into effect shall expire as of July first of the following year. All certificates or licenses shall expire on the thirtieth day of June next succeeding unless renewed for the next year. Certificates or licenses may be renewed by application made prior to the thirtieth day of June of each year and the payment of the renewal fee provided in this act. Term of licenses and certificates. Renewals.

Penalties.

23. Penalties. Any person violating any of the provisions of this act shall be deemed and adjudged a disorderly person and upon conviction shall be subject to a fine of not more than two hundred dollars ($200.00).

Construing as to education.

Nothing in this act shall limit in any way the right of the State Board of Education and/or any local board of education to establish and operate courses in beauty culture, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to quarters, supplies, equipment and anything whatsoever pertaining to the establishment, operation and maintenance of a course in beauty culture operated by a public school. Nothing in this act shall be interpreted to give any person or agency other than the State Board of Education and the local boards of education the right to prescribe any requirement of any kind whatsoever for courses of beauty culture in public schools or for teachers or pupils in such courses.

Graduates of vocational schools.

Any person having graduated from a vocational course in beauty culture approved by the State Board of Education and given by a public vocational school of this State shall have all the rights and privileges granted under this act to graduates of beauty schools, duly registered by the department.

Sections severable.

24. Effect of partial invalidity of act. Each section of this act and every part of each section is hereby declared to be independent of every other, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

Repealer.

25. Repeal. All acts or parts of acts inconsistent with this act are hereby repealed.

26. Effective date. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 308

A SUPPLEMENT to an act entitled "An act creating the office of Commissioner of Finance and defining his powers and duties," approved June twenty-eighth, one thousand nine hundred and thirty-three.

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

May retain seized property.

1. Wherever pursuant to any law of this State, it is provided that property is seized and forfeited, the Commissioner of Finance, in addition to the powers and duties conferred upon him by the provisions of the act to which this act is a supplement, and in pursuance of his power of supervision of the several spending agencies of the State, may by order, after notice to registered owner or owners, if known, retain such seized property for the benefit of State institutions and other boards, commissions, agencies and instrumentalities of the State government. The Commissioner of Finance shall provide by rule and regulation for the use and disposal of such property so acquired.

Rules.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 309

AN ACT to amend an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section 145 amended.

1. Section one hundred and forty-five of the act to which this is an amendment be and the same is hereby amended to read as follows:

Discharge of sureties after final decree.

145. At any time after the expiration of three months from the filing of any final decree of distribution made after the passing by any orphans' court or other competent court of this State of the final account of any administrator, executor, assignee for the benefit of creditors, trustee under any will, or guardian (of any minor), the court which passed such final account shall, upon application on behalf of any person interested, upon such notice to the other interested persons as the court may prescribe, and upon proof being made to the satisfaction of said court that the entire trust estate has been distributed according to law, and that no appeal from such orders of distribution is pending, make an order discharging the sureties or bondsmen of such administrator, executor, assignee, trustee or guardian, as the case may be, from any and every liability by reason of their having become such sureties; from and after the making of such order all liability of every such surety named in such order, and his, her or their heirs, executors and administrators, under or by virtue of his, her or their undertaking as such surety, shall cease, terminate and be at an end, but the personal liability of such administrator, executor, assignee,

Personal liability to remain.

trustee or guardian, as the case may be, shall nevertheless be and remain as if no such order had ever been made.

Approved June 29, 1935.

CHAPTER 310

AN ACT to authorize the acquisition of land within the State by the United States for use by the State for forestry, watershed, wild life and public recreation purposes and to provide for the management of such lands by the State.

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

Land for public purposes.

1. The Governor of this State is hereby empowered to enter into an agreement with either the Secretary of Agriculture, the Secretary of the Interior, or other authorized agency of the United States to permit the said Secretary of Agriculture, the Secretary of the Interior, or other authorized Federal agency to acquire, from Federal funds, in the name of the United States, lands for public recreation, forestry, watershed protection or wild life propagation, preservation and development; *provided, however,* that the Governor shall not enter into any such agreement unless such said agreement shall make provision for the management and administration of such land by the Board of Conservation and Development, the Board of Fish and Game Commissioners or their respective successors, or such other State department or agency in which the management and administration of other similar or comparable public reservations are now or may hereafter be vested.

Proviso.

Plan to utilize acquisition.

2. The Governor shall have power to work out and to make mutually satisfactory plans and agreements with the co-operating Federal authority to

insure maximum feasible utility of such lands for public recreation, for timber production, for watershed protection, or for the propagation, preservation and development of wild life. The plan agreed upon shall be administered by the said Board of Conservation and Development, the said Board of Fish and Game Commissioners, or such other State department or agency as hereinabove provided, and the cost of such administration shall be paid from such funds as may be appropriated for this purpose from the income from such properties, from any grants that may be made for this purpose by the United States Government through the Secretary of Agriculture, the Secretary of the Interior or other Federal agency, and from such other State funds as are appropriated for this purpose.

Administration.

Provision for funds.

Co-operation with federal authorities.

3. The Governor shall have power to agree with the co-operating Federal authority that during the period in which any co-operative agreement under this act remains in force, the Governor shall pay or cause to be paid through the office of the State Treasurer to the Treasurer of the United States one-half of the gross proceeds from all lands covered by such agreement and to which the United States holds title.

Payment for land.

4. The Governor shall have power to agree with the co-operating Federal authority to pay to the United States for any land acquired by the United States under the authority of this act the purchase price paid by such Federal authority for the said land; *provided,* that such payment by the State shall be made by the payment of one-half of the gross proceeds from the lands covered by such agreement until the total of such payments shall equal the amount expended by the United States as the purchase price for such land; *and provided, further,* that whenever the Legislature shall provide or make available funds for this purpose, at the option of the State, the State may complete the purchase of such land by payment from such State funds of any balance of the purchase price still unpaid to the United States.

Proviso.

Proviso.

5. Any such agreement made under the provisions of this act shall provide that upon payment of the full purchase price for any such land as herein provided title to said land shall be transferred from the United States to the State and that any expenditures which may be necessary to effectuate such transfer shall be borne by the United States. Transfer of lands.

6. The Governor shall have power in making an agreement for the Federal purchase of land as herein provided to provide for the termination of such agreement by the Governor upon his request or by the co-operating Federal authority upon violation of any of the terms of the agreement and if such an agreement is terminated the Federally owned lands affected by it shall thereafter be held and administered as are the national forests or national parks or other Federal reservations acquired by the United States under the authority of Congress; *provided,* that, if such agreement is terminated as herein provided, the United States shall reimburse the State for so much of the State funds as have been expended in the administration, development and management of the lands involved as may be determined and deemed fair and equitable by the Governor and the co-operating Federal authority. Termination of agreement. Proviso.

7. Notwithstanding the fact that title to the lands purchased pursuant to agreements entered into under the provisions of this act may be vested in the United States Government, nevertheless the State of New Jersey shall retain jurisdiction over the said lands for the purpose of the service of process issuing out of any of the courts of this State in any civil or criminal proceeding. In the event that the title to any land within this State, acquired by the Federal Government for purposes hereinabove set forth, is transferred to this State under the terms of this act, all jurisdiction of the Federal Government in and over said lands shall cease and determine. Jurisdiction.

8. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 311

AN ACT to amend an act entitled "An act providing for the licensing and bonding of all dealers in milk and cream who purchase from or contract with producers in this State or who receive milk or cream from such producers for shipment, sale or manufacture," approved March twentieth, one thousand nine hundred and seventeen, as amended by an act approved March first, one thousand nine hundred and eighteen.

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

Section 1 amended.

1. Section one of the act of which this act is amendatory be and same hereby is amended so that it shall read as follows:

Milk dealers licensed.

1. On or after July first, nineteen hundred and seventeen, no person, firm, association or corporation, unless exempted by the Secretary for Agriculture, as hereinafter provided, shall engage in or carry on the business of buying milk or cream in this State for the purpose of shipping or for sale, resale or manufacture, unless such business be regularly transacted or conducted at an office or station within the State and unless such person, firm, association or corporation be duly licensed as provided hereinafter. Every such person, firm, association or corporation before engaging in the business of buying milk or cream for the purpose aforesaid, shall, annually, on or before June first, file an application with the Secretary for Agriculture for a license to transact such business. The application shall state the nature of the business, as hereinabove set forth, the full name or names of the person or persons or corporation applying for the license, and, if the applicant be a firm or association, the full name of each member of such

Application for license.

Statement in application.

firm or association, the city, town or village and street number at which the business is to be conducted, and such other facts as the Secretary for Agriculture shall prescribe. The applicant shall further satisfy the Secretary for Agriculture of his or its character, financial responsibility and good faith in seeking to engage in such business. The Secretary for Agriculture shall thereupon issue such applicant, on payment of ten dollars, a license entitling the applicant to conduct the business of buying milk and cream from producers for the purpose aforesaid at an office or station at the place named in the application until the first day of July next following; *provided, however,* that if application be made subsequent to July first in any year, said license shall run until the first of July next following. The Secretary for Agriculture may, at his discretion, exempt from the provisions of this act any dealers who do not make purchases from more than two producers, or those whose total monthly purchases of milk or cream do not exceed in value the sum of two hundred dollars. A license shall not be issued, however, to any applicant if, during the year preceding the application, a complaint from any producer and seller of milk and cream shall have been filed with the Secretary for Agriculture against such applicant for any grounds specified in section three hereof, and such complaint shall have been established as true and just to the satisfaction of the Secretary for Agriculture after such complaint shall have been investigated by the Secretary for Agriculture in the manner provided for in section two hereof. This shall not apply to any complaint which has been adjusted to the satisfaction of the Secretary for Agriculture. A license shall not be issued as provided in this section unless and until the applicant shall file with the Secretary for Agriculture as herein provided, a good and sufficient surety bond executed by a surety company duly authorized to transact business in this State, in a sum not less than one and one-half times the estimated

Responsibility of applicant.

License fee.

Proviso.

Exemptions.

License refused on established complaint.

Surety bond

maximum monthly indebtedness of the applicant to the parties or persons from whom he may purchase or receive, or may have purchased or received, milk or cream, or unless the applicant shall be relieved from such requirement as hereinafter provided. Such bond shall be approved as to its form and sufficiency by the Secretary for Agriculture.

Cash deposit instead of bond.

Such applicant may in lieu of such bond deposit with the Secretary for Agriculture money or United States Government securities in an amount equal to the sum secured by the bond required to be filed as herein provided.

Condition of bond.

The bond required to be filed hereunder shall be given to the Secretary for Agriculture in his official capacity and shall be conditioned for the faithful compliance by the licensee with the provisions of this act and for the payment of all amounts due to persons who have sold milk or cream to such licensee, during the period that the

Use of deposit.

license is in force. The money or securities deposited with the Secretary for Agriculture as above provided shall constitute a separate fund, and shall be held in trust for, and applied exclusively to, the payment of claims against the licensee making such deposit, arising from the sale of milk or cream to such licensee.

If licensee default, creditor may file claim.

Upon default by the licensee in the payment of any money due for the purchase of milk or cream from producers of this State, which payment is secured by a bond or the deposit of money or securities as hereinbefore provided for, the creditor may file with the Secretary for Agriculture, upon a form prescribed by him, a verified statement of his claim. If such creditor shall have reduced such claim to judgment, a transcript of such judgment shall also be filed with the Secretary for Agriculture.

When statement filed.

Such statements may be filed at any time during the period of the license for purchases made during such period and within ninety days from the termination of such period. Claims not filed dur-

ing the license period or within ninety days from the termination of the license period, shall not be received, acted upon or paid and shall not participate in the proceeds of any bond, moneys or securities deposited with the Secretary for Agriculture.

Audit.

The Secretary for Agriculture shall audit claims properly filed and determine the amounts due all such creditors. After the expiration of ninety days from the termination of any license period or sooner if it appears practicable to do so, the Secretary for Agriculture shall, by sale of the securities or by demand upon the surety secure an amount necessary to satisfy all claims properly filed. In the event the surety shall not make payment upon demand by the Secretary for Agriculture, he shall by suit recover from the surety the amount necessary to satisfy the claims properly filed, which sum shall not exceed the amount of the bond filed. Upon securing moneys available for the satisfaction of the claims in accordance with the foregoing, the Secretary for Agriculture shall make distribution to the claimants in accordance with the proofs filed, either ratably, or in full as the case may be. If any creditor shall have reduced his claim to judgment such judgment shall be presumptive proof of the amount due such creditor in any action brought by the Secretary for Agriculture as hereinbefore provided for.

Sale to satisfy claim.

Recovery to satisfy claim.

Distribution to claimants.

Payment of claims.

Every bond given and all moneys or securities deposited pursuant to the provisions hereof shall be applicable to the payment of all claims arising during the license period for which such bond was filed, or moneys or securities deposited.

Statement on demand.

A person or corporation licensed hereunder shall make a verified statement of his or its disbursements during a period to be prescribed by the Secretary for Agriculture, containing the names of the persons from whom such products were purchased, and the amount due to the vendors thereof. Such statement shall be submitted to the Secretary for Agriculture when requested by him and shall

be in form as prescribed by the Secretary for Agriculture if it appears from such statement or other facts ascertained by the Secretary for Agriculture, upon inspection or investigation of the books and papers of such licensee as authorized by section two of this act, that the security afforded to persons selling milk or cream to such licensee by bond executed or deposit made by such licensee as herein provided does not adequately protect such vendors,

Bond may be raised.

the Secretary for Agriculture may require such licensee to give an additional bond or to deposit additional money or securities, to be executed or deposited as above provided, in a sum to be determined by the Secretary for Agriculture, but not exceeding by more than fifty per centum the maximum amount paid out by such licensee to sellers of milk in any one month; *provided, however,* that the maximum amount of the bond or deposit required from any applicant under the provisions of this section shall be one hundred thousand dollars; and that any applicant filing a bond or depositing money or securities in such maximum amount may be exempted from filing either the statements of milk purchased, or the statements of disbursements in this section provided for.

Proviso: Maximum amount of bond.

Exceptions.

Station defined.

The term "station" or "milk gathering station," as used in this and ensuing sections of this act shall include any established office where the business of buying milk or cream as herein provided for is carried on with or without a place or premises in connection therewith for the physical handling of milk or cream, provided that such station or office shall be a suitable place for keeping such records and accounts and for posting such notices and statements as are required or as may hereafter be ordered under the provisions of this act, and for keeping for inspection as hereinafter provided, a copy of the license under which the business of a licensee is conducted.

Proviso.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 312

AN ACT making appropriations from the State Highway Fund for the maintenance and operation of the State Highway and other related Departments, for the fiscal year ending December thirty-first, one thousand nine hundred and thirty-five, pursuant to the provisions of chapter one hundred and ninety-three of the laws of one thousand nine hundred and thirty-three.

Anticipated revenues. Anticipated revenues of the State Highway Fund:

Balance available January 1, 1935		$614,172 54
Tax on Motor Fuels	$16,500,000 00	
Motor Vehicle Fees, fines, etc.	15,250,000 00	
Bus excise tax ..	70,000 00	
Federal aid	1,675,751 00	
Miscellaneous revenues	200,000 00	
		33,695,751 00
Non-Revenue Receipts:		
Appropriations of 1934 cancelled		4,400,000 00
Total available for mandatory dedications and appropriations		$38,709,923 54

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

Appropriation from road fund. 1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the State Highway Fund for the several purposes herein specified for the fiscal year ending December thirty-first, one thousand nine hundred and thirty-five:

DEBT SERVICE

For debts. Mandatory Dedications:

1930 *Bond Act*		
Principal Requirement of Highway Improvement Bonds	$520,000 00	
Interest, Highway Improvement Bonds	1,447,625 00	
Principal Requirement of Institution Construction Bonds	90,000 00	
Interest, Institution Construction Bonds	344,467 50	
Principal Requirement of Emergency Relief Bonds	3,125,000 00	
Interest, Emergency Relief Bonds	839,062 50	
Principal Requirement of Educational Aid Bonds	1,000,000 00	
Interest, Educational Aid Bonds	332,500 00	
Total Debt Service on 1930 Bond Act		$7,698,655 00

Amortization Requirement for State Highway Road and Bridge Bonds ($70,000,000.00 Issue)	$2,987,526 40	
Interest on $70,000,000.00 Issue		
Interest on Road Bonds	1,035,000 00	
Interest on Bridge Bonds	382,500 00	
Interest on Roads, Bridges and Viaducts Bonds ...	1,225,000 00	
		5,630,026 40
		$13,328,681 40
Less excess transferred from Highway Fund in 1934		120,445 00
Total Debt Service		$13,208,236 40

STATE HIGHWAY COMMISSION

Construction and Maintenance of Roads and Bridges.		For roads and bridges
Mandatory Dedications:		
State Aid to Counties and Municipalities:		
Construction, reconstruction, maintenance, etc., of county roads.	$6,000,000 00	
Construction, grading, maintenance, etc., of village and township roads	2,100,000 00	

Expenditures pursuant to Chapter 178, Laws of 1930	735,000 00	
Expenditures pursuant to Chapter 255, Laws of 1929	210,000 00	
Total State Aid to Counties and Municipalities .		$9,045,000 00
County reimbursement projects ..		1,093,751 00
Total Mandatory Deductions		$10,138,751 00

Appropriation:

Administration, Engineering, Inspection and Administration Costs of Rights-of-Way	$1,800,000 00
Construction of State Highway System, Purchase of Rights-of-Way, Construction of Roads, Bridges and Grade Crossings	8,532,397 50
Purchase of Plant and Equipment .	100,000 00
Maintenance of State Highway System including the installation and maintenance of traffic	

lights as authorized pursuant to the provisions of chapter sixty-seven of the laws of one thousand nine hundred and thirty-five	3,000,000 00	
Institution Roads and Approaches	182,000 00	
Total Amount Appropriated		$13,614,397 50
Total Mandatory Dedications and Appropriations		$23,753,148 50

MOTOR VEHICLE DEPARTMENT

Appropriations:

Salaries:

For motor vehicle department.

Commissioner	$10,000 00	
Deputy Commissioner	5,500 00	
Assistant Attorney-General .	6,000 00	
Chief Clerk	5,100 00	
Chief Inspector ..	3,600 00	
Deputy Chief Inspectors (6) ...	19,200 00	
Compensation for Inspectors, Clerks, etc., $261,420.00; seasonal employees, $25,000.00	286,420 00	
		$335,820 00

Materials and Supplies:		
Stationery and Office Supplies ...	$37,000 00	
Metal and Materials for Markers.	140,000 00	
Office Equipment .	5,000 00	
Vehicular Transportation Supplies	42,000 00	
Filing Cabinets ..	2,500 00	
		226,500 00
Miscellaneous Expenses:		
Freight and Express	$1,500 00	
Other Miscellaneous Expenses ..	3,000 00	
Liability Insurance	1,800 00	
Telephone and Telegraph	8,000 00	
Printing Laws ...	2,500 00	
Bonds of Commissioner, Deputy Commissioner and Office Employees	500 00	
Traveling Expenses	2,500 00	
Subscriptions	500 00	
Postage	20,000 00	
		40,300 00
Additions and Improvements:		
Purchase of Automobiles	$14,000 00	
Purchase of Typewriters (Agents)	3,000 00	
Purchase of Loadometers ...	2,500 00	
		19,500 00
		$622,120 00

Financial Responsibility Division

For responsibility division.

Salaries:		
Principal Clerk ..	$2,040 00	
Compensation for Assistants	30,840 00	
		$32,880 00
Materials and Supplies:		
Stationery and Office Supplies ...	$1,200 00	
Filing Cabinets ..	700 00	
		1,900 00
Miscellaneous Expenses:		
Postage and Expressage		1,800 00
		$36,580 00

Bill of Sale Division

For sale division.

Salaries:		
Assistant Chief Clerk	$3,900 00	
Compensation for Assistants	45,960 00	
		$49,860 00
Materials and Supplies:		
Stationery and Office Supplies ...	$7,500 00	
Office Equipment .	1,500 00	
		9,000 00
Miscellaneous Expenses:		
Postage	$7,500 00	
Other Miscellaneous Expenses ..	600 00	
Telephone and Telegraph	2,000 00	
		10,100 00
		$68,960 00

Bureau of Traffic Control and Regulation

For traffic purposes.

Salaries:		
Compensation for Assistants ..		$17,220 00
Materials and Supplies:		
Stationery and Office Supplies ..		400 00
Miscellaneous Expenses:		
Postage	$300 00	
Other Miscellaneous Expenses ..	1,200 00	
Telephone and Telegraph	300 00	
		1,800 00
Bureau of Safety Education:		
Salaries and Expenses incurred by Bureau of Safety Education		15,000 00
		$34,420 00

Bus Excise Tax Division

For bus excise tax.

Salaries and Expenses incurred pursuant to Chapter 68, Laws of 1934		$20,000 00
Total, Motor Vehicle Department	$622,120 00	
Total, Financial Responsibility Division	36,580 00	
Total, Bill of Sale Division.	68,960 00	
Total, Bureau of Traffic Control	34,420 00	
Total, Bus Excise Tax Division	20,000 00	
Total Amount Appropriated		$782,080 00

STATE TAX DEPARTMENT—

MOTOR FUELS TAX DIVISION

For motor fuels division.

Salaries:		
Chief Director ...	$4,000 00	
Compensation for Assistants, present, $25,980.00, new $50,000.00 .	75,980 00	
		$79,980 00
Materials and Supplies:		
Stationery and Office Supplies ...	$1,500 00	
Retail Dealers' License Plates ...	1,500 00	
Vehicular Transportation Supplies	5,000 00	
		8,000 00
Miscellaneous Expenses:		
Postage and Expressage	$3,000 00	
Other Miscellaneous Expenses ..	1,400 00	
Traveling Expenses	4,000 00	
Printing and Binding	3,000 00	
Patrol Boat Crew Expenses	1,500 00	
Maintenance of Patrol Boat	3,000 00	
		15,900 00

Additions and Improvements:		
Office Equipment .	$1,000 00	
New Cars	4,500 00	
Patrol Boat	1,800 00	
		7,300 00
		$111,180 00

BOARD OF COMMERCE AND NAVIGATION

For inland waterways.

Mandatory Dedication:	
Expenditure for Construction, Reconstruction, Maintenance and Improvement of Inland Waterways, Pursuant to Chapter 334, Laws of 1927	$90,000 00

DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

For Delaware joint toll bridge.

Appropriation:	
All moneys received from any source whatsoever, whether from the operation of bridges or from the State of Pennsylvania for its proportion of maintenance of said bridges, is hereby appropriated to the said commission to be used by them for maintenance of bridges and the payment to the State of Pennsylvania of their proportion of the earnings of said bridges.	
Any unexpended balance, including receipts from Pennsylvania and rental receipts, is hereby reappropriated.	
Total Mandatory Deductions and Appropriations	$37,944,644 90

2. The sum of $4,400,000.00 set aside in the Highway Program of Construction for the year 1934 as follows: For bridges.

Raritan River Bridge, Route No. 4	$2,000,000 00
Raritan River Bridge Approach, Route No. 4	2,258,121 00
River Street-Clay Street, Route No. 21-4-A	141,879 00
	$4,400,000 00

shall not be expended, and such items in said program are hereby rescinded and made void and shall become available as non-revenue receipts for carrying out the 1935 construction program. Appropriations rescinded.

3. The appropriations herein made, other than those to the State Highway Commission, shall be available for expenditure during the fiscal year ending December thirty-first, one thousand nine hundred and thirty-five, and for a period of three months thereafter to pay obligations incurred during the said fiscal year only. When appropriations available.

4. Any additional allotments of funds which may be made by the Federal Government to the State of New Jersey, are hereby appropriated for the purposes for which such moneys are allocated, and the State Highway Commissioner is hereby authorized to carry out such projects as may be designated by the Federal Government. Use of other allotments.

5. This act shall take effect immediately and shall be retroactive as of January first, one thousand nine hundred and thirty-five, and all expenditures made up to the time of the passage of this act, under the provisions of chapter one hundred and ninety-three of the laws of one thousand nine hundred and thirty-three, shall be charged against the amounts herein appropriated. Act retroactive.

Approved June 29, 1935.

CHAPTER 313

AN ACT to amend an act entitled "An act concerning the financial difficulties of counties, municipalities, school districts, or other political subdivisions of this State," approved May fifteenth, one thousand nine hundred thirty-five, constituting chapter one hundred ninety-three of the laws of one thousand nine hundred thirty-five.

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

Section 4 amended.

1. Section four of the act to which this act is an amendment be and it hereby is amended to read as follows:

Approval by commission.

4. The municipal finance commission shall have power in its discretion to give its approval in the manner provided by this act to the filing of any petition for the purpose of effecting readjustment of its debt which any political subdivision proposes to file, and of any plan of readjustment filed with or in the proceedings upon any such petition;

Proviso.

provided, however, that no such plan of readjustment shall provide for the reduction of the principal amount of any outstanding notes or bonds of the political subdivision nor, without the express approval in writing of the municipal finance commission, for the payment of fees, compensation, reimbursement or other allowances for attorneys, agents, committees, or other representatives of creditors of the political subdivision.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 314

AN ACT to further amend an act entitled "An act concerning municipal finances," approved April twenty-eighth, one thousand nine hundred thirty-one, constituting chapter three hundred forty of the laws of one thousand nine hundred thirty-one, as amended.

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

1. Section three hundred fifty-four of Article III-A of the act to which this act is an amendment as enacted by chapter one hundred ninety-one of the laws of one thousand nine hundred and thirty-five be and the same hereby is amended to read as follows:

Section 354 amended.

354. Whenever the municipal finance commission shall function in any municipality and so long as it shall continue to do so, no action or proceeding at law or in equity shall be brought or prosecuted, the purpose of which is to affect the disposition of property or funds owned or controlled by the municipality, except as provided in this act. If any such municipality has in its possession or under its control, or there is in the possession or under the control of the commission, any property or funds of such municipality which are or may be available for the payment of interest or principal upon any of the debts of such municipality (over and above the payment of the current operating expenses of the municipality and the maintenance of a reasonable working capital), then such municipality in its discretion may apply, or if directed by the commission shall apply, to the Supreme Court to determine the application and distribution of such property or funds to and among the creditors of the municipality, and in any such case the Supreme Court in its discretion may permit an ap-

No action at law brought.

May apply to Supreme Court to determine distribution.

plication for relief of the same character to be made by any creditor of the municipality. In any such proceeding all creditors of the municipality shall be made parties thereto in such manner and upon such notice by publication or otherwise as the Supreme Court shall approve, and any creditor may appear therein and assert his rights to receive all or any part of such property or funds. In case any such proceeding shall be instituted, the Supreme Court may direct the municipality to make no payments from any of such moneys so available until the determination of the proceeding or until permitted by the Supreme Court. Unless and until such a direction shall be made, payments may be made by such municipality on account of principal and interest as the municipality may determine and as may be approved by the Municipal Finance Commission.

Creditors made parties to proceedings.

Directions.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 315

A SUPPLEMENT to an act entitled "An act concerning unpaid taxes, assessments and other municipal charges on real property, and providing for the collection thereof by the creation and endorsement of liens thereon" (Revision of 1918), approved March fourth, one thousand nine hundred and eighteen.

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

When tax sale voidable.

1. Whenever, heretofore, a municipality has conducted a sale for unpaid taxes and assessments and has omitted certain taxes and/or assessments and/or other municipal charges, which, under the

provisions of the act to which this act is a supplement, should have been included in said sale and the municipality is the present holder of the tax sale certificate covering the property sold at said sale, such sale shall be considered to be voidable at the option of the municipality, and the municipality may by resolution declare the said sale to be void and without effect, in which event the lien of all taxes, assessments and other municipal charges omitted from said sale as aforesaid, together with the taxes, assessments and other municipal charges included in the sale, shall be and remain as a lien on said land as though no sale had been made, and shall continue as liens until the amount thereof, with interest, has been paid, as provided in the act to which this act is a supplement; and the municipality shall be and hereby is authorized by resolution to direct the collector, or other officer charged by law in the municipality with the duty of collecting taxes, to hold another sale. In such case the officer shall enter said property in his tax sale list, and shall make up a new calculation to the first day of July preceding the time of the proposed sale, in the manner directed in the act to which this act is a supplement, so that whenever a sale is held to enforce municipal liens, such sale shall include all municipal liens or charges against the property in existence, by virtue of this act or any other statute, on the first day of July mentioned in the notice of sale.

Lien remains.

Another sale.

Action by collector.

All liens included in sale.

2. Whenever, contrary to the provisions of the act to which this act is a supplement, a municipality has conducted one or more sales for unpaid taxes and assessments, and the land sold at said sales has previously been sold to the municipality by tax sale, and has failed to include the amount of prior liens and tax sales purchased by such municipality, then, in that event, the first sale of any such land to the municipality, as held under the provisions of the act to which this act is a supplement, shall be considered as the legal and binding sale of said land, and all subsequent sales thereof to the municipality

In case sale contrary to statute.

First sale binding.

where the former tax liens were purchased by the municipality are hereby declared to be void and without effect, and the lien of the subsequent taxes and assessments shall remain as a lien on said lands as though no sale had been made, and shall continue as liens until the amount thereof, with interest, as provided in the act to which this act is a supplement, has been paid.

Liens continue.

Act construed.

3. The provisions of this act shall not be construed to affect in any manner tax sale certificates not held by the municipality or titles thereunder.

4. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 316

AN ACT to amend an act entitled "An act concerning alcoholic beverages," passed December sixth, one thousand nine hundred and thirty-three.

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

Section 11 amended.

1. Section eleven of the act of which this is an amendment is hereby amended to read as follows:

Class A licenses:

11. Class A licenses shall be subdivided and classified as follows:

Brewery license;

(1) a. Plenary brewery license. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to distribute and sell his products to wholesalers and retailers licensed respectively in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be four thousand dollars ($4,000.00).

Fee.

(1) b. Limited brewery license. The holder of this license shall be entitled subject to rules and regulations, to brew any malt alcoholic beverages in a quantity dependent upon the following fees and not in excess of three hundred thousand (300,000) barrels of thirty-one (31) fluid gallons capacity per year and to be expressed in said license and to distribute and sell his products to wholesalers and retailers licensed respectively in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so brew not more than fifty thousand (50,000) barrels of thirty-one (31) fluid gallons capacity per annum, five hundred dollars ($500.00); to so brew not more than one hundred thousand (100,000) barrels of thirty-one (31) fluid gallons capacity per annum, one thousand dollars ($1,000.00); to so brew not more than two hundred thousand (200,000) barrels of thirty-one (31) fluid gallons capacity per annum, two thousand dollars ($2,000.00); to so brew not more than three hundred thousand (300,000) barrels of thirty-one (31) fluid gallons capacity per annum, three thousand dollars ($3,000.00).

Limited license;

Fees.

(2) a. Plenary winery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to distribute and sell his products to wholesalers, retailers and to churches for religious purposes respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be five hundred dollars ($500.00).

Winery license;

Fee.

(2) b. Limited winery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture for sale any naturally fermented wines and fruit juices in a quantity

Limited winery license;

dependent upon the following fees and not in excess of five thousand gallons per year and to be expressed in said license and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to consumers, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: to so manufacture between twenty-five hundred (2,500) and five thousand (5,000) gallons per annum, two hundred dollars ($200.00); to so manufacture between one thousand (1,000) and twenty-five hundred (2,500) gallons per annum, one hundred dollars ($100.00); to so manufacture between two hundred (200) and one thousand (1,000) gallons per annum, twenty-five dollars ($25.00); to so manufacture less than two hundred (200) gallons per annum, one dollar ($1.00).

Fee.

Distillery license;

(3) a. Plenary distillery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be seven thousand five hundred dollars ($7,500.00).

Fee.

Limited distillery license;

(3) b. Limited distillery license. The holder of this license shall be entitled, subject to rules and regulations, to manufacture, in a quantity to be expressed in said license, dependent upon the following fees, any alcoholic beverages distilled from fruit juices and rectify, blend, treat and mix, and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall

Fees.

be graduated as follows: To so manufacture not more than five thousand (5,000) wine gallons per annum, seven hundred and fifty dollars ($750.00); to so manufacture not more than ten thousand (10,000) wine gallons per annum, one thousand two hundred and fifty dollars ($1,250.00); to so manufacture without limit as to amount, two thousand five hundred dollars ($2,500.00).

(3) c. Supplementary limited distillery license. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so bottle and rebottle not more than five thousand (5,000) wine gallons per annum, one hundred dollars ($100.00); to so bottle and rebottle not more than ten thousand (10,000) wine gallons per annum, two hundred and fifty dollars ($250.00); to so bottle and rebottle without limit as to amount, five hundred dollars ($500.00).

Supplemental license;

Fee.

(4) Rectifier and blender license. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat and mix distilled alcoholic beverages, and to fortify, blend and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to distribute and sell his products to wholesalers and retailers respectively licensed in accordance with this act, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be two thousand five hundred dollars ($2,500.00).

Rectifier and blender license.

Fee.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 317

AN ACT providing for the payment of a pension to the widow of any Vice-Chancellor of this State, which Vice-Chancellor had served as a Vice-Chancellor for a period of twenty years and had attained the age of seventy years or upwards before his death, leaving a widow who, at the time of his death, was of the age of sixty-five years or upwards.

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

Pension for widow of Vice-Chancellor.

1. If any Vice-Chancellor of this State, heretofore holding the office of a Vice-Chancellor, has died, having served as Vice-Chancellor for a period of twenty years or upwards, having attained the age of seventy years or upwards and having a widow surviving him, who has attained the age of sixty-five years or upwards, such widow shall, upon application to the Treasurer of the State of New Jersey, be entitled to receive during the term of her natural life an annual pension of four thousand five hundred dollars ($4,500.00), to be paid in equal monthly payments by the Treasurer of this State upon the warrant of the Comptroller of the Treasury.

Amount.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 318

AN ACT to amend an act entitled "An act for the assessment and collection of taxes" (Revision of 1918), approved March fourth, nineteen hundred and eighteen.

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

1. Section six hundred and five of the act to which this act is an amendment is hereby amended to read as follows:

Section 605 amended.

605. It shall be the duty of the collector, or other officer having custody of collected taxes, on the first day of each month, or oftener if required by the governing body of the municipality, to report his collections to the governing body of the municipality, and to pay the amount collected to the treasurer or other official of the municipality authorized to receive same. In case the collector shall also be the treasurer of the municipality, he shall immediately upon collection deposit all moneys collected in the name of the municipality to his account as treasurer in the place or places designated by the governing body of the municipality. The governing body of each municipality shall cause to be paid to the treasurer of the county, in four installments the amount of county taxes required to be assessed and raised in such municipality, on the fifteenth day of the month in which each installment of taxes shall become payable. The amount to be payable as each of the first two installments shall be one-quarter of the total tax finally levied against the municipality for the preceding year; and the amount to be payable for the third and fourth installments shall be the full tax as levied for the current year, less the amount charged as the first and second installments; the amount thus found to be payable as the last two installments shall be

Payment by collector to county treasurer.

When collector is treasurer.

Payment to county treasurer.

Amounts payable.

Payments by municipalities.

divided equally for and as each installment. The governing body of each municipality shall cause to be paid to the county treasurer on the fifteenth day of December of each year all of the taxes required to be assessed and raised by taxation in such taxing district for State school and other State purposes; and shall pay to the custodian of school moneys in the case of school districts in which appropriations for school purposes are made by the inhabitants of the school district within forty days after the beginning of the school year twenty per centum of the appropriation for local school purposes and thereafter, but prior to the last day of the school year, the balance of the moneys raised in such municipality for school purposes in such amounts as may from time to time be requested by the board of education within thirty days after such request; *provided,* that the said board of education shall not request any more money at any one time than shall be required for its expenditures for a period of eight weeks in advance. The county treasurer shall pay the State taxes assessed in the taxing district of his county to the State Treasurer on or before the twentieth day of December in each year. In shall be the duty of the governing body of the municipality or the county to cause the county, local school and State taxes to be paid as and when due for payment; if there shall not be funds enough in the treasury available for such payments, the governing body of the municipality or county shall immediately borrow such money and pay such taxes. On any part of the taxes payable to the county treasurer and on any part of the taxes payable to the State by the county treasurer which shall remain unpaid after the time within which they are required to be paid by this act, the taxing district or county in arrears shall pay to the county or State, as the case may be, interest at the rate of six per centum (6%) per annum upon such delayed payment.

Payments to custodian of school moneys.

Proviso.

Payment to State treasurer

Borrowing to meet payment.

Interest on arrears.

2. This act shall take effect immediately.

Approved June 29, 1935.

CHAPTER 319

AN ACT imposing a tax on motor fuels.

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

ARTICLE I

DEFINITIONS

Terms defined:

101. Definitions, as used in this act, shall for the purposes of this act have the meanings respectively ascribed to them in this article except in those instances where the context indicates a different meaning.

Fuels;

102. "Fuels" shall mean (a) all products commonly or commercially known or sold as gasoline (including casinghead and absorption or natural gasoline), benzol, benzene or naphtha regardless of their classification or uses; and (b) any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subject to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products (American Society of Testing Material Designation D-86) show not less than ten per centum (10%) distilled (recovered) below three hundred forty-seven degrees (347°) fahrenheit (one hundred twenty-seven degrees (127°) centigrade) and not less than ninety-five per centum (95%) distilled (recovered) below four hundred sixty-four degrees (464°) fahrenheit (two hundred forty degrees (240°) centigrade).

Distributor;

103. "Distributor" shall mean and include every person, firm, association or corporation, wherever resident or located, who imports or causes to be imported into this State fuels as herein defined, for

use, distribution or sale after the same shall reach this State, whether in the original packages or containers in which it is imported or otherwise; and also any person, firm, association or corporation who produces, refines, manufactures, blends or compounds, or causes to be produced, refined, manufactured, blended or compounded fuels as herein defined and sells, uses or distributes the same within this State.

Person; 104. "Person" shall mean and include natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations; also any receiver, trustee, conservator or other officer appointed pursuant to law or by any court, State or Federal; also counties, municipalities and other political subdivisions of this State, singular or plural; also the State of New Jersey. The use of the singular number shall include the plural number.

Retail dealer; 105. "Retail dealer." Any person, as herein defined, engaged in the retail sale of fuels, as herein defined.

Wholesale dealer; 106. "Wholesale dealer." Any person, as herein defined, other than a distributor, who sells fuels for the purpose of resale, either to a licensed retail dealer or to a licensed wholesale dealer, or both.

Sale; 107. "Sale" shall mean and include in addition to its ordinary meaning, any exchange, gift or other disposition, and "purchase" shall include any acquisition of ownership.

Use; 108. "Use" shall mean and include, in addition to its ordinary meaning, the transfer of fuel by a distributor into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles.

Commissioner. 109. "Commissioner." The State Tax Commissioner.

ARTICLE II

POWERS OF COMMISSIONER

Powers of commissioner.

201. The commissioner is hereby authorized and empowered to carry into effect and execute the provisions of this act, and in pursuance thereof to make and enforce such rules and regulations as he may deem necessary for the administration and enforcement of the same. He shall determine the amount of every bond required to be filed with him by distributors, to secure the payment of taxes, penalties and interest imposed by and payable under the provisions of this act, such determinations to be made in accordance with the provisions of this act relating to filing of bonds and the fixing of the amounts of the same.

Issuing and refusing license.

202. The commissioner shall upon application issue all licenses required to be obtained pursuant to the provisions of this act, and he may refuse to issue a license to any person or to renew the license of any person upon sufficient cause being shown; *provided, however*, that any person who makes application for a license or the renewal thereof may within ten days after the refusal thereof by the commissioner make a written request for a hearing, and shall then appear at a time and place designated by the commissioner and show cause why his application should not be refused.

Proviso.

License revoked for violation.

203. The license held by any distributor, retail dealer, wholesale dealer or special licensee may be suspended or revoked by the commissioner for a violation of any of the provisions of this act, or on other reasonable grounds, after five days' notice of such proposed revocation or suspension and the ground thereof to such distributor, retail dealer, wholesale dealer or special licensee.

Hearings.

204. The commissioner may personally or he may designate any of his assistants to conduct hearings and to administer oaths to, and to examine under oath, any person engaged in the business

of dealing in fuels as a distributor, retail dealer, wholesale dealer or otherwise, and the directors, officers, agents and employees of any such person and all other witnesses, relative to the motor fuel business of such person, in respect to any matter incident to the administration of this act.

Subpœna witnesses and records.

205. The commissioner shall have the power by subpœna to compel the attendance of witnesses and the production of any books, records, papers, accounts of any person who sells, uses or distributes motor fuels, either directly or indirectly, or of any other person, at such hearing.

Failure to obey subpœna.

206. If any person subpœnaed to attend any hearing refuses to appear, to be examined or to answer any question, or to produce any books or papers when ordered so to do by the commissioner or any of his assistants designated by him to conduct such hearing, the commissioner or such assistant may apply to the Supreme Court, or any justice thereof, who shall have the power of the court for that purpose, upon proof by affidavit, to make an order returnable in not less than two, nor more than ten days, directing such person to show cause before the court or a justice thereof, why he should not comply with the direction or order of the commissioner, or of the assistant appointed by the commissioner. Upon the return of such order, the court or justice before whom the matter shall come, shall examine such person under oath, and such person shall be given an opportunity to be heard, and if the court or justice shall determine that such person refused without legal excuse to obey the command of such subpœna, or to be examined, or to answer a question, or to produce any books, papers or other documents, which he was ordered to answer or produce, said court or justice may order said person to comply forthwith with such subpœna or order, and any failure to obey such order of the court or justice, may be punished by said court or by said justice as a contempt of the Supreme Court.

Hearing upon return of order.

Order.

Contempt of court.

207. Whenever the commissioner shall designate one of his assistants to hear the matter of the revocation of the license of any distributor, retail dealer, wholesale dealer or special licensee, said assistant shall after the hearing of all of the evidence determine whether or not the license of such distributor, retail dealer, wholesale dealer or special licensee should or should not be revoked, and such determination shall have the same force and effect as if made by the commissioner; *provided, however,* that the order of revocation in any matter shall bear the signature of the commissioner in addition to the signature of his assistant.

Hearing by assistants.

Proviso.

ARTICLE III

DISTRIBUTORS

301. Every distributor is hereby required after this act shall go into effect, and thereafter before continuing in or commencing to transact the business of a distributor, to procure a license from the State Tax Commissioner, permitting him to engage in said business within this State. Said license shall expire on the thirty-first day of December of each year and shall be issued by the said commissioner without charge. Application shall be made to the commissioner for such license before the issuance thereof and such application shall be in writing in the form prescribed by the commissioner, and shall be sworn to by the applicant before anyone authorized to take acknowledgments. In the event that any application for a license shall be filed by any person whose license shall at any time theretofore have been revoked by the commissioner, or in case the commissioner is satisfied that such application is filed by some person as a subterfuge for the real person in interest whose license shall theretofore have been revoked by the said commissioner, then and in any of said events the said commissioner after a hearing shall have the right to refuse to issue such person a license certificate.

Distributor's license.

Term of license.

Application.

May refuse to license after hearing.

Bond.

302. Before granting a license authorizing any person to engage in business as a distributor, the commissioner must require such person to file with him, in such form as he shall prescribe, a bond duly executed by such person as principal, and by a corporation approved by the commissioner and duly authorized to engage in business as a surety company by the Commissioner of Banking and Insurance of this State, as surety, payable to the State of New Jersey, conditioned upon faithful performance of all the requirements of this act and expressly providing for the payment of all taxes, penalties, and other obligations of such person arising out of this act.

Amount of bond fixed by commissioner.

303. The total amount of the bond or bonds required to be filed shall be fixed by the commissioner and may be increased or reduced by the said commissioner at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required to be filed by any distributor, the commissioner must require a bond or bonds equivalent in total amount to three times the greatest monthly tax in such manner as the commissioner may deem proper; *provided, however,* that where application is made by any person who has theretofore never engaged in business in this State as a distributor, prior to the filing of such application, the commissioner, after investigation, shall fix the total amount of such bond or bonds from such information as he may obtain after such investigation; *and further provided,* that the total amount of the bond or bonds required to be filed by any distributor shall never be less than five thousand dollars ($5,000.00) nor more than twenty-five thousand dollars ($25,000.00). No recoveries on any bond or any execution of any new bond shall invalidate any bond and no revocation of any license shall affect the validity of any bond.

Proviso.

Proviso.

Terms of bond.

304. Said bonds shall be for a term of one year from the date thereof, and must be renewed annually. No action on any said bond shall be begun after two years from the expiration of said bond.

Surety's liability ceases.

Any surety on a bond furnished by a distributor, as provided herein, shall be released and discharged from any and all liability to the State accruing on such bond after the expiration of sixty days from the date upon which such surety shall have lodged with the commissioner a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The commissioner shall promptly, upon receiving any such request, notify the distributor who furnished the bond; and unless the distributor shall, on or before the expiration of the sixty-day period, file a new bond, the commissioner shall forthwith cancel the distributor's license.

License canceled upon failure to renew bond.

Deposit in lieu of bond.

305. In lieu of any such bond or bonds in total amount as fixed hereunder, any distributor may deposit with the State Treasurer, under such terms and conditions as the commissioner may prescribe, a like amount of lawful money of the United States, or bonds or other obligations of the United States, or the State of New Jersey, of an actual market value not less than the amount fixed by the commissioner.

License issued upon approval of bond.

306. The application in proper form having been accepted for filing, and the bond having been accepted and approved, the commissioner shall issue to such distributor a license to transact business as a distributor in the State of New Jersey, subject to cancellation of such license as provided by law.

License not assignable.

307. The license so issued by the commissioner shall not be assignable, and shall be valid only for the distributor in whose name issued.

Secure license before transacting business.

308. It shall be unlawful from and after the passage of this act for any person to be a distributor without first securing a license from the commissioner. Any person who shall violate this provision shall be deemed guilty of a misdemeanor.

Misdemeanor.

Records kept.

309. Every distributor shall keep a record of all fuels sold or used which shall include the name of

New Jersey State Library

Statement given to purchaser.

the purchaser, the number of gallons used or sold and the date of the sale or use. Every distributor shall also deliver with every consignment of such fuel to a purchaser within this State a written statement containing the date and number of gallons delivered and the names of the purchaser and seller, and such statement shall show a separate charge for the tax on every gallon; *provided, however,* that such statement shall not be required to be delivered by such distributor where sales of fuels are made at a service station and said fuels are delivered directly into the tank of a vehicle from which said fuels are directly supplied for the propulsion of said vehicle. Said records and said written statements shall be preserved by said distributors and said purchaser respectively, for a period of one year and shall be offered for inspection upon the verbal or written demand of the State Tax Commissioner or any of his duly authorized assistants.

Proviso.

Records preserved.

Monthly inventory.

310. Every distributor must take a physical inventory of fuels on hand on the first or last day of every calendar month and must have the record of such inventory and of all other matters mentioned in this article available at all times for the inspection of the commissioner or his assistants. Upon demand by the commissioner or his assistants every distributor must furnish a statement under oath reflecting the contents of any records to be kept under this article.

Statement furnished.

Report of fuel sold.

311. Every distributor shall, on or before the last business day of each month, render a report to the commissioner, stating the number of gallons of fuel sold or used in this State by him during the preceding calendar month on forms to be furnished by the said commissioner. A tax of three cents per gallon on each gallon so reported shall be paid by each distributor, such payment to accompany the filing of said report, which shall be in addition to any motor vehicle license fee now or hereafter assessed in this State. If any distributor shall fail, neglect or refuse to file said report within the time

Three cents tax per gallon to be paid.

Failure to file report.

prescribed by this section, the commissioner shall note such failure, neglect or refusal upon his records, and shall estimate the fuel distributions and use of said distributor, assessing the tax thereon, adding to said tax a penalty of twenty per centum (20%) thereof for failure, neglect or refusal to report, and such estimate shall be prima facie evidence of the true amount of tax due to the commissioner from such distributor.

Penalty.

312. Neither this act nor any of the provisions hereof shall apply to fuels when exported or sold for exportation from the State of New Jersey to any other State or country, but every distributor shall be required to report such exports and sales to the commissioner in such detail as the said commissioner shall require, otherwise the exemption herein granted shall be null and void, and it shall be prima facie evidence that all such fuel was distributed in this State subject to the tax provided for in this act.

Tax not to apply to exported fuel.

313. When the commissioner shall determine that any moneys received under this article were paid in error, he may cause the same to be refunded in accordance with such rules and regulations as he may prescribe, but may refuse to authorize a refund in case more than one year has elapsed from the time the erroneous payment was made. Refunds authorized by the commissioner shall be paid from revenues collected under this article and deposited with the State Treasurer.

Refunds where moneys paid in error.

Payment.

ARTICLE IV

RETAIL AND WHOLESALE DEALERS

401. Every person engaged in the retail sale of fuels, as herein defined, shall be known as a retail dealer, and shall, before engaging in said business, procure from the commissioner a license for each establishment operated by such person. A license fee of two dollars ($2.00) shall be paid for the issuing of such license and the commissioner shall supply a license plate containing the number as-

Retail dealer's license.

Fee.

signed to the licensee, and words denoting the type of license, which the licensee shall publicly display at each establishment in a manner to be regulated by the said commissioner. Every such licensed retail dealer shall publicly display, in a manner to be regulated by the commissioner, a sign stating the price per gallon of all fuels sold by said dealer, the tax imposed by this act and all other taxes imposed whether State or Federal.

Display price and tax of fuel.

Wholesale dealer's license.

402. Every person, except a distributor duly licensed under the provisions of this act, engaged in the business of selling fuels at wholesale shall be known as a wholesale dealer, and shall, before engaging in said business, procure from the commissioner a license to engage in business as a wholesale dealer. A license fee of two dollars ($2.00) shall be paid for the issuing of such license.

Fee.

Term of license.

403. Every license issued by virtue of the provisions of this article shall expire on the thirty-first day of December of each year, and said license may be revoked by the commissioner in accordance with the provisions of article two of this act.

Records kept.

404. It shall be the duty of every wholesale dealer and retail dealer purchasing fuels, taxable under this act, to maintain and keep within this State, for a period of one year, a record of fuels received and sold, the amount of tax paid to the distributor as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the commissioner may require.

Daily record by retailer.

405. It shall be the duty of every retail dealer to keep a daily record showing the total amount of fuels sold on each business day, such records to be preserved for a period of one year, and to be open for inspection by the commissioner or any of his assistants at all times.

ARTICLE V

CORPORATIONS

Use of words.

501. The terms distributor, retail dealer, wholesale dealer and person, as used in this act, shall include an officer, director, stockholder or employee of a corporation, or a member of a partnership, who as such officer, director, stockholder, employee or member is under the duty to perform the act in respect of which the violation occurs.

License revoked for evasion.

502. Where the commissioner has reason to believe that any corporation has been formed for the purpose of evasion of the provisions of this act, he may require such corporation to show cause before him or any of his assistants deputized by him to conduct hearings pursuant to the provisions of this act why an application for a license by such corporation should not be denied or why the license of such corporation should not be revoked. The hearing to be held pursuant to this section shall be conducted in accordance with the provisions of article two of this act.

Hearing.

License denied corporation.

503. No corporation shall be entitled to hold a license as a distributor, wholesale dealer, retail dealer or special licensee, whenever it shall appear that any officer, director or employee of such corporation has heretofore been convicted of violating any of the provisions of this act, or where a license issued pursuant to the provisions of this act and held by such officer, director, or employee has been heretofore revoked by the commissioner for cause.

ARTICLE VI

CARRIERS OF FUELS

Reports by carriers.

601. Every railway or railroad company, water transportation company, and every carrier, except a duly licensed distributor, transporting fuels, as herein defined, in bulk, between points within the State, and every railway or railroad company,

water transportation company, and every carrier transporting fuel in bulk to a point outside the State from any point within the State, or to a point within the State from a point outside of the State, shall report under oath to the commissioner on forms prescribed by the commissioner, all deliveries of fuel in bulk so made to points within or without the State.

Report monthly.

602. Such reports shall cover monthly periods and shall be submitted, within thirty days after the close of the month covered by the reports. They shall show all the quantities of fuels delivered at points in the State or outside of the State during the said month, giving the name and address of the consignor, the name and address of the consignee, place at which delivered, the date of shipment, the date of delivery, the numbers and initials of the car if shipped by rail, the name of the boat or barge, if shipped by water, or if delivery by other means, the method of delivery and the quantity of gallons in each shipment.

Contents.

Inspect records of carrier.

603. The commissioner or his authorized agents shall have the right at any time during normal business hours to inspect the books of any carrier to determine if the requirements of this section are being properly complied with.

Conveyances for hauling fuel registered.

604. Every person operating any conveyance for the purpose of hauling, transporting or delivering fuel shall, before entering upon the public highways of this State with such conveyance, apply for the registration thereof to the commissioner on such form as shall be provided by the commissioner, and the commissioner shall assign a license number to such person and shall issue separate registration cards for each conveyance intended to be operated over the highways of this State, which card shall show the license number assigned, the motor number, if any, and the name and address of the owner of the conveyance and such other information as the commissioner shall prescribe.

Cards displayed.

Such card shall be conspicuously displayed on the conveyance at all times during its operation on the

public highways of this State. The commissioner shall supply a license plate to the licensee for each conveyance so operated, containing the number assigned to the licensee, and the words "New Jersey Motor Fuel Transport License" or any abbreviation thereof authorized by the commissioner. Said plate shall be attached conspicuously on the rear of such conveyance in the same manner that license plates are required to be attached to motor vehicles operated in this State, in such a manner that it can be seen plainly and read at all times. Every license issued pursuant to the provisions of this section shall expire on the thirty-first day of December of each year. Nothing contained in this section shall in any manner relieve or discharge the owner or operator of such conveyance from complying with any or all provisions of existing laws.

Markers supplied.

Markers displayed.

Expiration of license.

Construing.

605. All such persons must have and possess during the entire time they are hauling or transporting said fuel a delivery ticket showing the true name and address of the consignor or seller, the name of the consignee or purchaser, if any, the number of gallons, and the name and address of the person who has assumed or who shall assume the payment of the tax. Any agent of the commissioner, or police officer, is authorized and empowered to stop such conveyance in order to determine whether or not the provisions of this section have been complied with. If said person fails to produce said delivery ticket, or if when produced it fails to disclose the aforesaid information, then the said agent or police officer or other person authorized to stop such conveyance, shall take and impound said fuel, together with the conveying equipment until the tax on said fuel, together with a penalty equal to one hundred per centum (100%) of said tax, have been paid. In case of the default, and the taking and impounding hereinbefore provided for, the tax and penalty shall be collected, even though the full tax may have already been paid on said fuel. In case the

Delivery tickets.

Agent may stop vehicle for inspection.

Failure to produce delivery ticket.

Fuel impounded.

Penalty.

Tax collected.

Sell impounded fuel and conveyance.

tax and penalty are not paid within a period of six days after the taking of said property, the commissioner may proceed to sell the fuel and conveyance equipment at public sale, upon notice of such

Notice of sale.

sale being first published once a week for a period of three weeks in one or more newspapers published and circulating in the State, and also posting such notice in five public places in this State, said newspapers and public places to be designated by the commissioner.

Limits vehicle to 30 gallons for propulsion.

606. Every person coming into this State in a motor vehicle may transport in the fuel tanks of such vehicle, for the propulsion thereof, not more than thirty gallons of fuel without paying the tax, securing the license or making any report herein provided.

Master of tanker to have invoice.

607. The master or other person in charge of any barge, tanker or other vessel in which fuel is being transported, other than fuel being transported for use in operating the engine which propels such

Contents of invoice.

vessel, must have in his possession an invoice, bill of sale or other evidence showing the name and address of the consignor or person from whom such fuel was received by him and the name and address of the consignee or person to whom he is to make delivery of the same, together with the number of gallons to be delivered to each such person, and shall at the request of any agent of the commissioner produce such invoice, bill of sale or

Tanker marked.

other record evidence for inspection. Every barge, tanker or other vessel so used for the transportation of fuel must be plainly and visibly marked on both sides thereof and above the water line with the word "gasoline," or other name of the fuel being transported, in letters at least eight inches

Violation a misdemeanor.

high and of corresponding appropriate width. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Registration may be revoked.

608. The registrations issued for the operation over the highways of this State of any conveyance used for the transportation or hauling of fuels may be revoked upon reasonable grounds by the

commissioner in the same manner as other licenses may be revoked by said commissioner under the provisions of this act.

ARTICLE VII

COLLECTION OF TAXES

Collection of taxes and penalties.

701. The Attorney-General shall commence an action at law in any court of competent jurisdiction for the collection of all delinquent taxes, together with all penalties which may accrue for failure to pay such taxes within the time prescribed by this act or for failure to comply with all of the provisions thereof.

May docket judgment.

702. As an additional or alternative remedy, the commissioner may issue a certificate to the Clerk of the Supreme Court or to any county clerk that any person is indebted under this act in an amount named in such certificate and thereupon the clerk to whom such certificate shall have been issued shall immediately enter upon his record of docketed judgments the name of such person, the amount of the debt so certified and the date of making such entries, and the making of such entries shall have the same force and effect as the entry of a docketed judgment in the office of such clerk, and the commissioner shall have all of the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action at law upon contract. Every person who shall be licensed as a distributor under this act shall by the acceptance of such license be deemed to have consented to the procedure set forth in this section; *provided, however,* that such person may within a period of six months from the date of the issuance of such certificate appeal to the State Board of Tax Appeals for a review of the assessment included in such certificate, and all proceedings taken for the collection of such judgment shall be stayed during the time that said appeal shall be pending.

Recovery of judgment.

Licensee deemed to accept procedure.

Proviso.

May release lien upon payment of fee.

703. The commissioner, upon application made to him and upon the payment of a fee of one dollar ($1.00), may release any property from the lien of any judgment or levy procured by him; *provided,* payment be made to the commissioner of such sum as he shall deem adequate consideration for such release; *or provided,* a deposit be made with the commissioner of such bond or other security as he shall deem adequate to secure the payment of any judgment, the lien of which is sought to be released.

Proviso.

Proviso.

Appeals.

704. Any person who shall be aggrieved by any order of the commissioner or any assessment fixing the amount of any tax to be paid by such person, may appeal from the action of the commissioner in making such order or assessment to the State Board of Tax Appeals by filing a petition of appeal with said board in the manner and form as said board shall by reasonable rules and regulations prescribe, but no such appeal shall be taken later than one year from the date of such order and assessment, and no such appeal shall stay the collection of any such tax or the enforcement of the same by entry as a judgment, unless as provided by order of such board, after giving security approved by the commissioner or board.

ARTICLE VIII

PENALTIES

Failure to display price.

801. Every licensed retail dealer who shall fail to publicly display, in a manner to be regulated by the commissioner, a sign stating the price per gallon of all fuels sold by said dealer, as provided in article IV, section one, of this act shall upon conviction of such offense be subject to a penalty of twenty-five dollars ($25.00) for the first offense, and in default of the payment of such penalty, shall be imprisoned for a period of not more than ten days; for a second or each subsequent offense he shall be subject to a penalty of fifty dollars ($50.00), and in default of the payment of such

Penalty.

penalty shall be imprisoned for a period not exceeding thirty days.

Failure to secure license.

802. Every person who engages in business as a retail dealer or wholesale dealer without procuring a license from the commissioner shall be subject to a penalty of one hundred dollars ($100.00), and for failure to forthwith pay such penalty after conviction, he shall be imprisoned for a period not exceeding thirty days.

Penalty.

Failure to keep records, etc.

803. Every retail dealer or wholesale dealer who shall fail to keep the records required to be kept by virtue of article IV, sections five and six of this act, or who shall refuse or fail to permit inspection of such records by the commissioner or any of his agents shall be subject to a penalty of not more than one hundred dollars ($100.00) for each offense, and in default of the payment of such penalty he shall forthwith be imprisoned for a period not exceeding thirty days.

Penalty.

Failure to register conveyance.

804. Any person who shall operate any conveyance for the purpose of transporting or hauling fuels without a registration card in his possession, or who shall operate a conveyance without having license plates attached thereon, as provided in article VI, section two, of this act, shall upon conviction of such offense be fined one hundred dollars ($100.00), and for failure or refusal to forthwith pay such fine after conviction shall be imprisoned for not more than thirty days.

Penalty.

Failure to have delivery ticket.

805. The owner or operator of any conveyance used for the transportation or hauling of fuels who shall fail to have and possess at all times while hauling or transporting fuels a delivery ticket containing the information provided for in article VI, section two, of this act, shall be fined fifty dollars ($50.00) or imprisoned for not more than twenty days for each offense.

Penalty.

ARTICLE IX

PROCEDURE

Collection of penalties.

901. The following procedure shall be followed in actions for the collections of penalties and fines set forth in article VIII of this act:

Suit.

(a) The said penalty or fine shall be sued for in the name of the State Tax Commissioner of New Jersey. Every district court, police justice, recorder, justice of the peace or other police magistrate is hereby authorized upon the filing of a complaint in writing, duly verified, which said verification when made by the commissioner or any of his assistants or agents may be made upon information or belief that any person has violated any provisions of article VIII of this act, to issue process at the suit of the State Tax Commissioner of New Jersey, as plaintiff; such process shall be either in the nature of a summons or warrant, which warrant may issue without any order of the court or judge first being obtained against the person or persons so charged, which process when in the nature of a warrant shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen days; such process shall state what section of the law is alleged to have been violated by the defendant or defendants, and upon the return of such process, or at any time to which the trial shall be adjourned, the said court shall proceed and summarily hear the testimony and determine and give judgment in the matter without a jury and without the filing of any pleadings for the plaintiff for the recovery of such penalty with costs, or for the defendant and the court shall, if judgment be rendered for the plaintiff cause any such defendant who may refuse or fail to forthwith pay the amount of the judgment rendered against him and all costs and charges incident thereto, to be committed to the county jail for any period not exceeding the period mentioned in article VIII hereof.

Issuing process.

Return of process.

Process to state nature of violation.

Trial.

Commitment upon failure to pay judgment.

(b) The officers to serve and execute all process under this act shall be officers authorized to serve all process out of said court. Said district court, police justice, recorder, justice of the peace or other police magistrate shall have the power to adjourn the hearing or trial in any case from time to time, but in such case, except in case where the first process was a summons, it shall be the duty of the judge of the district court, police justice, recorder, justice of the peace or other police magistrate to detain the defendant in safe custody, unless he shall enter into a bond to the said State Tax Commissioner of New Jersey, with at least one sufficient surety in double the amount of the penalty claimed, conditioned for his appearance on the day to which the hearing shall be adjourned, and thence from day to day until the case is disposed of, and then to abide by the judgment of said court, and such bond, if forfeited, may be prosecuted by said commissioner.

Service of process.

Adjournments.

Bond.

(c) The form of conviction in prosecutions under this article shall be in the following or similar form:

Form of conviction.

State of New Jersey }
} ss.
County of ..... }

Be it remembered that on this..... day of ..... at ....., in said county, C.D., the defendant, was by (name of court) ....., convicted of violating the ..... section of article VIII of an act entitled "An act imposing a tax on motor fuels," (date of approval of act), in a summary proceeding at the suit of the State Tax Commissioner of New Jersey, upon a complaint by .....; and further that the witnesses in said proceeding, who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them).

Wherefore, the said court does hereby give judgment that the plaintiff recover of the defendant ..... dollars, penalty, and ..... dollars, costs of this proceeding.

The conviction shall be signed by the judge of the district court, police justice, recorder, justice of the peace or other police magistrate before whom the conviction is had. In case the defendant is committed to jail in default of payment of the penalty, a commitment in the following form shall be added beneath the judge's signature, to the conviction:

"And the said C. D. neglecting and refusing to pay the amount of the penalty above mentioned, with costs, it is hereby ordered that the said C. D. be and he is hereby committed to the common jail of the county of ..... for a period of ..... days, unless the said penalty and costs are sooner paid." This commitment shall also be signed by the judge, and in case of commitment of any defendant to jail, the conviction and commitment shall be signed in duplicate, and one of the duplicate copies shall serve the purpose of a warrant of commitment.

Signing and sealing process.

(d) The clerk of any district court or the clerk of any recorder's or police court may sign and seal any process required to issue under this act, except a warrant of commitment. The costs recoverable in any such proceeding shall be the same as costs taxed in actions in said courts, and shall be recoverable by said commissioner in the event of the conviction of the defendant. Any judgment recovered for a penalty under the provisions of this act in any district court may be docketed in the same manner as judgments in said court are docketed under the provisions of an act entitled "An act concerning district courts," approved June fourteenth, one thousand eight hundred and ninety-eight, and the acts amendatory thereof and supplementary thereto. Execution may issue for the collection of any judgment obtained under this

Cost recoverable.

Judgment docketed.

act against the goods and chattels and body of the defendant without any order first obtained for such purpose.

ARTICLE X

VIOLATIONS

Violations.

1001. Any person, firm, partnership, association or corporation or any officer or agent thereof failing to pay the tax as herein provided, or violating any of the provisions of article III of this act, or making any false statement, or concealing any material fact in any report or affidavit shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than six months, or by both such fine and imprisonment.

Penalties.

Obtaining fuel falsely.

1002. Any person, firm, partnership, association or corporation or any officer or agent thereof who, through false statement, trick or device, or otherwise, obtains fuel for export and fails to export the same or any portion thereof, or causes said fuel or any portion thereof not to be exported, or who diverts said fuel or any portion thereof or who causes to be diverted from interstate or foreign transit begun in this State, or who unlawfully returns said fuel or any part thereof to this State and sells or uses said fuel or any part thereof in this State, or causes said fuel or any part thereof to be used or sold in this State, and fails to forthwith notify the commissioner of this act, and any distributor or other person who conspires with any person, firm, partnership, association or corporation, or any officer or agent thereof, to do the things hereinabove mentioned with intent to avoid any taxes imposed by this act, shall be guilty of a misdemeanor.

Penalty.

Sundry violations.

1003. Any person violating any of the provisions of article VI, except where a violation of any provision thereof is otherwise punishable by the provisions of this act, shall be guilty of a misdemeanor.

Penalty.

ARTICLE XI

SPECIAL LICENSEES

Special licenses.

1101. Any person importing fuels, as herein defined, into this State, for the purpose of blending the same with other fuels upon which the tax provided for in this act has been prepaid, or which is properly owing to the State, shall be required to obtain a special permit from the commissioner similar to the license granted to a distributor, as hereinbefore provided. Such person shall be required to file a report with the commissioner, disclosing the amount of fuel so imported, and such additional information as the said commissioner may require for the proper administration of this act, within five days from the receipt of such fuels; *provided, however,* that upon application to the commissioner, the period within which such reports shall be filed may be extended to a period of sixty days, if it shall be deemed advisable by the said commissioner. A tax of three cents per gallon on the total number of gallons so reported shall be paid to the commissioner and accompany the said report. Every person importing fuel into this State shall be presumed to have blended such fuel, and proof of such importation shall be prima facie evidence that such fuel is taxable as provided herein; *and further provided,* that this section shall not apply to distributors duly licensed in accordance with the provisions of this act. Any person violating this section shall be guilty of a misdemeanor.

Report.

Proviso.

Three cents tax per gallon.

Proviso.

Violation.

ARTICLE XII

EXEMPTIONS—REFUNDS

Exemptions.

1201. The provisions of this act requiring the payment of taxes shall not be held or construed to apply to fuel sold to the government of the United States or any department thereof for official use of such government, but every distributor shall report such sales to the commissioner at such times

and in such detail as said commissioner may require. Any claim for exemption under this section may be made by the distributor at any time within six months after the date of sale, but no claim made after the expiration of said six months will be recognized for any purpose by the State or any agency thereof. Any person who shall purchase or otherwise acquire fuel as herein defined upon which the tax has not been paid, from the United States government, or any of its agents or officers, for use not specifically associated with any governmental function or operation shall pay to the State of New Jersey the tax herein provided upon the fuel so acquired. It shall be unlawful for any person to use or to conspire with any governmental official, agent or employee for the use of any requisition, purchase order, or any card or any authority to which he is not specifically entitled by government regulations, for the purpose of obtaining any such fuel, upon which the tax has not been paid.

Claims for exemptions.

Tax to be paid.

Unlawful to use government requisition.

1202. Any person who shall use any fuels as herein defined for any of the following purposes:

Schedule of exemptions.

(a) operating or propelling motor vehicles owned by the State and all the political subdivisions thereof,

(b) auto buses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein under the provisions of section three of the act entitled "An act concerning auto buses, commonly called jitneys, and their operation in cities," approved March seventeenth, one thousand nine hundred and sixteen, as amended,

(c) agricultural tractors not operated on a public highway,

(d) farm machinery,

(e) aircraft,

(f) ambulances owned by hospitals,

(g) rural free delivery carriers in the dispatch of their official business,

(h) such vehicles as run only on rails or tracks, and such vehicles as run in substitution thereof,

(i) such vehicles as are operated exclusively on private property,

(j) motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State,

(k) motor boats or motor vessels used exclusively for commercial fishing,

(l) motor boats or motor vessels used for hire for fishing parties,

(m) cleaning or dyeing,

Refund.

and who shall have paid the tax for such fuel hereby required to be paid, shall be reimbursed and repaid the amount of tax so paid upon presenting to the commissioner an affidavit supported by the original invoice or invoices showing purchase, which affidavit shall be verified by the oath of the claimant and shall state the name of the person from whom purchased, date of purchase, the total amount of such fuel, and that the cost of the fuel and the tax thereon so purchased has been paid.

Payment of refunds.

1203. Upon approval by the commissioner of such affidavit and such vouchers, the State Comptroller shall draw his warrant upon the State Treasurer for the amount of such claim in favor of such claimant and such warrant shall be paid from the tax collected on motor fuel; *provided,* that the application for reimbursements and repayments shall be filed with the commissioner within sixty days from the date of purchase, or not at all unless the applicant shall have obtained from the commissioner at the time of the purchase an extension of time for the filing of the application for the refund which said commissioner is authorized upon proper showing to extend the time not to exceed six months from the date of purchase, and any person or the member of any firm or the officer or agent of any corporation who shall make any false statement in any affidavit required herein for

Proviso.

the reimbursement and repayment of any taxes as provided in this section, or who shall collect or cause to be repaid to him or to any other person any such reimbursement or refund without being entitled to the same under the provisions of this section, shall be guilty of a misdemeanor.

Establishing validity of claim.

1204. The commissioner shall have the right, in order to establish the validity of any claim to require claimant to furnish such additional proof of the validity of the claim as said commissioner may determine, and to examine the books and records of the claimant for such purpose and the failure of the claimant to accede to the demand for such examination by the commissioner or any of his representatives shall constitute a waiver of all rights to the refund claimed on account of the transaction questioned.

Separate invoices.

1205. When fuel is sold to any person who shall claim to be entitled to a refund of the tax hereunder imposed, the seller of such fuel shall make out separate invoices for each purchase on forms which shall be approved by the commissioner, showing the name and address of the seller and the name and address of the purchaser, the number of gallons of fuel so sold written in words and figures and the date of purchase. Such invoice shall be legibly written and shall be void if any corrections or erasures shall appear upon the face thereof.

Rules and regulations as to blending.

1206. The commissioner shall make rules and regulations relating to the tax on the purchase of fuel from distributors which is to be used for the purpose of blending with other fuels by the purchaser thereof.

Article XIII

PROCEEDS—DISTRIBUTION

Disposition of moneys received:

1301. Moneys received in accordance with this act shall be accounted for and forwarded by the State Tax Commissioner to the Treasurer of the State of New Jersey, to be paid out and distributed by him as follows:

Public Utility Commission;

1302. To the Board of Public Utility Commissioners, two million dollars ($2,000,000.00) per annum, to be used by it to defray the public share of the cost of eliminating grade crossings under the provisions of an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and power," approved April twenty-first, one thousand nine hundred and eleven,' approved March twelfth, one thousand nine hundred and thirteen," approved April fourteenth, one thousand nine hundred and thirty; and any moneys so appropriated shall not lapse into the treasury at the end of the fiscal year, but shall be available for carrying out the purposes of this act until expended; *provided, however,* that no portion of the moneys received in accordance with this act shall be paid or distributed to said board on account of the cost of eliminating such grade crossings in any year in which funds for such purpose shall be available in the "Grade crossings elimination fund" provided for by an act entitled "An act authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of eighty-three million dollars for highway improvements, providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof, and providing for the submission of this law to the people at a general election," approved April eighteenth, one thousand nine hundred and thirty.

Proviso;

Grade crossings elimination;

Appropriation for tax department;

1303. The amount appropriated by the Legislature in any annual or supplemental bill to defray the expense of the State Tax Department by reason of the provisions of this act which said sum shall become a part of the general State funds.

Department of Commerce and Navigation.

1304. To the Department of Commerce and Navigation, the sum of ninety thousand dollars ($90,000.00) per annum to be used for the construction, reconstruction and maintenance and improvement of the inland waterways.

1305. To the State Highway Commission, the remainder of said moneys to be used as appropriated as aforesaid for the construction of roads and bridges, included in the State highway system as now or hereafter laid out. State Highway Commission.

1306. From the remainder of the moneys received in accordance with this act and forwarded by the State Tax Commissioner to the Treasurer of the State of New Jersey, there shall be set aside and deducted before such moneys as are turned over to the State Highway Commission as directed in this article, the sum of five million dollars ($5,000,000.00) to be expended for the control of traffic and the repair and improvements of streets which sum shall be turned over in quarterly payments to the several counties in the State in proportion as the ratables in each county bears to the total ratables of the State, as shown by the schedule of ratables as corrected by the several county boards of taxation for the preceding year after appeals have been determined in so far as such appeals shall have been determined on or before the first day of February of the year following. The county collector shall forthwith transmit to the treasurer of the several municipalities within the county on the same basis and in the same proportion as the ratables of such municipality bear to the total ratables of the county as revised. Payments to counties for road repairs.

Article XIV

MISCELLANEOUS

1401. An act entitled "An act to impose a tax on the sale of motor vehicle fuels as herein defined to be paid by distributors as herein defined; regulating the sale of such fuels; providing for the collection of said tax, for reports of sales of such motor fuels, and for the disposition of the revenue derived from such tax, and fixing penalties for the violation of the terms thereof," passed April first, one thousand nine hundred and twenty-seven, and Chapter 334, P. L. 1927, repealed.

all acts amendatory thereof and supplemental thereto, be and the same are hereby repealed.

Repealer.

1402. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved July 1, 1935.

CHAPTER 320

AN ACT to amend an act entitled "An act authorizing the Governor, Treasurer and Comptroller, constituting the Sinking Fund Commission, to make sale of bonds to be delivered to the State in liquidation of its claim against the Port of New York Authority for moneys advanced in the construction of the George Washington bridge, and to use the proceeds thereof for emergency relief purposes," approved May seventh, one thousand nine hundred and thirty-five.

Preamble.

WHEREAS, The bonds delivered to the State of New Jersey in liquidation of its claim against the Port of New York Authority for moneys advanced in the construction of the George Washington bridge were offered at public sale pursuant to chapter one hundred and eighty-two of the laws of one thousand nine hundred and thirty-five and no bids were submitted therefore,

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

Section 1 amended.

1. Section one of the act of which this act is an amendment is hereby amended to read as follows:

Authorized to sell bonds at private sale.

1. The Governor, Treasurer and Comptroller constituting the Sinking Fund Commission are here-

by authorized to make private sale at not less than par and accrued interest of the bonds delivered to the State in liquidation of its claim against the Port of New York Authority for moneys advanced in the construction of the George Washington bridge.

2. This act shall take effect immediately.

Approved July 1, 1935.

CHAPTER 321

AN ACT authorizing designated authorities in behalf of the State of New Jersey to enter into an agreement or compact with designated authorities of the State of New York for the creation of the Interstate sanitation district, the establishment of the Interstate Sanitation Commission, the control of future pollution and the abatement of existing pollution in the tidal and coastal waters of the adjacent portions of the signatory states and the defining of the powers and duties of such commission.

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

Interstate Sanitation Commission to be appointed.

1. The Governor shall, within thirty days after this act becomes a law, appoint five persons, one of whom shall be a member of the State Department of Health, one of whom shall be a member of the State Board of Conservation and Development, one of whom shall be a member of the State Board of Commerce and Navigation and two members from the State at large, all of whom shall be residents of New Jersey, to act as commissioners upon the part of the State of New Jersey for the purpose of entering into and are hereby authorized as such commissioners to enter into an agreement or com-

pact with the State of New York, by and through the commissioners appointed or who may be appointed under or by virtue of a law of the Legislature of the State of New York, in the form following, that is to say:

TRI-STATE COMPACT

Preamble. WHEREAS, The tremendous growth of population and the development of the territory surrounding and adjacent to the harbor of New York has resulted in recent years in an increasingly serious pollution of the harbor, coastal and tidal waters in such area and the tributary waters therein; and

Preamble. WHEREAS, Such pollution constitutes a grave menace to the health, welfare and recreational facilities of the people living in such area and is occasioning great economic loss; and

Preamble. WHEREAS, The control of future pollution and the abatement of existing pollution in the waters in such area is of prime importance to the people living in such area and can best be accomplished through the co-operation of the States of New Jersey and New York and Connecticut by and through a joint or common agency; now therefore,

The State of New York and the State of New Jersey and the State of Connecticut do agree and are bound as follows:

ARTICLE I

Pledge to protect public health. 1. Each of the signatory States pledges each to the other faithful co-operation in the control of future pollution and agrees to provide for the abatement of existing pollution in the tidal and coastal waters in the adjacent portions of the signatory States defined herein as coming within the district, and consistent with such object, to enact adequate legislation which will enable each of the

signatory States to put and maintain the waters thereof in a satisfactory sanitary condition and particularly to protect public health; to render safe such waters as are now used or may later become available for bathing and recreational purposes; to abate and eliminate such pollution as becomes obnoxious or causes a nuisance; to permit the maintenance of major fish life, shell-fish and marine life in waters now available or that may by practicable means be made available for the development of such fish, shell-fish or marine life; to prevent oil, grease or solids from being carried on the surface of the water; to prevent the formation of sludge deposits along the shores or in the waterways; and with the fulfillment of these objectives to abate and avoid incurring unnecessary economic loss by safeguarding the rights of the public in its varied legitimate uses of the waters of the district.

To abate and eliminate pollution.

Article II

1. To that end they do agree that there shall be created and they do hereby create a district to be known as the Interstate Sanitation District (hereinafter referred to as the district) which shall embrace the territory described as follows:

Interstate Sanitation District.

All the coastal, estuarial and tidal waters within or covering portions of the signatory States as follows:

Description of district:

(a) In Connecticut, Long Island sound and estuaries and tidal waters thereof between the easterly side of New Haven harbor at Morgan Point and the Connecticut-New York State boundary, and the Housatonic river up to the northerly boundary lines of the towns of Stratford and Milford.

Connecticut;

(b) In New York, all of the tidal waters of Greater New York City; including Kill van Kull and Arthur Kill, Long Island sound and the estuaries and tidal waters thereof between the New York City line and the New York-Connecticut State boundary and between the New York City line and

New York;

the easterly side of Port Jefferson harbor; the Atlantic ocean and the estuaries and tidal waters thereof between the New York City line and the easterly side of Fire Island inlet; and the Hudson river and estuaries and tidal waters thereof between the New York and New Jersey State boundary and the northerly line of Rockland county on the westerly side and between the northerly line of New York City and the northerly line of Westchester county on the easterly side of the river.

New Jersey.

(c) In New Jersey, the Hudson river and New York upper bay and estuaries and tidal waters thereof between the New York-New Jersey boundary and Constable Point on Constable Hook; the Kill van Kull and Arthur Kill to the mouths of the rivers entering into the Kills; Newark bay and the estuaries thereof up to the mouth of the Passaic river; and up to the mouth of the Hackensack river; Raritan bay together with the Raritan river up to the Victory bridge on said river between Perth Amboy and South Amboy; together with the Cheesequake creek up to the New York and Long Branch Railroad bridge on said creek at Morgan; together with the Matawan creek up to the New York and Long Branch Railroad bridge on said creek at Matawan; Sandy Hook bay; together with the Shrewsbury river up to the passenger railroad bridge between Navesink Light and Highland Beach on said river.

Article III

The Interstate Sanitation Commission created.

1. There is hereby created The Interstate Sanitation Commission (hereinafter referred to as the commission) which shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the act or acts of a signatory State concurred in by the others and by the act or acts of Congress when necessary.

ARTICLE IV

1. The commission shall consist of five commissioners from each State, each of whom shall be a resident voter of the State from which he is appointed. Members.

The commissioners shall be chosen in the manner and for the terms provided by law of the State from which they shall be appointed, and each commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred and incident to the performance of their duties. How chosen. Terms. Removal. No salary. Expenses paid.

ARTICLE V

1. The commission shall elect from its number a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge such officers and legal, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensations. Organization.

It shall adopt a seal and suitable by-laws and shall promulgate rules and regulations for its management and control. Seal, rule and regulations.

It may maintain one or more offices for the transaction of its business and may meet at any time or place within the signatory States. Offices.

A majority of the members from each State shall constitute a quorum for the transaction of business, the exercise of any powers, or the performance of any duties, but no action of the commission shall be binding unless at least three of the members from each State shall vote in favor thereof. Quorum.

The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the Governor and the Legislature of each State setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any Report. Recommend legislative action.

legislative action deemed by it advisable, including amendments to the statutes of the signatory States which may be necessary to carry out the intent and purpose of this compact, and changes in the district which concentration of population or other cause may require.

Incurring obligations.

The commission shall not incur any obligations for salaries, office or other administrative expenses prior to the making of appropriations adequate to meet the same; nor shall the commission pledge the credit of any of the signatory States except by and with the authority of the Legislatures thereof.

Examination of accounts.

Each State reserves the right to provide hereafter by law for the examination and audit of the accounts of the commission by its Comptroller or other official.

Organize in 10 days.

The commissioners shall meet and organize within ten days after the effective date of this compact.

ARTICLE VI

Single standard of purity not practicable.

1. It is recognized by the signatory States that, where tidal waters are used for such varied purposes as bathing, navigation, shellfish culture, the development of fish life and the disposal of wastes, no single standard of purity is practicable in all parts of the district.

Classes of waters.

In order to attain the objects of this compact, the commission, after proper study and after conducting public hearings upon due notice, shall group the designated waters of the district into classes. Where local conditions shall have changed in the future to such an extent that changes in classification become necessary, the commission may, after conducting public hearings upon due notice, adopt such changes.

Classifications:

Two general classifications shall be used:

Class A.

(1) Class "A," in which the designated water areas are expected to be used primarily for recreational purposes, shellfish culture or the development of fish life:

(2) Class "B," in which the designated water areas are not expected to be used primarily for recreational purposes, shellfish culture or the development of fish life. Class B.

ARTICLE VII

1. It is agreed between the signatory States that no sewage or other polluting matters shall be discharged or permitted to flow into, or be placed in, or permitted to fall or move into the tidal waters of the district, except under the following conditions and restrictions: Agreement as to pollution in class A waters.

(1) All sewage discharged or permitted to flow into class "A" waters of the district shall first have been so treated as—

(a) to remove all floating solids and at least sixty per centum (60%) of the suspended solids; and

(b) to effect a reduction of organisms of the B. Coli group (intestinal bacilli) so that the probable number of such organisms shall not exceed one per cubic centimeter in more than fifty per centum (50%) of the samples of sewage effluent tested by the partially confirmed test; *provided, however,* that in the case of discharge into waters used primarily for bathing this bacterial standard need not be required except during the bathing season; and Proviso.

(c) to effect a reduction in the oxygen demand of the sewage effluent sufficient to maintain an average dissolved oxygen content in the tidal waters of the district and in the general vicinity of the point of discharge of the sewage into those waters, at a depth of about five feet below the surface, of not less than fifty per centum (50%) saturation during any week of the year.

(2) All sewage discharged or permitted to flow into class "B" waters of the district shall first have been so treated as— Pollution in class B waters.

(a) to remove all floating solids and at least ten per centum (10%) of the suspended solids, or such additional percentage as may by reason of local conditions be necessary to avoid the formation of sludge deposits in the class "B" waters of the district; and

(b) to effect a reduction in the oxygen demand of the sewage effluent sufficient to maintain an average dissolved oxygen content in the tidal waters of the district and in the general vicinity of the point of discharge of the sewage into those waters, at a depth of about five feet below the surface, of not less than thirty per centum (30%) saturation during any week of the year.

ARTICLE VIII

Control of tributary pollution.

1. Each of the signatory States agrees, that in so far as waters within its jurisdiction may flow into any portion of the district, all sewage discharged or permitted to flow into any stream tributary to the tidal waters of the district shall be treated to that extent, if any, which may be necessary to maintain such tributary immediately above its confluence with the tidal waters of the district in a sanitary condition at least equal to the classification requirements determined by the commission for the tidal waters of the district into which it discharges. The waters of the Hudson river, immediately above the mouth of Sparkhill creek on the westerly side and the New York-New Jersey boundary extended on the easterly side of the river, shall be maintained in a sanitary condition at ebb tide at least equal to the sanitary condition prevailing in the waters of the river immediately below said boundary at flood tide.

Hudson river.

ARTICLE IX

Construing.

1. Nothing in this compact shall be construed to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any

signatory State imposing any additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

ARTICLE X

Order municipality to treat sewerage.

1. Subject to the provisions of this compact the commission, as soon as may be after its organization, after an investigation and after conducting public hearings upon due notice, shall by order prescribe the reasonable date on or before which each municipality or other entity discharging sewage into the designated waters within the district shall be treating such sewage in accordance with the standards specified in this compact. And such order may prescribe that certain specific progress shall be made at certain definite times prior to the final date fixed in such order.

Given reasonable time to effect change.

It is the desire of all parties to accomplish the objects herein set forth with the least possible injury to investments which have already been made in the construction of sewage treatment plants within the district, and where changes or additions to such plants would be necessary to conform to the standards herein adopted, a reasonable time to effect such changes or additions may, in the discretion of the commission, be granted.

ARTICLE XI

Enforcement of compact.

1. Each of the signatory States agrees that it will prohibit the pollution of the said waters within the district in accordance with the several articles of this compact, and that it will enact suitable and adequate legislation which will accomplish effectively the objects of this compact and which will enable its officers, departments, boards and agents to accomplish satisfactorily the obligations and duties assumed by the State under the terms of this compact, and it is further agreed that the courts of the several States shall have jurisdiction to enforce as against any person, corporation, municipality or

Jurisdiction.

other entity or any employee, department or subdivision of the respective signatory States any and all provisions of this compact.

Investigation.

The commission shall have authority to investigate and determine if the requirements of the compact and/or the orders of the commission pursuant thereto are complied with and if satisfactory progress has not been made, to bring action in its own name in the proper court or courts to compel the enforcement of any and all of the provisions of this compact, and/or the orders of the commission pursuant thereto.

Enforcement.

Article XII

Co-operate with existing agencies.

1. In order that future pollution be controlled and existing pollution be abated with the greatest possible economy and efficiency, the commission shall co-operate and advise with the respective State and district authorities having jurisdiction over stream pollution, with a view to co-ordinating their activities and securing the most satisfactory results at lower cost. For such purpose the commission may prepare a general plan of the most practicable and economical method of securing conformity with the standards herein set forth, having in view the future growth and development of the district. Such plan when completed shall be submitted to the Governor and the Legislature of each State and to the State agency or agencies or district agencies in charge of sewage problems.

Adopt a general plan.

Passaic valley sewerage.

The provisions of this act shall not affect the discharge from the outfall pipes of the Passaic Valley sewerage system into the waters of New York harbor; *provided, however,* that said discharge shall be in accordance with the terms and provisions of the stipulation entered into on April fourteenth, one thousand nine hundred and ten, between the United States of America and Passaic Valley Sewerage Commissioners.

Proviso.

ARTICLE XIII

1. Terms used in this compact are defined as follows: Terms:

"District" means the area more particularly described in article II of this compact. District;

"Commission" means the Interstate Sanitation Commission. Commission;

"Municipality" means any city, incorporated village, borough, county, town, township, district, or any municipality governed by an improvement commission, any joint sewer commission, or any other subdivision of any one of the signatory States, located within the district. Municipality;

"Rule or Regulation" means any rule or regulation established by the commission not inconsistent with the Constitution of the United States or of any signatory State, promulgated by the commission touching the abatement of pollution of the waters of the district. Rule or regulation;

"Tidal Waters" means all those waters which ebb and flow within the designated district. Tidal waters;

"Dissolved Oxygen" is the gaseous oxygen held in solution by the water at any given time. It is expressed as a percentage of the maximum amount of oxygen that would be required to saturate the water under the existing conditions of temperature and salinity. Dissolved oxygen;

"Pollution" is any foreign matter which renders waters unfit to sustain fish life and unsatisfactory for bathing. Pollution;

"Sewage Effluent" means the treated sewage discharged from a treatment plant. Sewage effluent;

"Suspended Solids" means those solid particles carried in suspension in the untreated sewage or sewage effluent. Suspended solids;

"Entity" means any organization or association owning, controlling or operating a sewerage system or treatment plant within a municipality. Entity.

ARTICLE XIV

Appropriation agreement.

1. The signatory States agree to appropriate annually for the salaries, office and other administrative expenses such sum or sums as shall be recommended by the commission and approved by the Governors of the signatory States, the State of New York and the State of New Jersey agreeing each to appropriate forty-five per centum (45%) thereof, and the State of Connecticut agreeing to appropriate ten per centum (10%) thereof. The State of New York and the State of New Jersey obligate themselves hereunder, however, only to the extent of fifteen thousand dollars ($15,000.00) each in any one year, and the State of Connecticut obligates itself hereunder only to the extent of three thousand, three hundred thirty-three dollars and thirty-four cents ($3,333.34) in any one year.

ARTICLE XV

Constitutionality.

1. Should any part of this compact be held to be contrary to the constitution of any signatory State or of the United States, all other severable objects of this compact shall continue to be in full force and effect.

ARTICLE XVI

Compact to become effective.

1. This compact shall become effective as to the State of New Jersey and the State of New York immediately upon the signing thereof by the representatives of such States, and thereafter it shall also become effective as to the State of Connecticut immediately upon the signing thereof by the representatives of such State; *provided, however,* that prior to the signing of this compact by the representatives of the State of Connecticut the district as set forth in article II shall not embrace any territory within the jurisdiction of the State of Connecticut, nor shall the commission exercise any jurisdiction or perform any duties or acts affecting such territory; and the appropriations for salaries, office and other administrative expenses shall be borne equally by the State of New York and the State of New Jersey.

Proviso.

Not to abate pending actions.

2. Nothing herein contained shall affect or abate any action now pending brought by any governmental board or body created by or existing under any of the signatory States.

Compact binding.

3. The said agreement or compact when signed or sealed by the commissioners of each State, as hereinbefore provided, shall become binding upon the State of New Jersey and shall be filed in the office of the Secretary of State of the State of New Jersey.

Vacancies.

4. If by death, resignation or otherwise, a vacancy occurs among those appointed hereunder by the State of New Jersey, the Governor of the State of New Jersey is hereby authorized to fill the same.

Congressional approval.

5. The said commissioners together with the commissioners appointed from the State of New York, shall have power to apply to the Congress of the United States for its consent or approval of the agreement or compact signed by them; but in the absence of such consent of Congress and until the same shall have been secured, the said agreement or compact shall be binding upon the State of New Jersey in all respects permitted by law of the two States of New Jersey and New York without the consent of Congress to co-operate, for the purposes enumerated in said agreement or compact and in the manner provided therein.

In case Congress fails to consent.

Not to affect Connecticut until signed.

6. Until the compact shall have been signed by the representatives of the State of Connecticut, the district as set forth in article II of said compact shall not embrace any territory within the jurisdiction of the State of Connecticut nor shall the commission exercise any jurisdiction or perform any duties or acts affecting such territory and until the State of Connecticut shall through its duly designated representatives sign the said compact, the Interstate Sanitation Commission shall consist of ten members.

7. This act shall take effect immediately.

Approved July 1, 1935.

CHAPTER 322

AN ACT to authorize the appointment of commissioners to the Interstate Sanitation Commission established by agreement or compact between the States of New York, New Jersey and Connecticut, within the interstate sanitation district, defining their powers, duties and jurisdiction, providing for the study of a program, for examination of the accounts of said commission and making an appropriation for the expenses of said commission.

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

Members to Interstate Sanitation Commission.

1. The Governor shall, by and with the advice and consent of the Senate, appoint five commissioners, one of whom shall be a member of the State Department of Health, one of whom shall be a member of the State Department of Conservation and Development, one of whom shall be a member of the State Board of Commerce and Navigation, and two members from the State at large, to the Interstate Sanitation Commission created by the agreement or compact between the States of New York and New Jersey and to which Connecticut may hereafter become a part as therein provided, entered into or about to be entered into under the laws passed by the States of New York and New Jersey, authorizing such agreement and compact, each of whom shall be a resident voter of the State of New Jersey. One of such commissioners when appointed shall hold office until January first nineteen hundred and thirty-six, another shall hold office until January first, nineteen hundred and thirty-seven, another shall hold office until January first, nineteen hundred and thirty-eight, another shall hold office until January first, nineteen hundred and

Terms.

thirty-nine, and another shall hold office until January first, nineteen hundred and forty. Each commissioner shall hold office until his successor has been appointed and qualified. The Governor shall designate who shall serve for the respective terms.

Hold over.

At the expiration of the term of each commissioner and of each succeeding commissioner, the Governor shall, by and with the advice and consent of the Senate, appoint a successor who shall hold office for a term of five years or until his successor has been appointed and qualified. In the event of a vacancy occurring in the office of a commissioner by death, resignation or otherwise, the Governor shall, by and with the advice and consent of the Senate, appoint his successor, who shall hold office for the unexpired term. The five commissioners may be appointed by the Governor before such agreement or compact shall have been executed on behalf of the States of New York and New Jersey by the designated authorities authorized to execute the same. Any commissioner may be removed upon charges and after hearing by the Governor. When the said agreement or compact shall have been executed, the commissioners shall have the powers and duties and be subject to the limitations provided for in the compact and agreement entered into between the signatory States and laws adopted by said States, and together with five commissioners from the State of New York shall form the Interstate Sanitation Commission, until the appointment of five commissioners from the State of Connecticut, who shall upon their appointment become members of the Interstate Sanitation Commission, as provided for in said compact and agreement. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred and incident to the performance of their duties.

Successor's terms.

Vacancies.

Appoint before adoption by other States.

Removal.

No salary.

Expenses paid.

2. The commission shall elect from its number a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge such officers

Organization.

Assistants. and legal, clerical, expert and other assistants as may be required in the discharge of the duties of the commission and shall fix and determine their duties, qualifications and compensations.

Seal, by-laws, rules and regulations. It shall adopt a seal and suitable by-laws and shall promulgate rules and regulations for its management and control.

Offices. It may maintain one or more offices for the transaction of its business and may meet at any time or place within the signatory States.

Quorum. A majority of the members from each State shall constitute a quorum for the transaction of business, the exercise of any powers or the performance of any duties, but no action of the commission shall be binding unless at least three of the members from each State shall vote in favor thereof.

Rules and regulations as to pollution: 3. The commission shall have power to make rules, regulations and orders with regard to the pollution of all the coastal, estuarial and tidal waters within or covering portions of the signatory States as follows:

Connecticut; (a) In Connecticut, Long Island sound and estuaries and tidal waters thereof between the easterly side of New Haven harbor at Morgan Point and the Connecticut-New York State boundary, and the Housatonic river up to the northerly boundary lines of the towns of Stratford and Milford.

New York; (b) In New York, all of the tidal waters of Greater New York City, including the Kill van Kull and the Arthur Kill, Long Island sound and the estuaries and tidal waters thereof between the New York City line and the New York-Connecticut State boundary and between the New York City line and the easterly side of Port Jefferson harbor; the Atlantic ocean and the estuaries and tidal waters thereof between the New York City line and the easterly side of Fire Island inlet; and the Hudson river and estuaries and tidal waters thereof between the New York and New Jersey State boundary and the northerly line of Rockland county, on the westerly side, and between the northerly line of New York City and the northerly line

of Westchester county on the easterly side of the river.

New Jersey; (c) In New Jersey, the Hudson river and New York upper bay and estuaries and tidal waters thereof between the New York-New Jersey boundary and Constable Point on Constable Hook; the Kill van Kull and Arthur Kill to the mouths of the rivers entering into the Kills; Newark bay and the estuaries thereof up to the mouth of the Passaic river; and up to the mouth of the Hackensack river; Raritan bay together with the Raritan river up to the Victory bridge on said river between Perth Amboy and South Amboy; together with the Cheesequake creek up to the New York and Long Branch railroad bridge on said creek at Morgan; together with the Matawan creek up to the New York and Long Branch railroad bridge on said creek at Matawan; Sandy Hook bay; together with the Shrewsbury river up to the passenger railroad bridge between Navesink Light and Highland Beach on said river; and shall have power to investigate and determine if the requirements of the compact and/or the orders of the commission are complied with and to bring action in its own name in the proper court or courts to compel the enforcement of any and all provisions of the compact and the orders of the commission pursuant thereto or pursuant to laws; and to conduct investigations, inquiries or hearings at such place or places, and, at such times as it shall appoint. Such investigations, inquiries or hearings may be held by or before one or more of commissioners, or by or before any person or persons appointed as its representative and when ratified, approved or confirmed by the Interstate Sanitation Commission, his or their action shall be and be deemed to be the investigation, inquiry or hearing of the Interstate Sanitation Commission. All State and municipal departments, commissions, boards and bodies having to do with the waters of the State shall co-operate with the commission and shall furnish to the commission such information as the commission shall

Action to enforce orders.

Hearings.

Co-operation by other State agencies.

request, touching the pollution or the elimination thereof, of the waters of the district.

Prevent violations by mandamus or injunction.

4. Whenever the Interstate Sanitation Commission shall be of the opinion that any person, association or corporation, municipal or otherwise within the district is failing or omitting, or about to fail or omit to do anything required of it by its order or by the laws governing the control or elimination of pollution of the waters of the district, or is doing or is about to do anything or permitting or about to permit anything to be done contrary to or in violation of such orders or such laws or the provisions of the compact, it may direct its legal representative to commence an action or a proceeding in the name of the Interstate Sanitation Commission in an appropriate court having jurisdiction for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction. Such an action or proceeding when directed against any person, firm, association, corporation, municipal or otherwise within the State may be brought in a court of competent jurisdiction of this State and the said court shall have and is hereby given the necessary and appropriate jurisdiction to determine such action upon the merits and/or to grant mandamus or injunction as the case may require or any other relief appropriate to the case.

Court of jurisdiction.

Powers not in limitation.

5. Any powers herein granted to the Interstate Sanitation Commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by the States of New York and New Jersey and/or by Congress or the terms of the compact.

Not to create source of pollution.

6. No person, firm or corporation, municipal or otherwise, shall create, establish, cause or maintain any source of pollution within the district, not existing on the first day of April, nineteen hundred and thirty-five; *provided, however,* that after hearing and investigation on application of such person, firm or corporation, municipal or otherwise, the commission may issue such order relating to

Proviso.

any such pollution as it shall find will best serve the public interest.

Show cause why pollution should not be discontinued.

7. Whenever the commission shall determine upon investigation that sewage or other polluting matter from any city, village, town, county, borough, municipality or other entity as defined in the compact, building, steamboat or other vessel, or any garbage, offal or any decomposable or putrescible matter of any kind is being discharged into any waters of the district, and whenever in the opinion of the commission such discharge is polluting such waters in a manner injurious to or so as to create a menace to public health, welfare and recreational purposes, or so as to create a public nuisance, or so as to be obnoxious, the commission may order the municipality, corporation or person so discharging sewage, refuse or other matter, to show cause before it or its duly designated representative why such discharge should not be discontinued or why said commission should not issue an order regulating such pollution. A notice shall be served on the municipality, corporation or person so discharging sewage, refuse or other matter, directing such municipality, corporation or person to show cause before the said commission on a date specified in such notice why an order should not be made directing the discontinuance of such discharge or otherwise regulating the said pollution. Such notice shall specify the time when and place where a public hearing will be held by the commission or its duly delegated representative and shall be served personally or by mail at least fifteen days before said hearing, and in case of a municipality or a corporation, such service shall be upon an officer thereof. The person or persons presiding at such hearing shall take evidence, and after conducting such public hearing, the commission shall by order prescribe a reasonable date on or before which such municipality, corporation or person discharging sewage, refuse or other matter into the designated waters within the district, shall cease to discharge such refuse or other matter and

Notice.

Contents of notice.

Conducting hearing.

shall treat such sewage in accordance with the standards specified in the compact, and such order may prescribe that certain specific progress shall be made at definite times prior to the final date fixed in such order. The commission shall have authority to require, from the officials and persons responsible for the execution of such orders, satisfactory evidence at specified times of proper progress in the execution of such orders.

Evidence orders are executed.

General plan prepared.

8. The commission may prepare a general plan of the most practicable and economical method of securing conformity with the standards set forth in the compact, having in view the future growth and development of the district, and to that end shall co-operate and advise with the respective State authorities having jurisdiction over stream pollution and any other bodies having to do with sewage and garbage disposal and the pollution of the waters of the district, with the Secretary of War of the United States, with appropriate committees of Congress and any and all other Federal authorities having jurisdiction in the premises, with representatives of chambers of commerce and other civic bodies within the district, and with such bodies, commissions and legislative committees as may exist or be created in any of the signatory States, for the purpose of bringing about a comprehensive program for the abatement and elimination of pollution.

Report.

9. The commission shall keep accurate accounts of all receipts and disbursements, and shall report to the Governor and the Legislature of each signatory State on or before the twenty-fifth day of January in each year, setting forth in detail the transactions conducted by it, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the signatory States which may be necessary to carry out the intent and purposes of the compact between the signatory States.

Auditing.

10. The comptroller of each of the signatory States is hereby authorized and empowered from

time to time to examine the accounts and books of the Interstate Sanitation Commission, including its receipts, disbursements and such other items referring to its financial standing as such comptroller may deem proper, and to report the results of such examination to the Governor of such State.

11. This act shall take effect immediately.

Approved July 1, 1935.

CHAPTER 323

AN ACT to amend the title and body of an act entitled "An act to authorize counties of this State to create bridge commissions for the purpose of financing, constructing, building, operating and maintaining self-liquidating bridges and to regulate the same," approved February fourteenth, nineteen hundred and thirty-four.

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

1. That the title of an act entitled "An act to authorize counties of this State to create bridge commissions for the purpose of financing, constructing, building, operating and maintaining self-liquidating bridges and to regulate the same," approved February fourteenth, nineteen hundred and thirty-four, be amended to read as follows: Title amended.

An act to authorize counties of this State to create bridge commissions for the purpose of financing, constructing, building, purchasing, operating and maintaining self-liquidating bridges and to regulate the same. New title.

2. That section one of the act be amended to read as follows: Section 1 amended.

1. Every county through its board of chosen freeholders is hereby authorized, if it determines County bridge commission.

Preliminaries. so to do, to create a bridge commission, which commission, when created, shall be authorized to prepare the necessary and proper plans and specifications for the construction or purchase of such bridge or bridges as may be approved by the board of chosen freeholders of such county; to select the location for same, determine the size, type and method of construction thereof; to plan and fix their boundaries and approaches; to make the necessary estimates of the probable cost of construction and the acquisition of the land and rights for the sites of the abutments and approaches to the bridge or bridges, in a manner hereafter provided; to enter into the necessary contracts to build and equip the entire bridge or bridges and approaches thereto; to build the superstructures and substructures and all parts thereof; and to obtain and exercise such consent as may be necessary from the government of the United States and the approval of the Secretary of War, Chief of Engineers and the New Jersey State Board of Commerce and Navigation. It shall be lawful for the said commission, its agents, officers, engineers or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of any such bridge, with the proper approaches, and locating the same; and to locate all necessary buildings, appurtenances and conveniences, doing no unnecessary injury to private or other property; and when the route or routes and the location shall have been determined upon, it shall be lawful for every such commission to proceed to condemn and take the land necessary for its business in accordance with the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), approved March twentieth, one thousand nine hundred, and the several supplements thereto, and to proceed to acquire, purchase, take and hold such voluntary grants of real estate, riparian rights, and other property, above or under

Contracts.

Consent by Secretary of War.

Right of entry.

Buildings, etc.

Condemnation.

Acquiring property.

water, as may be necessary for the construction, purchase, operation, maintenance and accommodation of its bridge or bridges and approaches thereto.

Such commissions shall have power to construct a drawbridge or bridges over any channel or channels, thoroughfare or thoroughfares, small streams, creeks or rivers, or bodies of water within the limits of the county or counties for which such commissions are created. Construct bridges.

3. That section three of the act be amended to read as follows: Section 3 amended.

3. To finance any of the purposes or powers provided for in this act, such bridge commissions shall in the first instance determine which bridge or bridges are to be purchased or constructed and after receiving approval of the board of chosen freeholders for such projects, such commission shall be authorized to issue bonds or other evidences of indebtedness which shall be supported solely by a lien or mortgage upon the bridge or bridges and their approaches and appurtenances or upon the tolls or other income to be received in the operation of such bridge or bridges, or upon both. The principal and interest of such bonds or other evidences of indebtedness shall be payable only from the tolls or other income from such bridge or bridges; and in connection therewith the county or counties shall incur no indebtedness of any kind or nature, nor shall the county or counties pledge credit, taxes or taxing power, or any part thereof, in support of such principal and interest. For all purposes of financing, the total cost of any improvement authorized by this act may include every item of expense in connection with the project, and among other items shall also include the cost of constructing or purchasing the superstructure, roadway and substructure of any bridge, the approaches and avenues or rights-of-way of access thereto and necessary real estate in connection therewith, toll houses and equipment thereof and of the bridge, franchises, easements, Bond issue. Charges payable from tolls. Not incur indebtedness. Total cost.

rights or damages incident to or consequent upon the complete project, expenses preliminary to construction, including investigation and expenses incident thereto, and prior to purchase or prior to and during construction the proper traffic estimates, interest upon bonds and all such other expenses as after the beginning of operation would be chargeable as cost of operation, maintenance and repairs.

Section 4 amended.

4. That section four of the act be amended to read as follows:

Interest on bonds.

4. The bonds or other evidences of indebtedness issued by such bridge commissions shall bear interest at not more than six per centum (6%) per annum, payable semiannually, and may be sold at either private or public sale, to any person or persons, to the United States government, or to any governmental agency. Such commissions shall provide the form of such bonds or other evidences of indebtedness, and shall fix the denominations, place or places of payment of principal and interest, the terms and conditions and do all other things that may be necessary for the proper execution and delivery of said bonds or other evidences of indebtedness.

Sale.

Issuing details.

Disposition of proceeds.

The proceeds from the sale of such bonds or other evidences of indebtedness shall be deposited by the treasurers of such bridge commissions as the commissions shall direct and shall be used solely for the payment of the cost of the bridges and costs incident thereto, and be drawn upon over the signatures of the chairmen or vice-chairmen of the commissions and the secretaries and treasurers thereof. The surplus, if any, shall be paid into the fund hereinafter provided for the payment of the principal and interest of such bonds.

Fixing toll rates.

The rates of tolls to be charged for the use of any bridge constructed or purchased under the provisions of this act shall be so fixed and adjusted as to provide a fund sufficient to pay the interest and principal of any bonds or other evidences of indebtedness issued under this act, and to provide

an additional fund to pay the cost of maintaining, repairing and operating such bridges.

5. That section five of the act be amended to read as follows: Section 5 amended.

5. When it has been determined by the governing body of any such county, by resolution in the exercise of its discretion that in the exercise of the powers conferred by this act it is expedient to create a bridge commission, the board of chosen freeholders of such county shall pass a resolution creating such commission and appointing three persons who shall constitute a bridge commission, which shall be a public body corporate and politic under the manner of (insert name of county) bridge commission, and shall have power to contract to sue and be sued and to adopt a seal and alter same at pleasure, but shall not have power to pledge the credit or taxing power of the county. No officer or employee of said county, whether holding a paid or unpaid office shall be eligible for membership on said commission. Such appointees shall be originally appointed for terms of three years. Upon the expiration of such terms appointments shall be made in like manner except that the term of the three appointees shall be for one year, two years, three years, respectively. Not more than two of such appointees shall be members of the same political party. Vacancies shall be filled for any unexpired term in the same manner as the original appointment. Such commission shall elect a chairman and vice-chairman from its members, and a secretary and treasurer who need not be a member of such commission. The members of the commission shall receive no compensation and shall give such bond as may be required from time to time by the governing body of the county. The commission shall fix the compensation of the secretary and treasurer in its discretion. The commission shall have power to establish by-laws, rules and regulations for its own government and to make and enter into all contracts or agreements necessary or incidental to the performance of its

Procedure to create bridge commission.

Powers.

Requirements.

Terms.

Vacancies.

Organization.

No salary.

Rules and regulations.

duties and the execution of its powers under this act. The commission may employ engineering, architectural, and construction experts and inspectors and attorneys, and such other employees as may be necessary in its opinion, and fix their compensation, all of whom shall do such work as the commission shall direct. All salaries and compensation shall be obligations against and be paid solely from funds provided under the authority of this act. The office, records, books and accounts of the bridge commission shall always be maintained in the county which the commission represents.

Employees.

Office.

Such commission shall award no contract or agreement for the construction, reconstruction, repair, enlargement, extension, renewal, replacement or equipment of such bridges exceeding in amount the sum of twenty-five hundred dollars ($2,500.00) without advertisement for bids, which shall be opened publicly, and an award made to the lowest responsible bidder, with power in the commission to reject any or all bids, *provided, however,* contracts for the purchase of bridges may be made and executed without advertisement.

Advertising for bids.

Proviso.

6. That section nine of the act be amended to read as follows:

Section 9 amended.

9. Any commissions provided for in this act may be dissolved by the governing body of the county or counties creating same at any time after the construction, purchase and equipment of the complete bridge or bridges within their care have been completed and all the costs thereof have been paid; and thereupon the governing body of such county shall assume the further duties in connection with such bridges, including the operation, maintenance and repair thereof; and upon any such dissolution, title to all real estate or any other property or structures of such commission shall thereafter be vested in the county creating same.

Dissolution of commission.

Assumption of duties.

7. This act shall take effect immediately.

Approved July 1, 1935.

CHAPTER 324

AN ACT declaring the Dutch elm disease (Graphium ulmi) to be a public nuisance and providing for its suppression.

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

1. The sum of fifty thousand dollars ($50,000.00) is hereby appropriated from the general funds of the State, and shall be credited to the State Department of Agriculture for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-six, to be expended by the State Department of Agriculture in order to provide for the suppression of the Dutch elm disease (Graphium ulmi) in the State of New Jersey; *provided, however,* that this act shall not be operative unless and until the sum of five hundred thousand dollars ($500,000.00) has been appropriated and made available for expenditure by the United States Government during the said fiscal year in order to provide for the suppression of the Dutch elm disease (Graphium ulmi) in the State of New Jersey. Appropriation. Proviso.

2. This act shall take effect July first, one thousand nine hundred and thirty-five. Act effective.

Approved July 1, 1935.

CHAPTER 325

AN ACT to supplement an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-six, and regulating the disbursement thereof, approved June seventh, one thousand nine hundred and thirty-five.

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

Additional appropriations to agricultural department.

1. In addition to the sums appropriated to the Department of Agriculture for poultry disease control, fruit and vegetable marketing, poultry products marketing, dairy products marketing, and plant inspection in and by the act of which this act is a supplement, there is hereby appropriated to the Department of Agriculture for poultry disease control all fees and receipts collected through this activity during the fiscal year commencing July first, one thousand nine hundred and thirty-five, over and above two thousand four hundred dollars ($2,400.00); for fruit and vegetable marketing all fees and receipts collected through this activity during the fiscal year commencing July first, one thousand nine hundred and thirty-five, over and above eleven thousand seven hundred fifty dollars ($11,750.00); for poultry products marketing all fees and receipts collected through this activity during the fiscal year commencing July first, one thousand nine hundred and thirty-five, over and above three thousand dollars ($3,000.00); for dairy products marketing all fees and receipts collected through this activity during the fiscal year commencing July first, one thousand nine hundred and thirty-five, over and above four thousand six hundred dollars ($4,600.00); and for plant inspection all fees and receipts collected through this activity

during the fiscal year commencing July first, one thousand nine hundred and thirty-five, over and above three hundred dollars ($300.00). All sums so appropriated may be used under such items of these respective budget units as the Secretary for Agriculture may designate.

2. This act shall take effect on the first day of July, one thousand nine hundred and thirty-five. Act effective.

Approved July 1, 1935.

CHAPTER 326

AN ACT to provide for the reimbursement by the State to the several counties of one-half of the cost of the relief of dependent children wherein such children are maintained through a charitable society duly incorporated under the provisions of an act entitled "An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums, and other charitable institutions," approved March ninth, one thousand eight hundred and seventy-seven.

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

1. The State Emergency Relief Council is hereby authorized and directed to reimburse unto the freeholders of any county in this State sums of money equal to one-half of the cost of maintaining dependent children in any charitable agency duly incorporated under an act entitled "An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums, and other charitable institutions," approved March ninth, one Relief council authorized to reimburse counties.

Proviso.

thousand eight hundred and seventy-seven; *provided, however,* that in any county where children are so maintained through such a charitable agency, the sum of money so paid by the State to any county for children so maintained shall not exceed one-half of the amount of maintenance per child per week through the State Board of Children's Guardians. Such payments shall be made by the State Treasurer on the warrant of the Comptroller in quarter annual payments upon statements certified by the county treasurer of such counties, upon forms to be presented from time to time by the State Comptroller; *provided, however,* that such statements shall be certified to and through the State Emergency Relief Council by the Commissioner of Institutions and Agencies.

Payments.

Proviso.

2. This act shall take effect immediately.

Approved July 2, 1935.

CHAPTER 327

A SUPPLEMENT to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-six, and regulating the disbursement thereof," approved June seventh, one thousand nine hundred and thirty-five.

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

Appropriation for American Legion convention.

1. For the purpose of inducing the American Legion to hold its nineteen hundred and thirty-six annual convention in the City of Atlantic City, there is hereby appropriated the sum of fifty thousand dollars ($50,000.00), or so much thereof as may be necessary, to underwrite the expenses and

as a contribution on the part of the State for the holding of such convention within this State.

2. All expenditures from the sum hereby appropriated shall be made only on vouchers approved by the Governor of this State on payments made by the State Treasurer on warrant of the Comptroller, subject to the aforesaid executive approval. Expenditures approved by Governor.

3. This act shall take effect immediately.

Approved July 2, 1935.

CHAPTER 328

AN ACT to provide for the payment by the State to the several counties therein of one-half of the cost of relief paid by such counties, through the State Board of Children's Guardians, for the relief of dependent children.

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

1. There shall be paid out of the Emergency Relief Fund by the State Treasurer to each of the counties a sum equal to one-half of the amount of relief paid by the several counties, through the State Board of Children's Guardians, for the relief of dependent children. Such payments shall be made by the State Treasurer on the warrant of the Comptroller out of the Emergency Relief Fund in monthly payments upon statements furnished by the county treasurer of such counties, upon forms to be presented from time to time by the Department of Institutions and Agencies. Counties reimbursed. Payment.

2. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed and this act shall take effect immediately. Repealer.

Approved July 3, 1935.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

JOINT RESOLUTION memorializing the Congress of the United States to adopt measures directed against mob violence and lynching.

WHEREAS, In many sections of the United States crimes of violence are rapidly increasing both in numbers and in seriousness; and Preamble.

WHEREAS, One of the most deplorable types of crime is the wanton destruction of human life, public and private property by mobs under so-called "lynch law"; and Preamble.

WHEREAS, Such crimes strike at the very fundamentals of our constitutional rights and our system of democratic government, tending, if unchecked, to result in an absolute disregard for and defiance of duly constituted agencies charged with the protection of life and property, and with the proper enforcement of our criminal laws; and Preamble.

WHEREAS, A continual disregard of the taking of human life and the destruction of property by irresponsible individuals banded together under the influence of excitement to usurp the prerogatives of legal agencies devoted to the apprehension, prosecution and punishment of criminals, can but encourage the rising tide of violence; and Preamble.

Preamble. WHEREAS, A stable government can only be maintained where the courts, operating under due process of law, shall be the only agency or power permitted to deprive any citizen of his constitutional rights to life and liberty; and

Preamble. WHEREAS, We firmly believe that this unfortunate situation can be best curtailed and eradicated through the power of our Federal Government; therefore,

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

Congress memorialized to pass anti-lynch laws. 1. That the Congress of the United States now in session be memorialized and requested to as speedily as possible adopt and pass some remedial measure, and to take such other action as may be necessary, fit and proper to curtail as far as possible under Federal laws this growing national evil of mob violence and lynching, to the end that everyone in the United States of America may be accorded and guaranteed full protection of life, liberty and property under our Constitution.

Notifications. *Be It Further Resolved,* That copies of this joint resolution be transmitted to the Vice-President of the United States, to the Speaker of the House of Representatives and to the Senators and Representatives in the Congress of the United States from the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved February 21, 1935.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION providing for the celebration of the one hundred and fiftieth anniversary of the adoption of the Constitution by the United States of America, on September seventeenth, one thousand nine hundred and thirty-seven; establishing a commission to be known as the New Jersey United States Constitution Day Commission, and designating September seventeenth, one thousand nine hundred and thirty-seven, as New Jersey-United States Constitution Day.

WHEREAS, On September seventeenth, one thousand nine hundred and thirty-seven, will occur the one hundred and fiftieth anniversary of the adoption of the Constitution by the United States of America; and, Preamble.

WHEREAS, It is but fitting that proper celebration shall be arranged in the State of New Jersey, during the month of September seventeenth, one thousand nine hundred and thirty-seven; therefore, Preamble.

BE IT RESOLVED *by the House of Assembly of the State of New Jersey (the Senate concurring)*:

1. The Governor of the State of New Jersey is hereby directed to issue a proclamation calling upon public officials to display the United States flag on public buildings, and the people of the State of New Jersey to display the flag at their homes or other suitable places on September seventeenth, one thousand nine hundred and thirty-seven, in honor of the adoption of the Constitution by the United States of America. Proclamation to be issued.

Constitution Day.

2. September seventeenth, one thousand nine hundred and thirty-seven, shall be designated and known as New Jersey United States Constitution Day, and the Governor of the State of New Jersey is directed to request its observance as provided in this resolution.

Commission created.

3. There is hereby established a commission, to be known as the New Jersey United States Constitution Day Commission, to be composed of ten commissioners as follows: Six persons to be appointed by the Governor of the State of New Jersey, two Senators by the President of the Senate, and two members of the House of Assembly by the Speaker of the House of Assembly, with the Governor, the President of the Senate, and the Speaker of the House, as ex-officio members.

Members.

Commission to arrange celebration.

4. The commission is authorized to arrange an appropriate celebration to take place in the month of September, one thousand nine hundred and thirty-seven, in the State of New Jersey, of the one hundred and fiftieth anniversary of the adoption of the Constitution by the United States of America, and to participate on behalf of the State of New Jersey, in such manner as it deems advisable, in any other celebration of such anniversary which may be held in the State of New Jersey during the month of September, one thousand nine hundred and thirty-seven. Said commission shall cooperate in the effort to have this momentous historic event celebrated in the cities, villages, hamlets, public and private schools of this State, and by all patriotic societies, and it shall further endeavor to see that on September seventeenth, one thousand nine hundred and thirty-seven, prayers of thanksgiving are offered in all churches in this State for the blessings of liberty and for the protecting and guiding providence of Almighty God vouchsafed to this nation and people under the United States Constitution adopted September seventeenth, one thousand seven hundred and eighty-seven.

5. The members of the commission so appointed shall be persons of high standing and character, having known interest in suitably celebrating events of the adoption of the Constitution by the United States of America. Any vacancy in the commission shall be filled in the same manner as the original appointment. Qualification of members. Vacancies.

6. The commissioners shall serve without pay. No salary.

7. When the New Jersey United States Constitution Day Commission shall have finally completed the celebration of the adoption of the Constitution by the United States of America, and when exercises which may be arranged for in connection therewith shall have been concluded, the Governor of the State of New Jersey shall issue an order declaring the commission dissolved. Dissolving commission.

8. The commission shall select a chairman from among its members. Organization.

9. The commission has no authority to incur any expense. No expenses.

Approved March 8, 1935.

JOINT RESOLUTION No. 3

JOINT RESOLUTION providing for an unpaid commission on interstate co-operation.

WHEREAS, There is constant confusion and there are frequent competition and conflict between the States of the Union in their laws and their administrative practices concerning taxation, labor, commerce, agriculture, liquor traffic, motor vehicles, crime prevention, public welfare, and many other subjects of government with which this State is vitally concerned; and Preamble.

Preamble. WHEREAS, It is desirable for the people of this State that such disharmony and chaos shall not continue, but that the governments shall strive together in accordance with enlightened standards and mutually acceptable policies; and

Preamble. WHEREAS, The necessity for official co-operation between the State governments is recognized by the compact provision in section ten of article one of the Constitution of the United States; and

Preamble. WHEREAS, The President of the United States has recently declared that "both the Congress and the executive departments of the National government are constantly confronted with problems whose solutions require co-ordinated effort on the part of the States and of the Federal government," and that "it is apparent to all students of government that there is urgent need for better machinery of co-operation between Federal, State, and local governments in many fields"; and

Preamble. WHEREAS, There have now been established agencies which provide such machinery of co-operation, namely, the American Legislators' Association, which has been officially sanctioned and endorsed by one or both branches of forty-six Legislatures, and the Council of State Governments, which has been organized by said association; and

Preamble. WHEREAS, It is to the interest of the people of this State that their government officially participate with the governments of the other States in the formulation of their co-operative policies and in their other deliberations, in order that the interests of this State may not be disregarded and in order that this State may do its share, or more than its share, in the development of a more perfect Union; now, therefore,

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

New Jersey Commission on Interstate Co-operation. Functions.

1. There is hereby established the New Jersey Commission on Interstate Co-operation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding, and co-operation between the State of New Jersey and the other States of the Union, both regionally and nationally.

Report.

2. The commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. Its members shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this resolution. It may employ a secretary and such other assistants as are needed in the performance of its duties, or it may share the expense of such employment with similar commissions of other States.

No salary.

Expenses paid.

Assistants.

Membership.

3. The said commission shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Co-operation of the Senate,

The five members of the Committee on Interstate Co-operation of the House of Assembly, and

Five officials of the State named by the Governor, one of whom shall be designated by him as the chairman of the commission.

Standing committees.

4. The said committees of the Senate and the House of Assembly, hereby or heretofore established, shall be standing committees, and their members shall be designated as are the members of other standing committees. These committees shall function during the regular sessions of the Legislature, and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall constitute the New Jersey Council of the American Legislators' Association.

New Jersey Council of the American Legislators' Association.

Notification to other states and governors.

5. The Secretary of State of New Jersey shall forthwith communicate the text of this measure to the Governor and to the Legislature of each of the other States of the Union, with the respectful request that each Legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition, and conflict.

Approved March 12, 1935.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION requesting the Judicial Council to study the administration of criminal law in New Jersey and to report its findings and recommendations with respect thereto to the next Legislature.

Preamble.

WHEREAS, The Judicial Council was created by chapter two hundred fifty-four of the laws of one thousand nine hundred and thirty to make continuous study of the organization and relation of the various courts of the State, counties and municipalities, and to co-operate with the Legislature and its committees and from time to time, upon request, aid and advise the Legislature and its committees upon any subject of law or procedure which may be before the Legislature for action; and

Preamble.

WHEREAS, At the conference on crime called by the Attorney-General of the United States and held at Washington, D. C., on December 10-13, it was recommended to all Legislatures meeting in

1935 that they give a careful consideration to procedural recommendations and particularly to the model code of criminal procedure prepared by American Law Institute and approved by the American Bar Association and the Association of American Law Schools; therefore,

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

1. That the Judicial Council make a complete study of the administration of criminal law in New Jersey, and in connection therewith a study of the model code of criminal procedure prepared by the American Law Institute and report and submit to the next Legislature its findings and recommendations with respect thereto. Judicial Council to make study. Report.

2. This joint resolution shall take effect immediately.

Approved March 26, 1935.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION concerning the national convention of the American Legion, proposed to be held in Atlantic City.

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

1. That the State of New Jersey does hereby invite the American Legion to hold its nineteen thirty-six national convention in the State of New Jersey and at Atlantic City and does hereby appropriate the sum of fifty thousand dollars ($50,000.00) when included in any annual or supplemental appropriation bill, to be used for the purpose of securing the said convention for the State of New Jersey; *provided, however,* that should Appropriation for American Legion Convention. Proviso.

said invitation be not accepted, the entire sum hereby appropriated shall be unexpended and be returned to the State of New Jersey; *provided, further,* that should said invitation be accepted, that said sum of $50,000 or so much thereof as may be required for said purpose shall be disbursed under the direction of the Governor for said purposes; *provided, further,* that it shall be lawful for the State of New Jersey to receive the return of said fifty thousand dollars ($50,000.00) or any part thereof which may be surplus or profit from the conduct thereof.

Proviso.

Proviso.

Approved April 26, 1935.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION creating a commission on beach erosion.

Preamble. WHEREAS, The shore line of the municipalities bordering on the Atlantic ocean and bays of the State have again been visited with a devastating storm raging throughout the week that has caused tremendous additional destruction and encroachment to taxable property and structures of great value erected in the past in an effort to prevent erosion and damage; and

Preamble. WHEREAS, The municipalities affected in the present emergency are unable to financially cope with the problems involved; and

Preamble. WHEREAS, In an effort to preserve and protect the shore line and structures erected at tremendous cost, it has been demonstrated, through surveys and studies made by the Board of Commerce and Navigation of the State and engineers employed by the several municipalities, that this ever exist-

ing peril can be checked and prevented by the construction of adequate sea walls, bulkheads and jetties, as has been evidenced wherever such structures have been properly erected; and

Preamble. WHEREAS, The Board of Commerce and Navigation of the State of New Jersey, through its surveys and studies, has prepared a plan for the installation of stone jetties reaching out into the ocean and bays for the purpose of building up the beaches which, if put into effect, would check and prevent further erosion and destruction and would remove the constant peril that confronts us in times of storms such as has just recently been experienced; and

Preamble. WHEREAS, The Federal Government and its officers and agencies, in effectuating the policies of a statute of the United States entitled "An act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," approved June sixteenth, one thousand nine hundred and thirty-three, an act to encourage industrial recovery and to reduce unemployment, has recently provided funds deemed to be adequate to effectuate such purposes, and has included beach erosion in its soil erosion program as a part of the proposed work relief measure and is now considering the application of said funds to such public purposes; and

Preamble. WHEREAS, The State of New Jersey, through public acts duly passed by its Legislature, has authorized the undertaking by the State, county and municipalities of such work relief programs in co-operation with the Federal Government and with the financial aid and assistance of such agency; therefore

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

Commission on beach erosion.

1. There shall be appointed by the President of the Senate two members of its body who together with two members of the General Assembly to be appointed by the Speaker of the House, and the president and director of the Board of Commerce and Navigation shall constitute a committee of the Legislature of the State of New Jersey commissioned to go to Washington to confer with the President of the United States and the officials in charge of the allotment of Federal work funds, to the end that a beach erosion fund may be set aside and made available, under such terms and conditions as the Federal Government may see fit to impose, adequate to carry out a program of construction of jetties, bulkheads and other devices that will protect the State's shore lines and prevent or minimize the losses and destruction of property that constantly threaten.

Confer with Federal authorities.

Organization.

2. Such commission shall organize as soon as may be after their appointment and shall immediately thereafter proceed to the purposes outlined herein.

3. This joint resolution shall take effect immediately.

Approved April 26, 1935.

JOINT RESOLUTION No. 7

JOINT RESOLUTION for the creation of a commission to study the problem of unemployment insurance and the liberalization of old age relief, in cooperation with the Federal government.

Preamble.

WHEREAS, Economic insecurity due to unemployment is a serious menace to the health, welfare and morale of the people of this State, unem-

ployment is, therefore, a subject of general interest and concern to all its people, and requires appropriate action by the Legislature to prevent its spread, and to lighten the burden which now so often falls with crushing force upon the unemployed worker and his family; and

WHEREAS, The President of the United States has called upon the Congress to enact legislation taxing payrolls and salaries for the purpose of creating unemployment reserves; and Preamble.

WHEREAS, Employers are to be given credit up to ninety per centum (90%) of the Federal payroll tax when they participate in an approved State system of unemployment insurance; and Preamble.

WHEREAS, The President of the United States has asked the Congress to contribute on a fifty per centum (50%) participating basis to the States complying with the proposed Federal regulations in the payment of old age relief; and Preamble.

WHEREAS, It is desirable that New Jersey's statutes be reviewed in relation to such Federal legislation as may be adopted; and Preamble.

WHEREAS, In his inaugural message, Governor Harold G. Hoffman expressed the recommendation that a special commission be empowered to investigate these subjects; therefore, Preamble.

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

1. There is hereby created a commission of nine members, to be appointed as follows: Three members of the Senate to be appointed by the President thereof; three members of the Assembly to be appointed by the Speaker thereof, and three members to be appointed by the Governor. All members shall serve without compensation. Commission created. No salary.

Organization. 2. Such commission shall organize as soon as may be after the members' appointment, upon the call of the Governor, and shall elect a chairman, a vice-chairman and a secretary from its members.

Duties. 3. The commission shall be charged with the duty of inquiring into the subjects of unemployment insurance, old age pension, and compulsory retirement annuity legislation and of determining in what respects the State of New Jersey may most effectively co-operate with such Federal legislation as may be enacted.

Recommend changes. 4. It shall familiarize itself with the functioning of chapter two hundred and nineteen, public law of one thousand nine hundred and thirty-one, the old age relief statute, and amendments thereto, and to determine what changes if any may be advantageous.

Meetings. Hearings. Witnesses. 5. The said commission is authorized to hold hearings, call witnesses, and to draft necessary legal, clerical and other assistance from the office of the Attorney-General of the State of New Jersey, and other State departments, as may be required.

Report. 6. The commission is directed and authorized to report to any regular or special session of the Legislatures of one thousand nine hundred and thirty-five or one thousand nine hundred and thirty-six, and to cause to be introduced such bill or bills as in its judgment may be required for the proper carrying out of its objects.

7. This resolution shall take effect immediately.

Approved May 18, 1935.

JOINT RESOLUTION No. 8

A RESOLUTION requesting the Port of New York Authority to apply to the Federal Government, or any agency thereof, for the obtaining of funds for the construction of the Raritan bay bridge.

WHEREAS, At the direction of the Legislature the Port of New York Authority has undertaken and completed a survey for the location and construction of a bridge across Raritan bay; and Preamble.

WHEREAS, By virtue of such survey and report it has been found feasible to construct such a bridge; and Preamble.

WHEREAS, The construction of such a bridge would create an additional traffic highway, and thus relieve the congestion now existing between the metropolitan district and the Jersey coast shore resorts; and Preamble.

WHEREAS, Plans and specifications have been prepared and completed; therefore, Preamble.

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

1. That the Port of New York Authority is hereby requested to apply to the Federal Government, or any agency thereof, for the obtaining of funds in order to construct the Raritan bay bridge. Application for Federal assistance.

2. This resolution shall take effect immediately.

Approved May 18, 1935.

JOINT RESOLUTION No. 9

JOINT RESOLUTION providing for the appointment of a commission to furnish information relative to the operation of the Delaware and Raritan canal by the Federal Government.

Preamble. WHEREAS, Under Joint Resolution No. 4 of the legislative session of one thousand nine hundred and thirty-four, the State of New Jersey took title to and possession of the property of the Delaware and Raritan canal; and

Preamble. WHEREAS, It is desirable that this canal be opened and operated for navigation and it is believed that this can most satisfactorily be accomplished by the Federal Government; and

Preamble. WHEREAS, The Congress of the United States has provided for a survey of such canal and the cost of improvements and maintenance as a navigable waterway under Federal control in the rivers and harbor bill recently enacted into law; therefore,

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

Commission appointed to furnish information. 1. That a commission is hereby appointed to furnish such necessary information as to costs of improvement, maintenance and anticipated revenues of such canal as a navigable waterway as shall facilitate the Federal Government in obtaining data which will be inducive to the taking over of the Delaware and Raritan canal by the Federal Government.

Members. 2. That this commission shall consist of five members, one to be a member of the Senate appointed by the President of the Senate, one to be a

member of the House of Assembly to be appointed by the Speaker of the House of Assembly, one to be appointed by the Department of Conservation and Development, and two members to be appointed by the Governor.

3. The members of this commission shall serve without compensation.

4. This resolution shall take effect immediately.

Approved May 18, 1935.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION creating a committee to conduct the necessary experiments to determine or pass upon the system of radio to be used by municipalities, counties and the State of New Jersey.

Preamble. WHEREAS, At the recent crime conference called by the State of New Jersey, due consideration and deliberation was given to the subject of the application of radio in the State of New Jersey, in the police problem of said State; and

Preamble. WHEREAS, Said crime commission recommended that a proper resolution be prepared and recommended to the Legislature to bring about the most effective use of radio in the solving of the police problem in the State of New Jersey; now, therefore,

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

Police Radio Commission. 1. That the Governor of the State of New Jersey appoint a police radio commission consisting of the Commissioner of the Department of Institutions

and Agencies, the Superintendent of the New Jersey State Police, one chief county detective, or chief of county police of this State; one director of public safety or one chief of police of some municipality, of this State, and a patrolman of police of some municipality of this State, to conduct the necessary experiments to determine the best system of radio to be used by the municipalities, the counties and the State of New Jersey.

Conduct experiment.

2. The commission so appointed by the Governor of the State of New Jersey is authorized to expend funds for the conduct and investigation of this experiment, and to employ the services of a radio engineer for the supervision of the said radio investigation and experiment.

Employ radio engineer.

Organization.

3. The said commission shall organize by the selection of a chairman and secretary and may sit or act during any recess of the Legislature or after final adjournment thereof, and shall embody its findings and recommendations from time to time in reports to the Governor, and to the Legislature if in session, and if not, then to the next succeeding Legislature in order that appropriate legislation to carry out the purposes of this said resolution may be enacted.

Report.

Appropriation.

4. For the purpose of carrying out this joint resolution there is hereby appropriated the sum of seven thousand five hundred dollars ($7,500.00).

Resolution effective.

5. This joint resolution shall take effect July first, one thousand nine hundred and thirty-five.

Approved June 7, 1935.

JOINT RESOLUTION No. 11

A JOINT RESOLUTION authorizing the State Highway Commission to name and designate State Highway, Route No. 4, through Bergen county, as the "Mackay Highway."

WHEREAS, The late William B. Mackay served as State Senator for Bergen county for four successive terms and rendered lifelong service to his fellow citizens and to the State of New Jersey; and, Preamble.

WHEREAS, After his retirement from the New Jersey State Senate, he served with honor and distinction as judge of the Passaic circuit of the New Jersey Supreme Court of the State of New Jersey; and, Preamble.

WHEREAS, The State of New Jersey owes a great debt for the many valuable contributions which he made to civic progress; and, Preamble.

WHEREAS, His record is permanently written into the history of New Jersey's progress and it is eminently fitting that some definite tribute be paid to his memory; and, Preamble.

WHEREAS, At the time of his death he was devoting his energy and talent to the welfare of the citizens of the State of New Jersey; now, therefore, Preamble.

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

1. That the New Jersey State Highway Commission be and the same is hereby authorized to change the name of Route No. 4 of the State highway system, extending from the approach to the George Mackay Highway.

Washington bridge, westerly through Bergen county, so that the same may be hereafter known and designated as the "Mackay Highway."

2. This joint resolution shall take effect immediately.

Approved June 8, 1935.

JOINT RESOLUTION No. 12

A JOINT RESOLUTION authorizing the State Highway Commissioner to name a portion of Routes 25 and 26 of the State highway system the "Herbert Highway."

Preamble. WHEREAS, The late John W. Herbert rendered the fullest measure of public service to his fellow citizens and the State of New Jersey and enjoyed the trust and confidence of all his associates and friends; and,

Preamble. WHEREAS, The State of New Jersey owes to him a debt of public gratitude for the many valuable contributions he made to the civic and educational progress of this State; and

Preamble. WHEREAS, He devoted his fullest energy and talent to the post of chairman of the first State Highway Commission of this State; and

Preamble. WHEREAS, It seems eminently fitting that some definite tribute be paid to his memory; now, therefore,

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

Herbert Highway. 1. That the State Highway Commissioner be and the said commissioner is hereby authorized to name, designate and cause to be known hereafter as the

"Herbert Highway" the following described highway between the traffic circle adjacent to the Newark Airport and the Trenton traffic circle:

Route 25 beginning at the traffic circle adjacent to the Newark Airport, then by way of Elizabeth, Rahway, and Woodbridge, crossing the Raritan river near Weston Mills at New Brunswick, thence southerly to the intersection of the Cranbury turnpike near Bodines Corner; thence on Route S-26 to the intersection of Route 26 near the southerly boundary line of the city of New Brunswick, thence on Route 26 by way of the Trenton turnpike to the Trenton traffic circle. Route 25.

2. This joint resolution shall take effect immediately.

Approved June 17, 1935.

JOINT RESOLUTION No. 13

JOINT RESOLUTION for the appointment of a commission consisting of three members of the Senate, to be named by the President thereof; and three members of the Assembly to be named by the Speaker thereof, who shall constitute a joint commission for the purpose of formulating plans to fittingly observe the centennial anniversary of the birth of Grover Cleveland, Ex-President of the United States.

BE IT RESOLVED *by the House of Assembly of the State of New Jersey (the Senate concurring)*:

1. There is hereby created a joint commission consisting of three members of the Senate, to be named by the President of the Senate, and three members of the House of Assembly to be named by the Speaker thereof, who shall constitute a joint Grover Cleveland birthday observance.

commission for the purpose of formulating plans to fittingly observe the birth of Grover Cleveland.

Organization.

Purpose.

2. The commission shall organize by the selection of a chairman and secretary, and shall determine a program of ceremonies to fittingly commemorate the birth of one of the distinguished sons of this State, and a former President of the United States.

3. This joint resolution shall take effect immediately.

Approved June 27, 1935.

JOINT RESOLUTION No. 14

JOINT RESOLUTION memorializing the President and Congress of the United States to reduce taxes on distilled spirits and requesting Congress to call a conference between its representatives and representatives of the several States to consider the proper relationship between Federal and State taxes on alcoholic beverages.

Preamble.

WHEREAS, Despite the repeal of the Eighteenth Amendment and the enactment by the several States of statutes regulating the manufacture, sale and distribution of alcoholic beverages the racketeer and bootlegger continue to flourish; and

Preamble.

WHEREAS, Investigation and study by the New Jersey State Commissioner of Alcoholic Beverage Control have resulted in the conviction that present excessive taxes are the major cause of illicit alcoholic beverage activity and that it is essential that the tremendous incentive resulting therefrom be withdrawn to insure the elimination of the racketeer and bootlegger; therefore,

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

1. That the President and Congress of the United States are hereby memorialized to reduce the present Federal taxes on distilled spirits. Reduce tax on distilled spirits.

2. That the Congress of the United States is hereby requested to call a conference between its representatives and representatives of the several States to consider the proper relationship between Federal and State taxes on alcoholic beverages. Requested to call conference.

3. That a copy of this resolution be transmitted to the President and Vice-President of the United States, the Speaker of the House of Representatives and each member of the Senate and House of Representatives of the United States from the State of New Jersey. Notifications.

4. This joint resolution shall take effect immediately.

Approved June 27, 1935.

JOINT RESOLUTION No. 15

A JOINT RESOLUTION to amend the title and provisions of a joint resolution entitled "A joint resolution for the creation of a commission to study the problem of unemployment insurance and the liberalization of old age relief, in co-operation with the Federal government," approved May eighteenth, one thousand nine hundred and thirty-five.

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

1. The title of the resolution to which this is amendatory be and the same hereby is amended to read as follows: Title amended.

New title.

A joint resolution for the creation of a commission to study the problems of unemployment insurance, the liberalization of old age relief, compulsory retirement annuity legislation, aid to dependent or crippled children, maternal and child welfare, public health, and the aid to the blind in co-operation with the Federal government.

Section 1 amended.

2. Section one of the resolution to which this is amendatory be and the same hereby is amended to read as follows:

Commission created.

1. There is hereby created a commission of thirteen members, to be appointed as follows: Three members of the Senate to be appointed by the President thereof; three members of the Assembly to be appointed by the Speaker thereof, and seven members to be appointed by the Governor. All members shall serve without compensation.

Section 3 amended.

3. Section three of the resolution to which this is amendatory be and the same hereby is amended to read as follows:

Duties.

3. The commission shall be charged with the duty of inquiring into the subjects of unemployment insurance, old age relief, compulsory retirement annuity legislation, aid to dependent or crippled children, maternal and child welfare, public health, and aid to the blind and of determining in what respects the State of New Jersey may most effectively co-operate with such Federal legislation as may be enacted.

4. This resolution shall take effect immediately.

Approved June 27, 1935.

PROCLAMATIONS

Proclamations by the Governor

STATE OF NEW JERSEY,
DEPARTMENT OF STATE.

WHEREAS, The State Tax Commissioner did on the eighteenth day of January, nineteen hundred and thirty-five, under the provisions of an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act to provide for the imposition of State taxes upon certain corporations and for the collection thereof,"' approved April eighteenth, one thousand eight hundred and eighty-four," and the several supplements thereto and acts amendatory thereof; and

WHEREAS, The following named corporations so reported have, for the two years preceding such report, failed, neglected or refused to pay the State taxes assessed against them for the year 1932, under the laws of the State of New Jersey, and made payable into the State Treasury; and

WHEREAS, Under the provisions of said act the charters of said corporations are revoked and all powers conferred by law upon such corporations declared inoperative and void, unless the Governor gives further time for payment; and

WHEREAS, The Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this Proclamation that the charters of the following-named corporations so reported and in default, to wit:

UNPAID TAXES FOR THE YEAR 1932

Aad Realty Corporation,
Abbott Holding Company,
A & B Business Men's Credit and Collection Company, Inc.,
A. B. C. Concrete Brick & Block Co.,
A. B. C. Silk Stores, Inc.,
Aben Realty Company,
A. & B. Friedman, Incorporated,
A. B. and G Construction Company,
A. B. Holding Co.,
Abrash-Dembowsky Silk Company,
A. & B. Realty Company,
A. B. Revsen, Inc.,
Abruzzi Macaroni Company,
A. B. S. Inc.,
Absopure Coal and Ice Company of Elizabeth, N. J.,
Absopure Sales and Service Co.,
Ab. Thompson & Co.,
Academy Pharmacy, Inc.,
Academy Press, Inc.,
Accurate Key & Electric Co.,
Accurate Watch & Jewelry Co.,
A. C. Dodman, Jr. Co.,
Ace Bus Transportation Corporation,
Ace Garage & Battery Company, Inc.,
Ace Investment Company, Inc.,
Ace Photo News Service, Inc.,
Ace Welding Boiler Repair Corp. Inc.,
A. C. F. Transportation Co. Inc.,
Achille Sorrentino, Inc.,
A. Christiansen, Inc.,
Ackerman Cake Co. Inc.,
Acme Chlorinating Equipment Company,
Acme Club Realty Corporation,
Acme Handle Co. of New Jersey, Inc.,
Acme Holding Co.,
Acme Machine Company, Inc.,
Acme Service Co.,
Acme Soda Shops, Inc.,
Acoustical Insulate Co. Inc.,

Acqua Pruf Sales Company,
Acres of Diamonds Realty Co.,
Active Realty Company,
Active Sales Co. of New Jersey,
Adamay Trucking, Inc.,
Adams,
Adams Ave. Development Co. Inc.,
Adams Drug Co.,
Admiration Dress Co. Incorporated,
Adolph Stein Corporation,
Adrenoray Corporation,
Adriatic Construction Company,
Adsala Realty Corporation,
Advance Corporation,
Advance Motor Corporation,
Advertisers Protective League, Inc. of New Jersey,
Advertising and Publicity Counsellors, Inc.,
Aero Food Company,
Aeroland Transportation System, Inc.,
Aero Wooden Products Corp.,
Aervent Corporation,
Aetna Adjustment Service,
Affron & Ogden, Inc.,
A & F Homes, Inc.,
African Produce Company,
Afro American Realty Company,
A. Fuhrman & Son, Inc.,
Agal Realty Co.,
A. G. Holding Co.,
A. G. Mampe & Co.,
A. G. Prior, Inc.,
Agricultural Exchange,
Agricultural Research Laboratories, Incorporated,
A. Gross & Son (Inc.),
A & G Speed Boat Co. Inc.,
A. G. Transportation Company,
A. H. Sandler, Inc.,
Aikman & Stiegler, Inc.,
Air Meets, Inc.,
Airport Automobile Corporation,
Airport Realty Co.,
Airseal Metal Weatherstrip Company, Inc.,
Air Spring Seat Base Co.,

Air Tours, Inc.,
Airview, Inc.,
Ajax Cleaners Service, Inc.,
A. J. Bozarth Corporation,
A. J. F. Realty Co.,
A. J. Mahnken Corporation,
A. J. Maskowitz Securities Corp.,
A. & J. Motor Sales Corporation,
A. J. Napp & Company,
A. Kaplan, Inc.,
A. K. Boughner & Co., Inc.,
A. K. More, Inc.,
A. Kronick Co.,
Ala Construction Company,
Alam Heat Control System, Inc.,
Alan J. Chesney Realty Company,
Alatmo Realty Co.,
Albanese Realty Company,
Albar Corporation,
Albert Company,
Albert Ellis, Inc.,
Albert E. Schoeller, Inc.,
Albert F. Canning, Inc.,
Albert Leon & Son,
Albert M. Goetz & Co.,
Albertson & Young Co.,
Albion Properties, Inc.,
Alco Dress Shops, Inc..
Aldena Realty Company,
Aldon Mortgage & Security Co.,
Aldrich, Inc.,
Al Eitner, Inc.,
Alen Holding Corporation,
Alert Collection Bureau,
Alert Collection Service, Inc.,
Alexander Avenue Realty Corporation,
Alexander Contracting Co.,
Alexander McDonald Granite Company,
Alexandros Bakery, Inc.,
Alex Laiks, Inc.,
Alfred Berger Co.,
Alfred E. Peyser Co., Inc.,
Alfred Reiman, Inc.,

Alhil Holding Co.,
Aljo Retail Sales Co., Inc.,
Allaire Furniture Company,
Allaire Inn, Inc.,
All American Chocolate Almond Company,
Allan Apartments, Inc.,
Allan and Rezac, Inc.,
Allegheny Pine Tree Products Co.,
Allendale Development Company,
Allendale Realty Company,
Allenhurst Dairy Co., Inc.,
Allen Oil Products Corporation,
Allen Safety Device Co.,
Allen's Delicatessen, Inc.,
Alliance Credit Men's Protective Assn.,
Alliance Investment and Realty Company,
Alliance Realty & Finance Company,
Alliance Securities and Realty Corporation,
Allied Barbers Cooperative Association,
Allied Holding Company,
Allied Homes Corporation,
Allied Motors, Inc.,
Allied Realty Associates, Inc.,
Alligator Painting and Decorating Co.,
All Service to Autoists, Inc.,
Allsopp Construction Co.,
Allsopp Development Co.,
Allsopp Real Estate Agency, Inc.,
All State Distributing Corp.,
All-Town Contracting Corp.,
All Traffic Distributing Corp.,
Alma Company,
Almar Apparel, Inc.,
Alna Beauty College,
Alobrun Realty Corporation,
Alpha Incorporated,
Alpine Gardens, Inc.,
Alpine Village, Inc.,
Alshare Kennels, Inc.,
Alter Food Co.,
Altieri Construction Company,
Alto Construction Co., Inc.,
Alvac Sales Corporation,

Alva Realty Company,
Alvin Development Company,
Alvord Hall Association,
Alwell Amusement Corporation,
Alzha Holding Co.,
Amadeus Investment Company,
Amagansett Fabrics Corp.,
Ambrose Powell,
American Appraisal Co., Inc.,
American Bakery Company of Westfield,
American Bankers' Corporation,
American Barrel & Stave Company,
American Beauty Culturists Association, Inc.,
American Bakeries, Inc.,
American Carpet Cleaning Works,
American Chocolate Almond Co., Inc.,
American Coal Chute Company and Architectural Iron Works,
American Coat Co.,
American Commonwealths Power Corporation,
American Compressed Fuel Company,
American Development & Realty Company,
American Doughnut Company,
American Freight System, Inc.,
American Gauge Corporation,
American Hardwood Flooring Co.,
American Hat Manufacturing Co.,
American Health Foods Corporation,
American Highway Sign Corporation,
American Lanil Corporation,
American Laundries System, Inc.,
American Machine & Tool Co.,
American Manufacturer's Company of New Jersey,
American Mate Company,
American Memorial Parks Corporation,
American Metal Spinning and Welding Co.,
American Noodles Company,
American Radio & Television, Inc.,
American Realty & Mortgage Co.,
American Roofing Company,
American Screen Co.,
American Screw Products Corporation,

American Shirt Shops,
American Shoe Manufacturing Company, Inc.,
American Trucking Exchange,
American Underwriters Corporation,
American Wet Wash Laundry Company,
Americus Construction Co.,
Amla Inc.,
Amon Motor Car Company,
Amon Realty Developing Company,
Amos An' Andy Lunch,
Ampere Restaurant & Lunch, Inc.,
Ampole,
Amster Tire & Auto Sales Co.,
Amusementab Corporation of Penna.,
Amy Realty Company,
Anaid Realty Co.,
Analo Realty Co.,
Anas Realty Co., Inc.,
Anber Discount Co., Inc.,
Ancker Bros., Inc.,
Ander Investment Corporation,
Anderson Dining Room, Inc.,
Anderson Garage Corp.,
Anderson Holding Company,
Andersson-Thomas Co.,
Andrew P. Martin, Inc.,
Andrews, Inc.,
Anglais, Inc.,
Anna Dell Dress Company,
Anne Realty Company, Inc.,
Annwald Automotive Corporation,
Another Amusement Co.,
Ansonia Bootery, Inc.,
Ansonia Loan Association,
Anson Realty Company,
Anthony Grasso, Inc.,
Anthony M. Ruffu Sons, Inc.,
Anthracite Heater Service Co.,
Antoinette, Inc.,
Antol Mixture Co.,
Antonio Holding Co.,
A-1 Rug & Carpet Cleaning Co., Inc.,
Apex Fur Dressing Co., Inc.,

Apex Leather Goods and Novelty Company, Inc.,
Apgars Garage, Inc.,
Appetizing Dairy Stores, Inc.,
Appraisers, Inc.,
A. & P. Smoked Fish Co., Inc.,
Aquila Realty Corporation,
Arapahoe Realty Co.,
Arbey Realty Co.,
Arcade Drug Company, Inc.,
Arcade Investment Company,
Arcade Realty Holding Corporation,
Arcadia Grill,
Arcadia Silk Company,
Arcay Realty Co.,
Arcey Company,
Arena Sports Center,
Arges Realty Co.,
Argus Realty Company,
A. & R. Investment Co.,
Arjac Company,
Arlaine Co., Inc.,
Arline's Department Store, Inc.,
Arlington Market,
Arliss Construction Company,
Armil Realty Co., Inc.,
Armored Concrete Corporation,
Armstrong & Co.,
Armstrong Incorporated,
Armstrong Realty Company,
Arnold A. Levy Pawnbrokers, Inc.,
Arnold Amusement Company,
Arnold Furniture Co.,
A. Rosenfeld, Inc.,
Arrow Engineering and Scaling Corporation,
Arrow Garage, Inc.,
Arrow Lake Realty Corporation,
Arrow Service & Garage Co., Inc.,
Arrow Silk Mills,
Arrow Transportation Company, Inc. of Hackensack, N. J.,
Art Brenner, Inc.,
Arsdale Holding and Development Company,
Artcraft Fixture Company,

Artesto Flower Company,
Art Brenner & Aaron Amster, Inc.,
Arthur Collier Realty Company,
Arthur Collier & Son, Inc.,
Arthur G. Blank, Inc.,
Arthur Noack, Inc.,
Art Metal Guild,
Art Realty Co.,
Art Store Fixture Manufacturing Co.,
Asbestos Brake Company,
Asbestos Corporation of America, Inc.,
Asbury Holding Co.,
Asbury Park Bond & Mortgage Co.,
Asbury Park Development Co., Inc.,
Asbury Park Durant Company,
Asbury Park Holding Co.,
Asbury Park Roofing Co., Inc.,
Asbury Park Title & Mortgage Co.,
Asbury Shores Realty Corporation,
A. Schrafft and Company,
Aseptol Company,
A. Shapiro Agency, Inc.,
Asher Dairy Stores,
A. & S. Investment Co., Inc.,
Aslanian Brothers Company,
Aslanian Brothers, Inc.,
A. S. & L. Cleaning Products Company,
A. S. P. Chemical Products Co., Inc.,
Aspet Co.,
Asphalia Realty Investment Corporation,
A. & S. Realty Co.,
A. S. & R. Homes Co.,
Assets Development Company,
Associate Builders Sales Co.,
Associated Craftsmen, Inc.,
Associated Drug Service, Inc.,
Associated Finance Company,
Associated Home Builders, Inc.,
Associated Inks, Incorporated,
Associated Markets,
Associated Miniature Golf Courses,
Associated Realty Company of Hackensack, N. J.,
Associated Sales Co., Inc.,

A. Stein, Inc.,
Astor Construction Company, Inc.,
Astor Investment Co.,
Astral Laboratories, Inc.,
A. Ten Berge & Co., Inc.,
Athenia Land & Improvement Co.,
Atir Realty Corp.,
A. T. Keefe Development Co., Inc.,
Atkin Dress Company, Inc.,
A. T. Kramer, Incorporated,
Atlantic Agency, Inc.,
Atlantic Air Transport,
Atlantic Airways, Inc.,
Atlantic Asphalt Paving Company,
Atlantic Bradley Hotels, Inc.,
Atlantic Chemical Company,
Atlantic City Boulevard Real Estate Company,
Atlantic City Casino Restaurant, Inc.,
Atlantic City Central Garage Co.,
Atlantic City Construction Company,
Atlantic City Dime Messenger Service Company,
Atlantic City Estate Co.,
Atlantic City Flower Shop, Inc.,
Atlantic City Flying Service, Inc.,
Atlantic City Kelvinator Company,
Atlantic City Kosher Butchers, Inc.,
Atlantic City Manor, Inc.,
Atlantic City and Pleasantville Land Company,
Atlantic City Speed Boat Co.,
Atlantic City Suburban Estates,
Atlantic City and Suburban Realty Co.,
Atlantic City Vaudeville Company,
Atlantic Coast Motor Freight, Inc.,
Atlantic Coast Speedboat Corporation,
Atlantic Commercial Agency, Inc.,
Atlantic Crane Service, Inc.,
Atlantic Engineering Company,
Atlantic Enterprise Laundry Company, Inc.,
Atlantic Flower Shop,
Atlantic Giro Aviation Co.,
Atlantic Highlands Holding Company, Inc.,
Atlantic Institute of Accountancy,
Atlantic Jewel Lamp Corporation,

Atlantic Jewelry Co., Inc.,
Atlantic Newsprint Paper Company,
Atlantic Shores, Inc.,
Atlantic Silk Dyeing Co.,
Atlantic Stores Company,
Atlas Airplane and Engine Sales Corporation,
Atlas Broadcasting Corporation,
Atlas Construction Co.,
Atlas Filling Stations, Inc.,
Atlas Finishing Company,
Atlas, Inc.,
Atlas Pearl Novelty Company,
Atlas Railway Signal Company,
Atlas Realty and Development Corporation,
Atlas Realty, Inc.,
Atlas Steam Pressing Iron Company,
Atlas White Brick Company,
Atmar Company,
Atmo Automatic Fire Alarm Co. of America,
Atno Building Specialty Co.,
A. T. Schlichting Co., Inc.,
A. T. Smith, Inc.,
Atwell Realty Corporation, Inc.,
A. T. Woolley Company,
Auburn Ridgefield Park Sales, Inc.,
Auditorium Boxing Club, Inc.,
Augusta Realty Company,
August Duna & Company, Inc.,
August Hielm & Co., Inc.,
Augustus Mowell & Company,
August Wetterer (Incorporated),
Aumel Investment And Realty Co.,
Aura Holiness Camp Meeting Association,
Aurora Health Farm Corporation,
Aurora Land Company,
Aurora Skooter, Inc.,
Ausonia Loan Association,
Austin Holding Company,
Austin J. Waldron, Inc.,
Austin Realty Company,
Auto Laundry Engineering Corporation,
Automatic Appliance Co.,
Automatic Golf Tee, Inc.,

Automatic Merchandising Corporation of New Jersey,
Automatic Telephone Exchange Company of Princeton,
Automotive Devices Corporation,
Auto Refinishers, Inc.,
Auto Servicenter, Inc.,
Avalon Improvement Company,
Avedon Management, Inc.,
Avery Holding Co.,
Avidon And Kasper, Inc.,
Avolin Laboratories, Inc.,
Avon Land Company,
Avon Press,
Avon Sheet Metal Works, Inc.,
Avon Street Estates, Inc.,
Avrick Holding Co.,
A. W. Holding Company, Inc.,
Aywon Express Corporation,
A. Z. Garage, Inc.,
A. & Z. Holding Company,
A. Zwicker, Incorporated,

Babyland, Inc.,
Bach Laboratories, Inc.,
Backhus Motor Truck Co.,
Backus Motor Sales & Service Co.,
Badertscher Automatic Brake Corporation
Badertscher Corporation,
Badger Thrift Corporation,
Bagson Realty Corp.,
Bahrenburg & Acken,
Bailey Brower, Inc.,
Baird & Bridge Corporation,
Bakecrofters of America,
Bake-Rite Baking Company, Inc.,
Bakery Products, Inc.,
Baldwin Building Company,
Baldwin Electric Shop, Inc.,
Baldwin & Pollard, Inc.,
Ballagh Realty Company, Inc.,
Ballding Trading Co.,
Ballenas Company, Incorporated,

Bal Realty Co.,
Balrical Co., Inc.,
Baltimore Engine Company,
Baltusrol Kennels, Inc.,
Baney Supply Company, Inc.,
Banfield Sea Skiff Works, Inc.,
Banister and Pollard Company, Inc.,
Bankers' Collection Corporation,
Bankers Surety Company,
Bank St. Loan Association,
Banner Bros., Inc.,
Banta & Son,
Barbastroke Company,
Barclay Holding Co.,
Barclew Corporation,
Barcwood Construction Co., Inc.,
Bardsley Corporation,
Bareg Realty and Investment Co.,
Bargain Center Specialty Shop, Inc.,
Bari Building Corporation,
Barkman Land Company,
Barlow Holding Company,
Barnee Google's Jungles,
Barnegat Bay Bridge Company,
Barnegat City Service Co., Inc.,
Baron Silk Co., Inc.,
Barrels Amusement Ride, Inc.,
Barrow Improvement Company, Inc.,
Barrow Trucking Company, Inc.,
Barryton Company, Incorporated,
Barse & Co.,
Barton S. Muir Co.,
Bart Reflector Co., Inc.,
Basch and Russo Holding Company, Inc.,
Bates Auto Service, Inc.,
Battle Park Company,
Baumann Awning & Shade Co., Inc.,
Baumann & Co., Inc.,
Bay Grove Pines, Incorporated,
Bayhead Building Corp.,
Bayonne Bus Company, Inc.,
Bayonne Fur Dressing and Dyeing Company,
Bayonne Ice Corporation,

Bayonne Securities Corporation,
Bayonne Star Fruit Exchange,
Bay Realty Company,
Bay Shore Manor,
Bayway Diner, Inc.,
Bayway Laundry, Inc.,
Bayway Terminal,
Bayway Terminal Restaurant Corporation,
B. B. Candy Co.,
B. & B. Construction Co.,
B. and B. Holding Corporation,
B. B. L. Corporation,
Beach Club,
Beach Construction Company,
Beach Island Company,
Beach Transportation Company,
Beachview Pharmacies, Inc.,
Beachwood Park Co., Inc.,
Beacon Commissary Corporation of New Jersey,
Beacon Food Products Inc.,
Beacon Mountain Realty Company,
Beacon Realty Company,
Beacon Service Garage Co.,
Beardsley Property Company,
Bear-May's, Inc.,
Beatsol Corporation,
Beatty, March and Moyer,
Beatty Sales Company,
Beaufort Investment Company,
Beaumont Park Realty Co., Inc.,
Beaver Machine Works, Inc.,
Bebe Dress Shoppe, Inc.,
Beckett Realty Company,
Beck Realty Co.,
Behrman-Friedman Realty Corp.,
Beisswenger Bros., Inc.,
Bellaire Land Co.,
Bellair Realty Co.,
Belle Meade Sales Corporation,
Belle Meade Nursery & Florists, Inc.,
Beller Radio Corporation,
Belle Silk Co.,
Belleville Auto Exchange, Inc.,

Belleville-Nutley Automobile Trade Association, Inc.,
Belleville Times Publishing Company,
Bell Restaurant, Inc.,
Bellwood Plumbing Co., Inc.,
Belmar Building and Realty Co.,
Belmar Park Estates, Inc.,
Belmar Park Manor, Inc.,
Belmar Park Realty Company,
Belmar Realty Co.,
Belmont Amusement Corporation,
Belmont Body Builders, Inc.,
Belmont Lumber Company,
Belmont Security Co.,
Belmont Silk Company,
Belvedere-De Lesio Motors, Inc.,
Belz-Parr, Inc.,
Ben-Bern Realty Co.,
Bender Company,
Bender Construction Company,
Bender Holding Corporation,
Bendos Construction Co.,
Ben Franklin Corporation,
Ben-Hor Corporation,
Ben. B. Zimmermann, Inc.,
Benjamin's Garage, Inc.,
Benj. W. Kerr & Co.,
Benmark Realty Company, Inc.,
Benmeyer's Inc.,
Benmor Holding Corp.,
Bennett Insured Steel Treating Company, Inc.,
Bennett's,
Bennett Shops, Inc.,
Ben Phillips Estate,
Ben Realty Co.,
Bensam Holding Company,
Bensull Company,
Berco Realty Corporation,
Bergallen, Inc.,
Bergdal-Zingg, Inc.,
Bergen Art Metal Works, Inc.,
Bergen Bedding & Floor Covering Co.,
Bergen Building Company,

Bergen County Credit Bureau,
Bergen County Development Co.,
Bergen County Land & Building Corporation,
Bergen County Radium Institute,
Bergen County Transportation Corporation,
Bergen Credit Bureau, Inc.,
Bergen Dairies, Inc.,
Bergen Essex Construction Co.,
Bergen Estates,
Bergen-Hansbury Company of New Jersey,
Bergen Heights Town Company,
Bergen Holding Co., Inc.,
Bergen Home Development Company,
Bergen, Inc.,
Bergen National Corporation,
Bergen-Newark Amusement Co.,
Bergen Plate & Window Glass Co.,
Bergen Plumbing Supply Co., Inc.,
Bergen Security Corporation,
Bergen & Son, Inc.,
Bergen Theatres, Inc.,
Bergen-Union Corporation,
Bergen Wholesale Grocery Co.,
Berg's, Inc.,
Berk-Bilt Homes, Inc.,
Berk Company,
Berkeley-Carteret Hotel Company,
Berkeley Heights, Inc.,
Berkeley Holding Company,
Berkeley Realty Co.,
Berkeley Sulphur Springs,
Berkel Hardware Co.,
Berkowitz & Klausner, Inc.,
Berkowitz Pharmacy,
Berman Telford Corporation,
Bernie's Thrift Store, Inc.,
Bern Realty Co.,
Bernstein Contracting Co.,
Bernstein and Sons, Inc.,
Berry-Stout Lumber Co.,
Bersam Realty Company,
Bert G. Oldford & Company, Inc.,
Bertha Saseen, Inc.,

Bertram Ireland, Inc.,
Bertrand F. Miller, Inc.,
Bertris Corporation,
Bervel Holding Corporation,
Berwaxs Motor Sales Company,
Berwyn Garage, Inc.,
Besco, Inc.,
Besserglick And Company,
Best Drug Store, Inc.,
Bestivall Products, Inc.,
Besto Plaster Company,
Best Store, Inc.,
Bettle Realty Co., Inc.,
Betty-Joan Gift Shoppe,
Betty-Ross Apartments, Inc.,
Beverly Beach Inc.,
Beverly Court Co.,
Beverly Dress, Inc.,
B & F Bus Service, Inc.,
B & F Co., Inc.,
B. & F. Holding Corp.,
B. F. Jones, Inc.,
B. G. Food Products, Inc.,
B. G. S. General Contractors, Inc.,
B. G. S. Realty Co., Inc.,
B & H Amusement Co.,
B. H. & L. Realty & Holding Co.,
B. H. Shepard, Inc.,
Bide-A-Wee Restaurant of Atlantic City, N. J.
Big Garden State Fair,
Bigley Construction Co., Inc.,
Bil-Ham, Inc.,
Bill's Better Bargain Stores, Inc.,
Bills Bus Line,
Bills Trucking Company,
Biltmore Hats, Inc.,
Biltmore Hotel Corporation, Inc.,
Biltmore Realty Associates,
Bilt-Mor Homes, Inc.,
Binder, Inc.,
Biophone Corporation,
Bi-Ray Reflector Co., Inc.,
Birch Holding Company,

Birmingham Gild, Inc.,
Biscayne Corporation,
Bish Corporation,
Bishop-Blair Restaurants,
Bishop Holding Corp.,
B. J. G. Holding Corporation,
Black and White Cab Company of Elizabeth, N. J.,
Black & White Cab Company of Passaic, N. J.,
Black And White Transport Co., Inc.,
Blair & Klein, Inc.,
Blair-O'Conner Co.,
Blasi Securities Corporation,
Blokus Realty Co.,
Bloom Bros. Construction Co.,
Bloom & Dobbin Holding Corporation,
Bloomfield Auburn, Inc.,
Bloomfield Auto Corp.,
Bloomfield Cigar And Stationery Store, Inc.,
Bloomfield Motor Sales Co.,
Bloomfield-Nutley Realty Co.,
Bloomfield's Oldest Dairy,
Bloom Realty Company,
Bluebell Land Company,
Blue Bird Amusement Park, Inc.,
Blue Bird Bakers,
Blue Bird Golf Club, Inc.,
Blue Front Restaurant, Inc.,
Blue Goose Fruit & Vegetable Market, Inc.,
Blue Goose Super Service Station, Inc.,
Blue Pelican,
Blue Ribbon Farms, Inc.,
Blue Ribbon Felt Company, Inc.,
Blue Seal Appliance Company,
Blue Seal Realty Company,
Bluestone Billiard And Bowling Academy,
Blue Taxi,
Blue-White Laundry, Inc.,
B. & L. Wholesale Co.,
B & M Hillside Holding Co., Inc.,
B. M. K. Company, Inc.,
B. M. Leopold Company, Inc.,
B. Newman & Son, Inc.,
B. N. S. Corporation,

Boardwalk Talkies, Inc.,
Boettger Baking Corporation,
Bogatin Bros., Inc.,
Bogatin, Dyers & Cleaners, Inc.,
Bogatin Rug And Linoleum Co., Inc.,
Bogota Contracting Company,
Bogota Investment Corporation,
Bogota Mortgage Co.,
Boleslaw Budzinski, Inc.,
Bolson Embroidery Works,
B & O Motor Company,
Bonatz Bros., Inc.,
Bonded Guarantee Credit And Collection Service,
Bonded Painting And Decorating Co., Inc.,
Bond Silk Company,
Bonita Realty Company,
Bonnell Company,
Bonring Corporation,
Bon-Ton Co.,
Bon Ton Tea Garden,
Boon Brothers, Inc.,
Boonton Knight Motor Co., Inc.,
Boonton Taxi Co., Inc.,
Bootery, Inc.,
Booth Realty Co.,
Bopad Land & Development Co.,
Borbonie Realty And Loan Association of Newark, N. J.,
Bordentown Motors, Incorporated,
Borough Park, Incorporated,
Boston Fish & Fruit Corporation,
B. O. Tekirian, Incorporated,
Boulevard Drug Company, Inc.,
Boulevard Fruit Market, Inc.,
Boulevard Plumbing Supply,
Boulevard Transit Corporation,
Bound Brook Poultry Farms, Inc.,
Bower, Ellis, Johnson Development Corporation,
Bowes Realty Company,
Bowker Fertilizer Company,
Bowker Insecticide Company,
Bozzi Construction Company,
Brach Electric Clock Corporation,

Bracher Corporation,
Bracher Holding Company,
Bradaug Corporation,
Bradford Drug Company,
Bradley Clothes Shops,
Bradley Radio Service, Incorporated,
Brady-World Film Picture Play Company,
Branford Diners, Inc.,
Branford Luncheonette,
Brantly-Wolfsberg Engine Company,
Brau-Berk Co.,
Brauer Motors, Inc.,
Braun-Debold Co.,
Braun Realty Co., Inc.,
Bravaco And Tarantino, Inc.,
Brell Realty Corporation,
Bremer Realty Company,
Bremond Realty Corporation,
Brenner's Excel Poultry Farm,
Brenner & Sons, Inc.,
Brent Amusement Corp.,
Brewster Coal Corp.,
Brick Church Estates, Inc.,
Bridge Cordial Shop, Inc.,
Bridge Development Bond & Mortgage Co., Inc.,
Bridge Restaurant Co.,
Bridge Store,
Bridgeton Building Products Mfg. Co.,
Bridgeway Construction Co.,
Bridge Zone Investment Corporation,
Brighten Laundry,
Brighton Ocean Realty Co., Inc.,
Brilliant Silk Manufacturing Company,
Brills Clothes, Inc.,
Bristol Realty Co., Inc.,
British-American Investment Company,
Broadacres Investment Corporation,
Broad Finance Corporation,
Broad-Grove Realty Co.,
Broad Lane Apartments, Inc.,
Broad Lawn Estates, Inc.,
Broadmark Co.,
Broad And Market Building,

Broad And Market Securities Corporation,
Broad And Park Realty Company, Inc.,
Broad Realty Company,
Broad Shoe Repairing Service, Inc.,
Broad Street Corporation,
Broad Street Investment Co., Inc.,
Broadway A. A. of Trenton, N. J.,
Broadway Clothing Co., Inc.,
Broadway Drug Corp.,
Broadway General Agency,
Broadway-Mechanic Co.,
Broadway Realty Company,
Broadway Restaurant Co.,
Broadway Transport Co., Inc.,
Broadway Woodcliff Theatre Corp.,
B. Robinson, Inc.,
Broderson Corporation,
Brodman's Bakery, Inc.,
Brody's, Inc.,
Bronstein Bros., Inc.,
Bronxhattan Realty Co.,
Bronze Powder Works Company,
Brookdale Plumbing & Heating Co., Inc.,
Brook Holding And Investment Company,
Brook Loan And Finance Corporation,
Brooklyn Trowsers Co.,
Brookside Contracting Co., Inc.,
Brookside Sanitarium,
Brooks Jewelry Company,
Brophy Trucking Company,
Brotan Credit Stores, Inc.,
Brown Clothing Shop, Inc.,
Brown-Gaines Realty Company,
Browning Brothers Amusement Co., Inc.,
Brown Investment Company,
Brown & Langan,
Brown's Cleaning And Dye Works, Inc.,
Brown's Mills Holding Company,
B. R. Realty Company,
Bruce Flooring Corporation,
Bruno Construction Company, Inc.,
Brunswick Beef Co.,
Brunswick Made Draperies, Inc.,

B. S. W. Realty Company,
B & T Building Corporation,
B. T. Holding Co., Inc.,
B & T Service Station, Inc.,
Buck Coal Co.,
Budd Lake Grill,
Budd Lake Realty Company,
Buen Realty Company,
Bugbee Realty Company,
Builders Bond And Mortgage Co., Inc.,
Builders Realty, Inc.,
Builders of Suburban Homes, Inc.,
Builders' Trucking Corp.,
Building And Finance Company, Inc.,
Buist & Sons, Inc.,
Bumper And Fender Co., Inc.,
Bunce Brothers, Inc.,
Bungalow Builders of Middlesex County, Inc.,
Burbage, Incorporated,
Burd Electric Service, Inc.,
Burden Industrial Appliance Corporation,
Bureau of Finance And Service,
Burgess Investment Company,
Burke Brothers Lumber Co.,
Burlington County Produce Sales Company,
Burlington Soft Drink & Supply Company, Inc.,
Burnett Auto Repair Co., Inc.,
Burnett Holding Co.,
Burns Engineering Works, Incorporated,
Burroughs Company,
Burr Place Building & Contracting Corp.,
Burt-Irish Electric Co., Inc.,
Burt J. Kenny, Inc.,
Burtney, Inc.,
Burton Products, Inc.,
Burton Realty Corporation,
Bus Advertising Company, Inc.,
Bush Barge Company,
Bush Tool Works, Inc.,
Business Development Corporation,
Business Engineers of America, Incorporated,
Butler and Newark Freight Line Corporation,
Butler Painting And Paper Hanging Company,

Butler's Office Appliances, Inc.,
B. & W. Realty Company,
B. & W. Service, Inc.,
Byram Holding Co.,
Byron Realty Company,
B. & Z. Land Co., Inc.,

Cabin Craft Company,
Cab Realty Corporation,
Cactizona Products Corporation,
Cadiz Estates,
Cagney Bros. Amusement Co.,
C. A. H. Realty Co.,
C. A. James, Inc.,
C. A. J. Copley Land Corporation,
Caland, Inc.,
Caldfield Building Co.,
Caldwell Department Store, Inc.,
Caldwell Land Company, Inc.,
Caldwell Progress Building, Inc.,
Caldwell Sales, Inc.,
Caldwell Supply Co., Inc.,
Caldwell Union Company,
California Wine Juice Corporation,
Callaghan Shipping Company, Inc.,
Callite Products Co.,
Caltung Realty Company, Inc.,
Calvert Realty & Mortgage Co.,
Cambria Corporation,
Cambridge Realty Co.,
Camden Bridge Garage, Inc.,
Camden Bus Terminal Company,
Camden County Construction Co.,
Camden County Finance Company,
Camden Shipbuilding Corporation,
Camden Toggery, Inc.,
Cameron Cheese Corporation,
Campana Bros., Inc.,
Campanella & Favaro, Inc.,
Campbell Publishing Company,
Campbell Silk Hosiery Mills,
Campbell Truck Co., Inc.,
Camp Metedeconk, Inc.,
Camp Mombasha, Inc.,

Camptown Realty Company,
Campus Golf Course, Inc.,
Canger Construction Co.,
Canger Realty Co., Inc.,
Canon & Gieson, Inc.,
Canton Restaurant, Inc.,
Cape May Playhouse,
Capital Auto Service Stations, Inc.,
Capital Chair Company, Inc.,
Capital Loan & Finance Corp.,
Capitol Block and Brick Company,
Capitol Cigar Store, Inc.,
Capitol Distributing Co., Inc.,
Capitol Mortgage Corp.,
Capitol Radio Tube Company, Inc.,
Capitol Restaurant Corporation,
Cappuccino Holding Company,
C. A. Prescott & Company,
Capt. Joseph K. Ebert-Belmar Swimming Pool Corporation,
Captain's Table,
Carbex Holding Corporation,
Cardinal & Becker Co.,
Cardoso And Nascimento, Inc.,
Careful Laundry Service,
Carl F. Gland, Inc.,
Carl Helm, Inc.,
Carlin Corporation,
Carlstadt Athletic Club, Inc.,
Carlstadt Steam Laundry, Inc.,
Carlton Luncheonette, Inc.,
Carlton Mechanics, Inc.,
Carlton Shoppes,
Carl Wahlberg, Inc.,
Carmine Squangamor, Inc.,
Carolyn Trucking Corporation,
Carpenter Lumber Company,
Carpenter Millwork Company,
Carport Company,
Carsonia Park Co., Inc.,
Cartell, Inc.,
Carter, Edgar and Wittwer, Inc.,
Carteret Furniture House, Inc.,

Cash and Carry Cleaners, Inc.,
Casino Luncheonette,
Casler-Pelosi-Corlito, Inc.,
Castoro & Company,
Catering Enterprises, Inc.,
Cavan Investment Company,
C. A. W. Construction Co.,
C. B. Conti Di Cavour Loan Ass'n,
C B Realty Corp.,
C & C Investment Company,
Cecere And Farino,
Cedar Brook Park Development Co.,
Cedar Farms,
Cedar Lake Holding Company,
Cedar Lane Restaurant, Inc.,
Cedar Ridge Park Realty Co.,
Cedars Building Association, Incorporated
Cedarwood Holding Corporation,
Central Agency, Inc.,
Central Baby Carriage Company,
Central Buffet, Incorporated,
Central Chevrolet, Inc.,
Central Construction Company,
Central Food Markets,
Central Garage, Inc.,
Central Glass Company,
Central Hotel Holding Co.,
Central Jersey Sales Co.,
Central Leasing Corporation,
Central Loan and Finance Company,
Central Palmyra Realty Co.,
Central Park Arena, Inc.,
Central Pharmacy,
Central Plantation Products Corporation,
Central Provision Market, Inc.,
Central Radio Corporation,
Central Trucking Company,
Central-Union Company,
Centre Market Merchants, Inc.,
Centre Motor Sales Corp.,
Centreville Finance Company,
Centro Investment Company,
Century Building Corporation,

C. E. Pollard Company,
Certaineed Securities Company,
Ce-Sel Pajama & Apron Co., Inc.,
C. F. Esslinger, Incorporated,
C. F. M. Realty Co., Inc.,
C. F. Pfeiffer Motors, Inc.,
Chadwick Realty Company,
Chain Hosiery Shops, Inc.,
Chain Shoe Repair Shops of Main St., Inc.,
Chain Shoe Repair Shops of Paterson, N. J., Inc.,
Chamber of Commerce Housing Corporation,
Chamberlin Aircraft Corporation,
Chamberlin Flying Service, Inc.,
Chambersburg Holding Company,
Champion Realty Company,
Chancellor Auto Laundry, Inc.,
Chancellor Drug Co., Inc.,
Chancellor Holding Co.,
Chandler & Cleveland Service Co., Inc.,
Change Bridge Holding Company,
Chanlon Holding Corporation,
Chanset Realty Company,
Charles Ahr Company, Inc.,
Charles B. Durborow & Co.,
Charles Blitzer and Company, Inc.,
Charles Browning, Inc.,
Charles Building And Construction Company,
Charles C. Gordon, Inc.,
Charles Decter & Sons, Inc.,
Chas. D. Stainton Company,
"Charles E. Goodwin, Inc.,"
Chas. E. Maier Corporation,
Charles E. Narozniak, Inc.,
Charles F. Hermann, Inc.,
Charles H. Blackford, Inc.,
Charles H. Ingersoll Dollar Pen Company,
Chas. Ihle Company,
Charles, Inc.,
Charles J. Donohue, Inc.,
Charles Maybaum and Son,
Charles Miller & Co.,
Charles O. Ahlstrom Co., Inc.,
Charles R. Hunter, Inc.,

Charles Rosenberg & Company, Inc.,
Charles Rubinstein & Bros.,
Charles Salzmann Plumbing Co., Inc.,
The Charlohm Holding Company,
Chase Companies of New Jersey, Incorporated.
Chase Incorporated,
Chateau Pharmacy, Inc.,
Chatham Piece Dye Works, Inc.,
Chemical Equipment Manufacturing Company,
Chemical Research Co.,
Chemicals Incorporated,
Chesler & Co.,
Chester A. Drewes, Inc.,
Chester Drug Company, Inc.,
Chester Investment Company,
Chesnut-Winkler Marble Co., Inc.,
Chew Medical Association, Inc.,
C. H. Holman & Son, Inc.,
Chic Shops, Inc.,
Children's Civic Repertory Theatre of The Oranges,
Christian E. White, Inc.,
Christophe, Inc.,
C. H. S. Company,
C. H. Segal and Son Company,
C. H. Smith Company, Inc.,
Church Realty Company,
Chycot Beauty Salon, Inc.,
Cinderella Shoppe,
Cineola Corporation,
Circle Mortgage Company,
Circle Realty Corporation,
Citizens Securities Corporation,
City Bakery of Perth Amboy,
City Baking Company, Inc.,
City Beef Company, Inc.,
City Building Company,
City Centre Corporation,
City Centre Garage Corporation,
City Centre Stores Corporation,
City Chemical Company,
City Drug Company,
City Garage, Inc.,

City Hall Delicatessen, Inc.,
City Hall Garage, Inc.,
City Hall Service Station, Inc.,
City Realty and Investment Company,
City Service Garage,
City Wallpaper and Paint Stores, Inc.,
Civic Amusement Co. of Atlantic City,
Civic Finance Corporation,
Civic Light Opera Co.,
C. J. C. Building and Construction Company,
C. J. Layer, Inc.,
C. J. Mooney & Co., Inc.,
Claire Apartments, Inc.,
Clairmont Contracting Co., Inc.,
Claremont Lunch & Restaurant, Inc.,
Claremont Realty Co.,
Clarendon Land and Building Corporation,
Clare's Food Shop Incorporated,
Clares Stores Co.,
Clargeo, Inc.,
Claridge Construction Company,
Clark Instrument Company,
Clark-Rogers, Incorporated,
Clarks Landing Improvement Company,
Clark Township Hotel, Inc.,
Clay Company,
Clementon Hosiery Company,
Clementon Park Association,
Clementon Real Estate Company,
Clementon Recreation Center, Inc.,
Clendenny Holding Company,
Cleveland Company,
Cleveland Construction Co., Inc.,
Cliffe-Wood Realty Company,
Clifford C. James and Associates,
Cliff Ridge Holding Company,
Cliffside Garage, Inc.,
Cliffside Park Athletic Club Holding Co.,
Cliffwood Realty and Construction Co., Inc.,
Clifton Company,
Clifton D. and H. Realty Company,
Clifton Garage, Inc.,
Clifton Loan Association,

Clifton Marble Corp.,
Clifton Poultry Farms, Inc.,
Clinchad Stationery Co., Inc.,
Clinco Laboratories,
Clinton Garage,
Clinton-Grand Realty Company,
Clinton Shirt And Blouse Company, Inc.,
Clinton Tavern, Inc.,
Closter Park Estates, Inc.,
Closter Publishing Company,
Clover Leaf Auto Coaster Company,
Clover Realty Company,
Club Du Val, Inc.,
Club Lido, Inc.,
Club Realty Company,
Clute-Connely, Inc.,
Clyde Holding Company,
C. M. & J. Realty Company,
C. M. Vanderbilt, Inc.,
C. M. Ware Company,
Coal and Iron Realty Company,
Coastal Properties, Inc.,
Coast Department Store, Inc.,
The Coast Highway Development Co.,
Coble-Gresisen Development Corporation,
Co-Bray Holding Co.,
Cohanzick Realty Corporation,
Cohen's Dining Rooms, Inc.,
Cohen Strong Co.,
Colad Corporation,
Colfax Investment Company,
Colleary Chevrolet, Inc.,
Collegiate Boys' Shop, Inc.,
Collingswood Coal and Builders Supply Company,
Collingswood Coal and Lumber Company,
Collingswood Extension Boulevard Co.,
Collingswood Hosiery Mills,
Collings-Wood-Lynne Corporation,
Colonial Auto Body & Blacksmith Company, Inc.,
Colonial Bilt-Well Homes, Inc.,
Colonial Brick Company, Inc.,
Colonial Grill, Inc.,
Colonial Holding Company,

Colonial Press,
Colonial Trimmings Co.,
Colt Loan and Finance Company,
Columbia Chemical Company,
Columbia-Cliff Realty Company,
Columbia Construction Company, Inc.,
Columbia Fire Works Manufacturing Company, Inc.,
Columbia Flyer Company, Inc.,
Columbia Hat Manufacturing Co.,
Columbia Holding Company,
Columbia Investment Company,
Columbia Iron & Steel Construction Co.,
Columbia Loan Society, Inc.,
Columbia Market,
Columbia Oil Company,
Columbia Thrift Corporation,
Columbus Bureau, Inc.,
Columbus Capital and Securities Co., Inc.,
Columbus General Hospital,
Columbus Wholesale And Retail Grocers, Inc.,
Colvin and Servis, Inc.,
Combination Valet Service,
Combined Plumbing And Heating Corporation of New Jersey,
Combined Savings & Investment Co.,
Comet Airways Inc.,
Comly, Inc.,
Commander Motors, Inc.,
Commercial Charcoal Company,
Commercial Collection Co.,
Commercial Enterprises, Inc.,
Commercial Improvement Corporation,
Commercial Laundry Equipment Co.,
Commercial Products, Inc.,
Commodore Groceries, Inc.,
Commonwealth Collection Agency, Inc.,
Commonwealth Co-operative Realty Company,
Commonwealth Fidelity & Surety Underwriters, Inc.,
Commonwealth Garage Co.,
Commonwealth Realty Company,
Commonwealth Service Corporation,

Communipaw Mortgage and Realty Company,
Communipaw Realty Corporation,
Community Auto Service Co.,
Community Garage,
Community Stores, Inc. No. 1,
Community Theatre of the Oranges,
Como Construction Company,
Complete Novel Publishing Co., Inc.,
Conover and Barr, Incorporated,
Conover's Battery and Ignition Service Corporation,
Conrad and Duthie, Inc.,
Conrad Hosiery, Inc.,
Conrad Oechler, Inc.,
Conservative Realty Company,
Consolidated Amusement Company,
Consolidated Appliance Company, Inc.,
Consolidated Bottling Company,
Consolidated Lace and Novelty Co., Inc.,
Consolidated Motors, Inc.,
Consolidated Oil Company,
Consolidated Piece Dye Works,
Consolidated Products Corporation,
Consolidation Realty and Holding Company,
Construction Mortgage Investment Company,
Construction Service Corporation,
Consumers Feed and Coal Company,
Continental Collection Agency,
Continental Land & Investment Co.,
Continental Monmouth Corporation,
Continental Tanners, Inc.,
Continental Thrift Corporation,
Continental Wireless Supply Corporation,
Contor Realty Company,
Contractors Supply and Equipment Company, Inc.,
Convention Golf Course, Inc.,
Convery Boulevard Realty Company,
Coobenier Realty Company,
Cookman Holding Company,
Cook-Nelson Service Station,
Cook's Radio Shop, Inc.,
Cook's Transportation Line,
Coolidge Holding Corporation,

Coombs Oil Burners Service, Inc.,
Coons and Hills, Inc.,
Co-Operative Cabinet & Casket Corporation,
Cooperative Collection Co.,
Cooperative Farms, Inc.,
Co-operative Fur Farms Co., Inc.,
Cooperative Realty Corporation of America,
Co-Operative Series Barber Shop, Inc.,
Cooper-Breakenridge, Inc.,
Cooper River Estates,
Copper Hill Realty Co., Inc.,
Coppoletta Brothers, Inc.,
Corbrand Realty Company,
Cordts Company,
Cordts Department Store, Inc.,
Corlee Candies, Inc.,
Coronado Beach Syndicate, Inc.,
Coronado Sportswear,
Corporate Holding Company,
Corporation of Colonia,
Corwin Mfg. Company,
Cosmopolitan Automobile Association, Inc.,
Cosmopolitan Food Co.,
Cosmopolitan Investment Company,
Cosmopolitan Mortgage Co., Inc.,
Cosmopolitan Securities Corporation,
Cossayuna Realty Company,
Cottage Luncheonette, Inc.,
Cottage Place, Inc.,
Cottage Place Realty Company,
County Construction Company,
County Investment Co.,
County Publishing Company,
County Road Corporation,
Courland Holding Company,
Court Confectionery Corp.,
Court Holding Corporation,
Cowles Engineering Corporation,
Cozcewith & Golush, Incorporated,
Cozy Craft Homes Co., Inc.,
Cozy Homes Company,
Cozy Realty Co.,
C-P-B Sales Co.,

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Craft Metal Studios, Inc.,
Crall Chase and Company,
Cramer Bilt Homes, Inc.,
Cramer Hosiery House,
Cramer and Myers, Inc.,
Crane Motor Car Company No. 2,
Cranmoor Country Club,
Crawford-Southard Motors, Inc.,
Cream-O-Pop Corporation of New Jersey,
Creative Toy Corporation,
Credit Investing Company,
Creditors Liquidating Carpet Co.,
Crescent Appliance Corporation,
Crescent Garage Co.,
Crescent Home and Land Corporation,
Crescent Ice and Coal Company, Inc.,
Crest Drive Holding Corporation,
Crestwood Corporation,
Cricket Club,
Crimi-Schneider Construction Co.,
Crist Realty Company,
C-Rite Company,
Criterion Investment Company,
Cross-Bennett Motors, Inc.,
Crosstown Construction Company,
Crow Chemical Company,
Crowley & Bowen Bus Corporation,
Crown Hat Band Mills, Inc.,
Crown Products Corporation,
Crown Stores, Inc.,
Croyden Corp.,
Crushed Coal Combustion Corporation,
Crystal Lake Homes, Inc.,
Crystal Oil Burner Corp.,
C & S Corporation,
C. Tomlinson Dare, Inc.,
Cuban Patent Rights Company,
Culp Excavating Co.,
Cumberland Glass Manufacturing Company,
Cumberland Laboratories, Inc.,
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Cumberland Mutual Aid Association Inc.,

Cumulative Investment Co.,
Currie Company,
Currie Holdings Corporation,
Curtiss Air Station of Atlantic City, N. J.,
Curtiss Air Station of Miami, Inc.,
Cuskaden Chevrolet Company,
Custer Trading Corp.,
Cute Dress Shops of Hackensack,
Cute Dress Shops of Paterson,
Cutler Auto Body Service, Inc.,
Cutler Plumbing Co.,
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Danforth Theatre Co.,
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Daniels Radio Service, Inc.,
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Danwil Developers, Inc.,
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"Darkins Construction Corp.,"
Darling & Company,
Dauphin Restaurant, Inc.,

Dave's Flower Shop, Inc.,
Dave Stern Tire Co., Inc.,
David Chinich & Co.,
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Davis And Averill, Inc.,
Davis Furniture Shoppe, Inc.,
Davis Hotel Company,
Davlin Holding Co.,
Dawson Bros., Inc.,
Dawson And Martin, Inc.,
Daylight Development Corporation,
Daynell Corporation,
Days Colegrove, Inc.,
Day's Modern Bake Shops,
Dayson Holding Company,
Dayton Construction Co., Inc.,
Dayton Hotel Co., Inc.,
D. & C. Construction Corporation,
D. C. Kinnell & Co., Incorporated,
D. & D. Inc.,
D. D. Rapoport, Inc.,
D. & D. Realty Corp.,
Deal Beach Estates Improvement Association, Inc.,
Deal Properties, Inc.,
Deal Real Estate Syndicate, Inc.,
Debt Collectors, Inc.,
Decorative Products Corporation,
Decorative Specialties Co., Inc.,
Deep Sea Restaurants, Inc.,
De Harde-Premier Market, Inc.,
Delahunty Dyeing Machine Company,
Delake Corporation,
Delaney Supply Company,
Delaware River Bridge Land Co.,
Delcan Building, Inc.,
Deldun Realty Co.,
Del Gaizo Food Products Co.,
Delin Finance Corporation, Inc.,

Delishy Food Products Corporation,
Delling Motors Company,
Dell-Wood Realty Company,
Del New Company,
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Delphian Realty Company,
Delson Corporation,
Delta Plantation Company,
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De Luxe Aquarium Company,
De Luxe Coach Transit Company,
De Luxe Diner, Inc.,
De Luxe Tailoring Co., Inc.,
Deluxe Theatres, Inc.,
De Luxe Tile And Terrazzo Co.,
Demal Realty Company,
Demarvin Realty Company,
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Demon, Inc.,
De Mosi Wrecking Co.,
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Denville Realty Company,
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Dependable Investment Corporation,
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Deubel Studios, Inc.,
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Dickson Realty & Holding Company,
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Dilley-Chapman, Inc.,
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Diou Realty Corporation,
Dirtex Sales Company, Inc. of New Jersey,
Display Electrics of New Jersey,
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Distribution Corporation of America,
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Dluge And Company,
D. M. Beckhardt, Inc.,
D. M. Kelleher Co.,
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Doc Daugherty Music Company,
Dr. Francois Fues Pharmaceutical Corp.,
Dodd Holding Co.,
Dolan Building Company,
Dolber Corporation,
Dolinsky Construction Co.,
Domestic Products, Inc.,
Domo, Inc.,
Donald Co., Inc.,
Donalds & Deluxe Laundry Service, Inc.,
Donhall Corporation,
Donigian Oriental Importing Corporation,
Donlan Land And Improvement Company,
Donnell & Donnell, Inc.,
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Donomore Moving And Storage Company,
Dorasam Realty Co., Inc.,
Dorchester-Stratford Realty Company,
Dorees, Inc.,
Doris Reid, Inc.,
Dorko Realty Company,
Dormer Holding Co.,
Dorothy Hat Shops,
Dorset Land Company,
Dortmund's Bakery And Restaurant, Inc.,
Dorzal Building Co.,
D. O. T. Incorporated,
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Dover Fruit & Produce Exchange, Inc.,
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Dragner Music Shop, Inc.,
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Dreamland Recreation Club,
Dreamland Sporting Club, Inc.,
Drewes Realty Co.,
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Dumont Park Estates, Inc.,
Dunbar Business Corporation,
Dunellen Service Station,
Duplex-Color Pencil Co., Inc.,

Durable Fence Company,
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Dura Motor Valve Corporation,
Durant Building Company, Inc.,
Durant Street Holding Corporation,
Durham Auto Service, Inc.,
Durham Contracting Company,
Durite Products Corporation,
Dur-O-Bilt Homes, Inc.,
Durobord Products Company,
Durvane Manufacturing Co., Inc.,
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Eagle Awning Company,
Eagle Baking Corporation,
Eagle Construction Company,
Eagle Decorating Co., Inc.,
Eagle Dress Co., Inc., No. 2,
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Eagle Markets, Inc.,
Eagle Optical Manufacturing Co.,
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E. Alan Meyer, Inc.,
Earle E. Liederman,
Earle Land Corporation,
Earl Realty Company,
East Coast Coach Company,
East Coast Flying Service, Inc.,
East End Investment Co.,
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Eastern Associates, Inc.,
Eastern Beef Co.,
Eastern Cap Spraying Co., Inc.,
Eastern Cream-O-Pop Corporation of New Jersey,
Eastern Dispatch, Inc.,
Eastern Forwarding Express Co.,
Eastern Land Company,
Eastern Navigation Corporation,
Eastern New Jersey Water Proofing Corp.,

Eastern Optical Company, Inc.,
Eastern Orthodox Church Cemetery Sales Corporation,
Eastern Packers, Inc.,
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East Haddonfield Realty Co.,
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Eastman Heat Control Corporation of N. J.,
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Eber Realty Company,
E. & B. Exchange,
Ebner Electric Company,
E. Brass Auto Supply Company,
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Efficiency Press, Inc.,
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Eff Realty Company,
Egg Harbor Amusement Company,
Eglantine Company,
Eglowstein Electric Company,
E. H. Campbell, Inc.,
E. H. Kluge-Universal Weaving Company,
Ehmling Bros., Inc.,
Ehmling Holding Co., Inc.,
Ehret-Day Co.,
Ehrich Furniture Co., Inc. No. 2,
Ehrlich & Sinnock, Inc.,
Eichner Hardware & Paint Co.,
Eisenberg and Company,
Eisenhower Drug Co.,
E. J. E. Realty Company,
Elby Shop, Inc.,
Elclaire Mfg. & Distributing Co.,
Eldnih Co.,
Electrical Improvements Corporation,
Electrical Industries, Inc.,
Electric Clock Sales Corporation,
Electric Razor Sales Corporation of Germany,
Electric Refrigerator Service Co. of New Jersey,
Electrofreezer Corporation,
Electromatic Mfg. Co., Inc.,
Electrovita Distributors, Incorporate,
Elfarb Holding Corp.,
Elgin Oil Refining Co., Inc.,
E. L. Grover Co.,

Elinora Realty Corporation,
Elite Heating and Appliance Co.,
Elite Luncheonette, Inc.,
Elizabeth Iron Works, Inc.,
Elizabeth-Jersey Holding Co.,
Elizabeth Marble & Tile Works, Inc.,
Elizabeth Mortgage Corporation,
Elizabeth Realty Investment Company,
Elizabeth Sewer Construction Co.,
Elizabeth Star Electrical Company,
Elizabethtown Motor Co.,
Elizabeth Whippet-Knight Co.,
Eljay Silk Co., Inc.,
Elk Coach Lines, Inc.,
Elk-Rod Radiator Shield Co., Inc.,
Elkwood Beauty Parlor,
Ellantee Trading Co.,
Ellenday Silk Co.,
Elles Construction Co.,
Elliott's Drug Stores, Inc.,
Ellison Realty Co.,
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Elmora Coal, Lumber & Supply Co.,
Elmora Soda Shop,
Elmora Towers, Inc.,
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Elm Terrace Corporation,
Elmwood Manor, Inc.,
Elsie H. Haan, Inc.,
Elsie Sales Company,
Elton Process Company,
Elwood Amusement Corporation,
"Ely" Incorporated,
Emab Realty Corporation,
Embar Holding Company,
Embe Rayon Processing Co., Inc.,
E. M. Co., Inc.,
Emerald Beauty Salon, Inc.,
Emergency Elevator Co., Inc.,
Emerson Apartments, Inc.,
E. & M. Holding Company,
Emigrants Agency, Inc.,
Em Kay Dress Co., Inc.,

Emmett Construction Co., Inc.,
Emmons Holding Company,
Empire Const. Co.,
Empire Finance Company,
Empire Grill, Inc.,
Empire Marine Salvage & Engineering Corporation,
Empire Polish Co.,
Empire Realty Co.,
Empire Realty Company of Paterson, New Jersey,
Empire Sound Film Co.,
Empire State Paint & Varnish Corporation,
Empire Tool Corporation,
Emporium,
Enar Lumber Company,
Enbro Corporation,
Engel Bros. Inc.,
Engineering Construction Company, Inc.,
Engineering Developments, Inc.,
Engineering Service Corporation of Paterson, N. J.,
Engle-Highwood Development Corp.,
Englewood Central Building Corporation,
Englewood Conservatory of Music,
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Englewood Development Company,
Englewood Finance Co.,
Englewood Milk and Cream Co., Inc.,
Englewood Motor Sales, Inc.,
Englewood Sales Corporation,
Englewood Theatre, Inc.,
English & Diamond Co.,
English Drapery Shoppe, Inc.,
English Realty Co.,
Enpar Corporation,
Enstice Brothers,
Enterprise Brickworks, Inc.,
Enterprise Distributing Co. Ltd.,
E O N Investments, Inc.,
E'Port Beef Company,
Equality Realty Company,
Equipment Credit Corporation,
Equitable Corporation,

Equitable Tire & Battery Service Corp.,
Equity Bond and Mortgage Company,
Equity Investment Corporation,
Ercole Tamburelli, Inc.,
Ernest E. Scadding, Inc.,
Ernest Kessler and Company,
E and R Sales Company, Inc.,
Ervin A. Souder, Inc.,
Esco Sales Company,
E. S. Mason and Son, Inc.,
Esro Coat Company,
Essaness Realty Co., Inc.,
Essbee Amusement Corporation,
Ess Bee Realty Company,
Essex Auto Electric Service, Inc.,
Essex Bag & Burlap Co.,
Essex College, Preparatory & Commercial Schools, Inc.,
Essex Company,
Essex County Bottlers Association,
Essex County Retail Ice Dealers, Inc.,
Essex Dental Supply Company,
Essex Development Co.,
Essex Marble and Tile Corporation,
Essex Mortgage and Investment Co.,
Essex Mountain Development Company,
Essex Park Realty Co.,
Essex Passaic Construction Co., Inc.,
Essex Plain and Decorative Plastering Company, Inc.,
Essex Rabbitry,
Essex Sand Blasting Co., Inc.,
Essex Shoe Co.,
Essex Smelting and Refining Co., Inc.,
Essex Street Corporation,
Essex and Sussex Development Co.,
Essex Theatre, Inc.,
Essex-Union Holding Co., Inc.,
Essex & Union Plumbing Company,
Essex Woolen Co., Inc.,
Esskay Realty Co.,
Estate Investment Company,
Estate of M. J. McDonald,

Esther Holding Corporation,
Estrina Realty Corporation,
E. S. Williamson and Co.,
Ethel Millinery Shoppes,
Ethel's Marjory Beauty Shop, Inc.,
Ethicus Pharmaceutical Co.,
E. T. Steadman, Inc.,
Eugene Banta, Inc.,
Eugene Eichenberg, Inc.,
Eugene Wendling Company,
Eureka Amusement Company, Inc.,
Eureka Iron Works,
Eva B. Corporation,
Evalarche Realty Co.,
Evans and Thomas Press, Inc.,
Eva Realty Company,
Everett-Liebl Printing Company, Incorporated,
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Evergreen Service, Inc.,
Everhot Heater Sales Company,
Everlasting Cue Tip Co.,
Everlasting Memorial Association,
Ever-Ready Rolling Screen Company, Inc.,
E and W Finishing Co., Inc.,
E. W. Mason Contracting Co., Inc.,
E. & W. Service Station, Inc.,
E. W. Theiss, Inc.,
Excel Hardware And Paint Supply Co.,
Excellent Homes, Inc.,
Excellent Service Laundry, Inc.,
Excelsior Tool Company,
Exchange Auto Service, Inc.,
Exclusive Shoppe, Inc.,
Executive Realty Company,
Exhaust Extension Co.,
Expert Cleaners & Dyers, Inc.,
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Fair Lawn Chemical Co.,
Fairlawn Manor Land Co.,
Fair Meat Market, Inc.,
Fairmount Livery Stables, Inc.,
Fair Store, Inc.,
Fairview Development Company,
Fairview Dry Goods Co.,
Fairview Farms Company,
Fairway, Incorporated,
Falcon Construction Company,
Falconer Co., Inc.
Falkenbach Co., Inc.,
Falkinburg Realty Company,
Falk And Wrigley Realty Company,
Fall Textile Mills,
False Fire Alarm Detector Corporation,
Falsted Homes, Incorporated,
Famette Holding Corporation,
Family Shoe Store,
Famous Cafeteria, Inc.,
Famous Dairy & Vegetarian Restaurant, Inc.,
Famous Embroidery Co., Inc.,
Famous Shoe Shop, Inc.,
Famous Sportswear Shopps, Inc.,
Famous White Star Laundry,
Fann Holding Co.,
Farber Brothers, Incorporated,
Farber & Eisenberg, Inc.,
Fargate Company,
Farman-Standard Aircraft Corporation of New Jersey,
Farmers Egg Company,
F. A. Schiller, Inc.,
Fashion Dress Shop,
Fashion Lane,
Favorite Meat Market,

Fayette Holding Co.,
Fay's Department Store, Inc.,
Fay's Millinery,
F. B. Vandergrift And Company,
F. C. Danneman Company,
F. & C. Realty Company,
F. Del Monaco & Son, Inc.,
F. & D. Realty Company,
Febrey Bros., Inc.,
Federal Building Corp.,
Federal Button Company,
Federal Electric Company, Inc.,
Federal Felting Company,
Federal Finance & Investment Co.,
Federal Metal Bed Company,
Federal Realty & Construction Company,
Federal Shares Corporation,
Federal Store Fixture Mfg. Co.,
Federici Realty Co.,
Felco Manufacturing Company,
Feld Bros.,
Feldman & Pivnick, Inc.,
Felsan Hosiery Company,
Fern Holding Company,
Ferraud-Vesco Realty Co.,
Ferster Electrical Contracting Co.,
Fertall Corporation,
F. F. Bogert & Sons,
F. H. Treganowan Compaany, Inc.,
Fidelity Bond And Mortgage Company,
Fidelity Collection Offices, Inc.,
Fidelity Finance And Realty Co.,
Fidelity Investment Company of Arlington,
Fidelity Land And Building Corporation,
Fidelity Mortgage And Investment Company,
Fidelity Printshop, Inc.,
Fidelity Properties, Inc.,
Fidelity And Security Company,
Fidler Company, Inc.,
Field And White Company,
15th Avenue Pharmacy, Inc.,
Fifth Street Holding Company,
Filecraft, Inc.,

Filsel Realty Co.,
Finance Development Co.,
Financial Securities Corporation,
Fine Arts Theatre, Inc.,
Fine Silk Co.,
Finsam Lunch Stores, Inc.,
Fire Detector Sales Co. of N. J., Inc.,
Fire King Company, Inc.,
Fire-Safe Products Co.,
Fiscal Corporation of America,
Fischer & Dilkes Motor Sales, Inc.,
Fischer-Sweeney Bronze & Aluminum Company,
Fischer Trucking Company,
Fischer & Dimmick,
Fisher's Jewelry Credit Inc.,
Fitze' Inc.,
F. J. Beck & Co.,
F. & J. Holding Co.,
F & J Realty & Investment Co.,
F. J. Sturn Company,
F & K Company, Inc.,
F. K. Nelson, Inc.,
F. L. Building Company,
Fleetwood Realty Co.,
Fleisher & Hartel Construction Company,
Flint Coaster Co., Inc.,
Flood Coal Co., Inc.,
Flood & Jones, Inc.,
Floor Covering Engineers Co.,
Floralhurst Flower Shoppe, Inc.,
Floral Investment Company,
Florence Realty Co.,
Florence Supply Co.,
Florentine Real Estate Co., Inc.,
Florose Construction Co.,
Flostep Holding Co.,
F. L. Richards, Inc.,
Fluid Chemical Co., Inc.,
Flumeresi Loan Association,
Flusser Realty Co.,
F. & M. Investment Co.,
Foellner Holding Company,
Foerster Bakers, Inc.,

Folkman Realty Company,
Follywood Publications, Inc.,
Fong Yick & Co.,
Food Shops, Inc.,
Foo-Joy, Inc.,
Forbes Moving & Storage, Expressing & Trucking Co.,
Ford Cleaners & Dyers, Inc.,
Ford Theatre Company,
Ford & Warren, Inc.,
Fore Land Company,
Foremost Embroidery Corp.,
Forest Avenue Realty Corporation,
Forest Electric Corporation,
Forest Land Co.,
Forest Manor,
Forest-Teaneck Corporation,
Forshey-Glasser, Inc.,
Forst Realty Co., Inc.,
Forsyth Realty Corporation,
Fort Lee Centre Realty Corp.,
Fort Lee Theatre, Inc.,
Fosman, Inc.,
Foster-Johnson, Inc.,
Foster's Laundry,
Founders Holding Company,
Founders Investors Company,
Fourth Street Realty Company,
Fowler Construction Company,
Fox Farm,
Fox Hill Company,
Fox Oil Corporation,
Fox Realty Co.,
F. P. Realty Co., Inc.,
Fragasso Sea Food Market, Inc.,
Framwell Realty Co.,
Franches, Inc.,
Francis L. Williams Contracting Corporation,
Franco American Bag Company, Inc.,
Frank A. Ebert Co.,
Frankel Neckwear Co.,
Frank E. Morse Company,
Frankford Theatre Company, Inc.,

Frank Grecco & Co., Inc.,
Frank Herfort Art Metal Works, Inc.,
Frank L. Bader Oil Company,
Frank Leslie, Inc.,
Franklin Associates, Inc.,
Franklin-Atlantic City Co., Inc.,
Franklin Beef Co.,
Franklin Estates, Inc.,
Franklin Family Wash Laundry Co.,
Franklin Lime Products Corporation,
Franklin Millinery of Englewood, Inc.,
Franklin Optical Co.,
Franklin Printing & Publishing Company,
Franklin Products Corporation,
Franklin-Ross Corporation,
Franklin Sanitary Laundry,
Franklin Shops Co., Inc.,
Franklin Trading And Securities Corporation,
Frank R. Allen, Inc.,
Frank Stevens Company,
Frank Toriello, Inc.,
Frank Toscano, Inc.,
Frazza Motor Service, Inc.,
F. R. B. Realty Co., Inc.,
Fred Christensen Construction Company,
Fred Corrado Plumbing & Heating Co.,
Frederick Corporation,
Frederick H. Frank, Inc.,
Fred'k. Lennig Company, Inc.,
Fred F. Peterson, Inc.,
Fred L. Atherton Machine Company,
Fred L. Wehrhan, Inc.,
Freehold Robinlawn Golf Course,
Fremont Publishing Company,
French Model Bakery, Inc.,
French Model Shop of Passaic, New Jersey,
French Products Company, Inc.,
French Street Dairy,
French Window Shade Cleaning Co.,
Freund Bros., Inc.,
Freund's Restaurant, Incorporated,
F. R. Foster, Inc.,
Friars Oil Co., Inc.,

Friedfeld-Shafran, Inc.,
Friedman Construction Co.,
Friedman & Son, Inc.,
Friendly Realty Co.,
Froomkin Painting Co. Inc.,
F. S. Construction Co.,
F. S. H. Realty Co.,
F. & T. Company, Inc.,
Fuller, Inc.,
Fullerton Delicatessen, Inc.,
Full Moon Realty Co., Inc.,
Fulton Auto Service Building,
Furman Real Estate Development Corporation,
Furniture & Equipment Corp.,
Furniture Outlet, Inc.,
Furolin Products Corporation,
F. W. W. Manufacturing Co., Inc.,

G. & A. Dress Co.,
Gage Beauty Salon,
G-A Hotel Company,
Galasso and Sheridan, Inc.,
Gallo Construction Co.,
Gallo's Pharmacy, Inc.,
Gandelman & Espenship, Inc.,
Gannon Appraisal & Brokerage Corp.,
Garage Park, Inc.,
Garden State Lubricating Company,
Garden State Realty Company,
Gardner Associates,
Garfield Holding Co.,
Garfield Marble & Tile Works, Inc.,
Garfield Neckwear Co.,
Garfield Paper Mills, Inc.,
Garfield Screen & Weatherstrip Co.,
Garfield Smelting Company, Inc.,
Garfinkle's Food Market,
Garraway Company,
Garve Construction Co., Inc.,
Garwood Development Company,
Garwood Machinery And Equipment Corporation,
Gas & Electric Power Unit Co.,
Gas Producer And Engineering Corporation,

Gas Products Corporation of Camden, N. J.,
Gast Bros. Inc.,
Gas Units Company,
Gates Construction Co.,
Gates of Heaven Memorial Park, Inc.,
Gates Home Building Company,
Gateway Corporation,
Gat-Lip Realty Company,
G. & E. Chemical Company, Inc.,
Geddis Auto Livery & Garage Co.,
Gefuhlte Fish Co., Inc.,
G. E. Johnson Realty Co., Inc.,
Gem Cleaners & Dyers,
Gem Service Station, Inc.,
General Auto Service Co., Inc.,
General Bag & Burlap Co., Inc.,
General Brass Foundry Co., Inc.,
General Chocolate & Candy Corp.,
General Controls Corporation,
General Development Company of N. J.,
General Engineering Co. of Paterson,
General Exchange Corporation,
General Finance Company,
General Flyers, Inc.,
General Iron And Brass Company,
General Land & Investment Co.,
General Leather Export Company,
General Life Underwriters,
General Millinery Company,
General Motor Auto Service, Inc.,
General Newspaper Holding Company,
General Oceanic Agency, Inc.,
General Oilless Bearing Company,
General Pipe And Tube Corporation,
General Products Sales Company, Inc.,
General Radio & Electric Co., Inc.,
General Realty Corporation of Paterson,
General Reducing Corporation,
General Reporting Service of New Jersey, Inc.,
General Roofers, Inc.,
General Speedometer Company of New Jersey,
General Supply Company No. 1,
General Sweet Shoppe, Inc.,

General Truck Sales, Inc.,
Gentle Trucking Co.,
Geores Bros, Inc.,
George A. Allsopp, Inc.,
George A. Halsey Holding Co.,
George A. Pierro Construction Co., Inc.,
George B. Spearin, Incorporated,
George C. Schuster Mfg. Co., Inc.,
George D. Tillotson Inc.,
George E. Hicks, Inc.,
George Elmore Clark, Incorporated,
Geo. E. Nolan, Incorporated,
George H. Reed, Inc.,
George H. Schnackenberg, Inc.,
George H. Zane, Inc.,
George L. Shropshire, Inc.,
George P. Spencer Building Co., Inc.,
George R. Buck, Inc.,
George R. Tardiff, Inc.,
George S. Lee & Company, Inc.,
George S. Murphy, Inc.,
George W. Ramsey, Inc.,
Georgia Avenue Realty Co.,
Gerling's Bakery, Inc.,
Gerstel's Lelande Hotel Co.,
Gertrude Schwind, Inc.,
Gestetner Duplicator Corporation,
G. F. Howell Company,
G. & G. Building Company,
G. And G. Realty Company,
G. H. Corporation,
G-Helf Construction Co.,
G. H. & K. Realty Company,
G. H. V. Holding Co.,
Gibraltar Cement Products Corporation,
Gifford Ave. Investment Co.,
Gifford Holding Co., Inc.,
Gifford Oil Co., Inc.,
Gilbert Clothes, Inc.,
Gillette Development Co.,
Gilshap Realty Co.,
Gilt Edge Dress Co.,
Girard Engineering & Construction Co.,

Girard Holding Company,
Gladstone Frocks, Inc.,
G. L. Amusement Co.,
Glaser's Gift Shop, Inc.,
Glassboro Taxi, Inc.,
Glass Lustre Co.,
Glass & Wohl, Inc.,
Glatsing Realty Co., Inc.,
Glatt's Delicatessen, Inc.,
G. L. & B. Construction Co.,
Glen Afton Incorporated,
Glen Echo Swing Co., Inc.,
Glenhill Silk Co., Inc.,
Glen Holding Company,
Glenko Realty Co.,
Glen Realty Company,
Glen Ridge Floral Shoppe, Inc.,
Glenwood Home Builders, Inc.,
Glenwood Park Realty Corporation,
G. L. Investment Co.,
Globe Cleaners & Dyers Inc.,
Globe Collection Agency,
Globe Food Stores, Inc.,
Globe Holding Company,
Globe Home Improvement Co.,
Globe Land Co.,
Globe Mortgage Company,
Globe Putty Company, Inc.,
Globe Shoe Co.,
Globe Taxi Co., Inc.,
Globe Vacuum Bottle Company,
Glos Narodu, Inc.,
G. & L. Plumbing & Heating Co.,
G. & M. Construction Corporation,
G. M. D. Holding Co.,
G & M Dress Company,
G M H Corporation,
G. M. Rosin Co., Inc.,
Godfrey, Gordon, Incorporated,
Godwin Furniture Co., Inc.,
Goeller Steel Construction Company,
Goerdes Metal Goods, Inc.,
Goerke Upholsteries, Inc.,

Goerner and Stumpp,
Gokark Realty Co.,
Goldbar Investment Co.,
Goldblatt Holding Co., Inc.,
Gold Bond Trading Stamp Co., Inc.,
Golden Estates, Inc.,
Golden Rule Jewelers, Inc.,
Goldie Dress Shop,
Gold, Inc.,
Goldman, Headley and Pope, Inc.,
Gold Seal Delicatessen Co.,
Gold Star Silk Co.,
Golf Driving Range Co., Inc.,
Golpaz Realty and Investment Company,
Goltar Realty Company,
Gonnelli's Pharmacy, Inc.,
Gonzer-Rosen Sales Co., Inc.,
Good Realty Corporation,
Goodwin Company, Inc.,
Goodwin & Fogal, Inc.,
Good Year Investment Corporation, Inc.,
Goody Shoppe Tea Room, Inc.,
Gordon Art Tile Company,
Gordon Associates, Inc.,
Gordon Philo Corporation,
Gorel Holding Company,
Gorman Distributing Co.,
Gotham Aircraft Corporation,
Gothic Towers, Inc.,
G. O. T. Realty Company,
Gottsmann Motor Car Co., Inc.,
G. P. D. Realty Co., Inc.,
Grace E. Fisher, Inc.,
Grace-Ryan Brick Company,
G. & R. Agency, Inc.,
Graham Investment Company,
Graham Realty Company, Inc.,
Gralaw Corporation,
Granada Corporation,
Granada Holding Corporation,
Grand Coal and Oil Co.,
Grand Food Market, Inc.,
Grand Holding Co.,

Grand Hotel, Inc.,
Grand Land Co.,
Grand Pictures, Inc.,
Grand Rapids Show Rooms,
Grand Sheffield Holding Company,
Grange Realty Company,
Grant Construction Company,
Grant Realty Investment Company,
Grantwood Grocery Company, Inc.,
Grantwood Plaster Corporation,
Grarose Piece Dye Works, Inc.,
Gray Line Auto Company,
Gray & Schiffman,
Graystork Company,
Great American Neon Corp.,
Greater Bridgeton Realty Co., Inc.,
Greater Camden Loan Company,
Greater Camden Merchandising Co.,
Greater Collingswood Investment Company,
Greater Newark Football Club,
Greater Newark Investment Corporation,
Greater Newark Realty Corp.,
Greater Passaic Realty Company,
Great Woodworking Co.,
Greco Construction Company,
Green Arcade Tea Room, Inc.,
Green Brook Investment Corporation,
Greene Tweed Corporation of New Jersey,
Greenglen Realty Corporation,
Green Hill Farms Bridge Club, Inc.,
Greenlawn Sales Co.,
Green Line, Incorporated,
Green Motors, Inc.,
Greenmount Realty Company,
Greenspan Bros. Realty Co.,
Greenspan's Pharmacy, Inc.,
Greenville Holding Company,
Greenville Motors, Inc.,
Greenwood Lake Manor, Inc.,
Greereitkab Realty Corporation,
Gregory Const. Corp.,
Gregory Estates Inc.,
Grenelle and Schanck, Inc.,

Greve's Inc.,
Gries Realty Corporation,
Griffin Holding Company,
Griffith's, Inc.,
Griscom & Co., Inc.,
Grocers Produce Company,
Groner Co., Inc.,
Gross Millinery Company,
Gross Motor Corp.,
Gross Rabitcheff Leading Store, Inc.,
Grouls, Ogden & Co.,
Grove Construction Company,
Grove Holding Corporation,
Grover Realty Company,
Gruber's Ladies Shop, Inc.,
G and S Co.,
G. S. G. Corporation,
G. & T. Construction Corporation,
G. Trautwein Sons, Inc.,
Guarantee Clothing Co.,
Guarantee Finance Corporation No. 2,
Guarantee Home Heating Co., Inc.,
Guarantee Land & Improvement Company,
Guarantee Painting & Decorating Company,
Guarantee Real Estate Company,
Guarantee Realty and Finance Company,
Guarantee Service Corporation,
Guaranty Company of Newark, N. J.,
Guaranty Holding Co.,
Guaranty Loan Company of Passaic,
Guards Investment Company,
Gunther Packing Company, Inc.,
Gus C. Wescott, Inc.,
Gustave Freytag and Son, Inc.,
Guy J. Seaver & Co., Inc.,

Hablive Realty Company,
H. A. Brinkerhoff Co., Inc.,
Hackensack Bus Lines, Inc.,
Hackensack Coach Company, Inc.,
Hackensack Realty Investment Corp.,
Hackensack Taxi Service,
Haddon Avenue Realty Co.,

Haddon Hills Co.,
Haddon Valley Realty Co.,
Hadlee Silk Mills, Inc.,
Hadley Corporation,
Haenichen Brothers Silk Co.,
Hahn's Inc.,
Haines Projectorgraph Company, Inc.,
Haisfield, Inc.,
H. A. K. Construction Co., Inc.,
Hakoah Realty Associates,
Hale's Bedding Stores, Inc. of America,
Hallberg-Everett Corporation,
Hall Motors, Inc.,
Hall's Expert Shoe Fitters, Inc.,
Halpen, Inc.,
Halsey-Branford Corporation,
Halsey Supply Corporation,
Hamilton Body Company,
Hamilton Corner Morris Corporation,
Hamilton Engineering Corporation,
Hamilton Hotel,
Hamilton Improvement Company,
Hamilton Park Realty Company,
Hammond Co.,
Hanal, Inc.,
Hanco Chemical & Mfg. Corp.,
Hancock Company,
Hand It To Hand, Inc.,
Handle And Rovner Amusement Co.,
Hanover Cemetery Corporation,
Hanover Estates, Inc.,
Hanover Floral Co.,
Hansen Development Co.,
Happiness Beauty Shoppe,
Happy Home Builders, Inc.,
Harbor Docks Company,
Harbor Towing Company, Inc.,
Harbur Corporation,
Hardman & Co., Inc.,
Harker Corporation,
Harlackan Co.,
Harman Corporation,
Harold Foster Clark, Inc.,

Harold Plumbing Co.,
Harold Realty Corporation,
Harold R. Greene & Company, Inc.,
H. A. R. Realty Company,
Harriet Building Corporation,
Harriet Kiddie Shops, Inc.,
Harring Realty Company, Inc.,
Harris & Barton, Inc.,
Harris Development Company,
Harris Dredging Company,
Harris-Gilman & Company,
Harrison Auto Painting Co., Inc.,
Harrison Lang Company,
Harrison Sausage Co., Inc.,
Harrison Trucking Co.,
Harry C. Warner, Inc.,
Harry Feinberg, Inc.,
Harry Hermann, Inc.,
Harry H. Levin, Inc.,
Harry Huff & Son, Incorporated,
Harry Knapp Hat Co., Inc.,
Harry Pinsky & Son Company,
Harry Portno, Inc.,
Harry's Food Market, Inc.,
Harry Shapiro & Son, Inc.,
Harry V. Lehman, Inc.,
Harry W. Bealer, Inc.,
Harry Wertheimer's Auction Exchange,
Harry W. Huffnagle, Inc.,
Harsam Realty Company,
Harsar Realty Corporation,
Harter, Inc.,
Hartford Realty & Investment Co.,
Hart Holding Co.,
Hartmann Manufacturing Company, Inc.,
Harvey Agency, Inc.,
Harwall Shoes, Inc.,
Harwill Holding Company,
Harwill Realty Co., Inc.,
Hasbrouck Contracting Company,
Hasbrouck Heights Hospital,
Hasbrouck Heights Realty Co.,
Hasco Dyeing Company,

Hathaway's, Inc.,
H. A. Trucking Co., Inc.,
Haussermann and Creamer, Inc.,
Havana Realty Corporation, Inc.,
Havell Manufacturing Company,
H. A. Wilson Veneer Works, Inc.,
Haworth Associates, Inc.,
Haworth Homelands, Inc.,
Hawthorne Construction Co.,
Hawthorne Laundry Service, Inc.,
Hawthorne Paint & Varnish Corporation,
Haywood-Bury Co.,
H & B Building Corporation,
H. & B. Golf Co. of N. J., Inc.,
H. B. H. Stores, Inc.,
H. B. Manning & Sons, Inc.,
H. B. Mc Donald Const. Co.,
H. C. Belmar, Inc.,
H. C. Hammel, Inc.,
H. Chark, Inc.,
H.-C-M- Realty Company,
H. & D. Holding Company,
H. & D. Realty Co.,
Headleytown, Inc.,
Heake & Son, Inc.,
Healey Sewer Equipment Company, Inc.,
Health & Hygiene Products Corporation,
Health-O-Beauty Association, Inc.,
Heat Engineering Company,
Heath's Bead Shops, Inc.,
Heating And Engineering Corporation of New Jersey,
Heating Systems Company,
Hebrew Beneficial Loan Association,
Heckel Loan Association,
Hedden Building Company, Inc.,
Hedger Barge Corporation,
Hedger Transportation Company, Inc.,
Hedwig Mfg. Co.,
Heilig Realty Company, Inc.,
Helensburgh Corporation,
Heller Confectionery Co., Inc.,
Helms' Estate, Inc.,

Helping Hand Finance Corporation,
Hemingway & Sons Company,
Hemmann & Hunt, Inc.,
Henry Bartels Company of New Jersey,
Henry Development Corporation,
Henry Gable French Millinery Shoppe, Inc.,
Henry Hall, Inc.,
Henry Hinck Company,
Henry J. Hummel And Son,
Henry McCandless, Incorporated,
Henry Oil Company,
Henshall Bros., Inc.,
Heraco Exchange,
Herbert S. Simon, Inc.,
Herman Deutch & Co., Inc.,
Herman Gold, Inc.,
Herman Lozowick Trucking Co., Inc.,
Herman Morris, Inc.,
Herman's Cafe, Inc.,
Herman's Incorporated,
Herman Vest Mfg. Co., Inc.,
Herman Walker Realty Company,
Herman Z. Cutler Co., Inc.,
Herrman Advertising Agency, Inc.,
Herrmann & Son,
Hessam Silk Corporation,
Hesse Garage, Inc.,
Hess, Inc.,
Hewitt Construction Company,
Hexamer Riding Academy, Inc.,
H. Fein & Sons, Inc.,
H. G. Mulock, Incorporated,
H. G. P. Corporation,
H. & G. Realty & Construction Co.,
H. & H. Contracting & Engineering Corporation,
H. & H. Engineering Co.,
H. & H. Investment Co., Inc.,
H. H. Lamson Trading Co.,
H. Horowitz, Inc.,
Hiawatha Realty Co.,
Hickory Hill Corporation,
Hicks Express Co.,
Higgins Service Garage, Inc.,

Highland Amusement Company,
Highland Park Building Company,
Highland Park Coaster Co., Inc.,
Highland Park Lumber Company,
Highlands Finance Corporation,
High Place Construction Company,
Highpoint Terrace Realty Co.,
Highview Realty Corporation,
Highway Motor Coach Company,
Highway No. 29 Building and Rigging Company Inc.,
Highwood Market Co.,
Hi-Grade Pants & Vest Co.,
Hill City Coal & Lumber Co.,
Hill City Realty Co.,
Hill Construction Co.,
Hillcrest Co., Inc.,
Hillsdale Athletic-Realty Corporation,
Hillsdale Manor Builders Supply Corporation,
Hillsdale Masons' Material Company,
Hills Department Stores, Inc.,
Hillside Avenue Development Co.,
Hillside Chevrolet Sales, Inc.,
Hillside Construction Company,
Hillside Investment Co., Inc.,
Hillside Laundry, Inc.,
Hillside Motor Sales, Inc.,
Hillside Nurseries, Inc.,
Hillside Sports Auditorium,
Hillside Township Development Company,
Hill's Inc.,
Hills-Thomson, Inc.,
Hill Street Garages, Inc.,
Hilltop Construction Co.,
Hillview Estates, Inc.,
Hilmur Holding Corporation,
Hilrose Embroidery Works,
Hilton Fisheries, Inc.,
Hine Realty Corporation,
Hitchcock & Agor, Inc.,
Hi-Way Stations, Inc.,
H. Jacobson, Inc.,
H and J. Rich, Inc.,

H. K. Barrett And Company, Inc.,
H. L. Becker, Inc.,
H. Lehman & Bro.,
H. L. G. Realty Co.,
H. L. Parker Inc.,
H. L. Securities Co.,
H. M. P. Co., Inc.,
Hoboken Model Radio Shop, Inc.,
Hofbrau of Newark, Inc.,
Hohokus Garage,
Ho-Ho-Kus Junior Golf Course, Inc.,
Holbeck Realty Company, Inc.,
Holbrook Company, Inc.,
Holger L. Rasmussen, Inc.,
Holland Associates, Inc.,
Holland Brook Farm Co., Inc.,
Holland Construction Company,
Holland Realty and Development Co.,
Holly Development Co.,
Holly Park On Barnegat Bay,
Hollywood Clothes, Inc.,
Hollywood Farms, Inc.,
Hollywood Garage,
Hollywood Garden, Inc.,
Hollywood Manor Realty Company, Inc.,
Holmquist Tile-Craft, Inc.,
Holt Hardwood Co., Inc.,
Holt & Thomas, Inc.,
Home Colony, Inc.,
Home And Gardens Company,
Home Holding Co. of Little Falls, N. J.,
Home & Industrial Movie Service, Incorporated,
Home Lands Development Company,
Home Like Bakery,
Home-Made Baking Co., Inc.,
Home Mortgage Company,
Home Realty Company of New Brunswick, N. J.
Homeric Corporation,
Home Roofers, Inc.,
Homes Construction Corporation,
Homes, Incorporated,
Homestead Realty Co.,
Homeswell Rug Company, Inc.,

Hood Tire Shops, Inc.,
Hope Department Store,
Hoppe Realty Co.,
Hornich-Towers, Inc.,
Hornung Construction Company,
Horre Hardware Co.,
Horseshoe Development Company,
Horton's Confectionery & Pastry Company,
Hotel Brigantine, Inc.,
Hotel Edison, Inc.,
Hotel Holding Company, Inc.,
Hotel Lafayette Co.,
Hotel Packer, Inc.,
Hotel Savoy, Inc.,
Hotel Stanley Company,
Howard Coat Front Corporation,
Howard Cycle Company, Inc.,
Howard Elliott Corporation,
Howard Estates, Inc.,
Howe Glass Co., Inc.,
Howell And Alloway, Inc.,
H. P. S. Corporation,
H. R. Friedman, Inc.,
H. S. D. Holding Corporation,
H. S. Gardner, Inc.,
H. S. Goff Company,
H. S. Hall & Co., Inc.,
H. S. Helfer Corp.,
H. T. Hall, Inc.,
Hubcore Realty Company,
Hubel and Sailer Company,
Huber's, Inc.,
Hud-Ber Realty Co.,
Hudson Apartments, Inc.,
Hudson-Bergen Mortgage Company,
Hudson Cast Metal Products Co., Inc.,
Hudson City Investment Corp.,
Hudson Clinic,
Hudson Company,
Hudson And Company, Incorporated,
Hudson Cooperative Association, Inc.,
Hudson County Auction Galleries, Inc.,
Hudson County Auto Service, Inc.,

Hudson Dairy Co.,
Hudson Electro Distributing Co., Inc.,
Hudson Film Industries, Inc.,
Hudson Heating & Ventilating Inc.,
Hudson Heights Construction Company,
Hudson Heights Realty Company,
Hudson Liberty Investment Company,
Hudson-Maid Apron Co., Inc.,
Hudson Maid Dress Shops, Inc.,
Hudson Mens Shops
Hudson Oil And Supply Company,
Hudson River Bridge Holding Corp.,
Hudson River Bridge Realty Corporation,
Hudson Royal Restaurant, Inc.,
Hudson Sand Blast Co., Inc.,
Hudson Securities Corporation,
Hudson Silk Corporation,
Hudson Street Garage,
Hudson Taxi Company, Inc.,
Hudson Trucking Co., Inc.,
Hudson View Holding Co.,
Huebel Mfg. Co., Inc.,
Hugo Van Dover Estates, Inc.,
Hulslander Manufacturing Company,
Hume Agency, Inc.,
Hundermark Hotel Corporation,
Hunterdon Development Co.,
Huntley Co.,
Huntley Hills Company,
Huntman Engineering Corporation,
Huntman Propeller Co.,
H. W. Breder And Sons,
Hy-Co Laboratories, Inc.,
Hydraulic Appliance Corporation,
Hydro Dyeing Corporation,
Hydro-Pneumatic Bath Appliance Company,
Hydrox Chemical Co., Inc.,
Hyman Edwards Company, Inc.,
Hyman Kline Sons, Inc.,
Hymes, Inc.,

Iana Realty Co., Inc.,
Ianbee Realty Company,
Iannelli and Giorgio Co., Inc.,

Iaria Bros., Inc.,
Iaria Tile Co., Inc.,
Iberic Stores, Inc.,
I. Brussels & Company, Inc.,
Ideal Art Shoppe, Inc.,
Ideal Cooney Dressing & Dyeing Company,
Ideal Finance Company,
Ideal Fruit Co., Inc.,
Ideal Holding Corporation,
Ideal Home Improvement Corp.,
Ideal Italian Gardens, Inc.,
Ideal Leather Company,
Ideal Packing Company,
Ideal Pure Food Shop, Inc.,
Ideal Realty Co.,
Ideal Realty & Investment Co.,
Ideal Second Hand Furniture Store, Inc.,
Ide Investment Co.,
Idle Hour Recreation Academy,
I. Fried, Incorporated,
I. J. Auerbach, Inc.,
I. Kaufmann, Inc.,
Illuminated Display Stand Co.,
I. Malter, Inc.,
Imperial Bottling Works, Incorporated,
Imperial Dye Works, Inc.,
Imperial Investment Company,
Imperial Restaurants & Diners, Inc.,
Imperial Upholstery & Drapery Company, Inc.,
Improved Lubricants, Inc.,
Improvement Realty Company,
Independence Mine, Inc.,
Independent Construction Co.,
Independent Graham-Paige Service, Inc.,
Independent Laundry Company,
Independent Realty Corporation,
Indian Queen Bottling Co.,
Indian Spring Water Company,
Industrial City Realty Co.,
Industrial Dismantling Company, Inc.,
Industrial Maintenance Co.,
Industrial Motors Corporation of New Jersey,
Industrial Office Building Company,

Industrial Sales Company,
Industrial Securities Holding Corporation,
Industrial & Utility Securities Corporation of New Jersey,
Information, Inc.,
Ingwersen Place Realty Co., Inc.,
Inlaid Street Sign Corporation of America,
Inlet Point Company,
Inlet Terrace Company,
Insulite Products Corporation,
Insulyte Incorporated,
Integrity Investment Corporation,
Inter-City Finance Corporation,
Inter-County Investment Company,
International Fuel Transportation Co., Inc.,
International Mercantile Warehouse Co.,
International Motorists Service Association,
International Playhouse, Inc.,
International Realty Company,
International Realty & Development Co.,
International Smoke Consumer Co., Inc.,
International Travel Bureau,
Interstate Body Corp.,
Interstate Cabinet & Trim Co., Inc.,
Interstate Chemical Company,
Interstate Credit Corporation,
Interstate Investment Corporation,
Interstate Mechanical Products Corporation,
Inter-State Navigation Company,
Interstate Plumbing & Heating Co.,
Interstate Plumbing Supply Co.,
Interstate Securities Company,
Interstate Shoring & Piling Co., Inc.,
Inventions Holding Company,
Investment Dealers, Inc.,
Investment And Realty Corporation,
Investshares, Inc.,
Invincible Realty Co.,
I. Quintana, Inc.,
I-R-E Holding Corporation,
Iris Realty Company,
Ironbound Theatre, Inc.,
Iroquois Holding Co.,

Iroquois Realty Co.,
Irpinia Realty Co.,
Irving Steinfeld Holding Co., Inc.,
Irvington Credit Bureau, Inc.,
Irvington Gardens, Inc.,
Irvington Hudson-Essex,
Irvington Knitting Mills, Inc.,
Irvington Steel and Iron Works,
Irvington-Union Development Corp.,
Isador Gollob Company,
I. S. Dawes & Son Company, Inc.,
Italian Catholic Union St. Joseph's Council Holding Co.,
Italian Garden Restaurant Co.,
Italian Provisions, Inc.,
Italian Stores, Inc.,
It Can Be Done, Inc.,
Ivanhoe Builders, Inc.,

J. A. Bares, Inc.,
J. A. Broder, Inc.,
Jabro Trucking Co.,
J. A. Buechler, Inc.,
Jack J. Campbell, Inc.,
Jackmin Realty Corporation,
Jack M. Waldor Co., Inc.,
Jack Ross Auto Service, Inc.,
Jack's Flower Shop,
Jackson Fur Shop, Inc.,
Jackson Pure Food Market, Inc.,
Jackson's,
Jackson Street Holding Co.,
Jack Widman & Company,
Jacob A. Lewis, Incorporated,
Jacob Bregman, Inc.,
J. Addison Perry, Ltd.,
James A. Sullivan Chevrolet Sales Company, Inc.,
James Earle, Inc.,
James E. Keenan Co., Inc.,
James M. Reilly, Incorporated,
James Ore Concentrator Company,
James T. McGall, Inc.,
Jamoon, Inc.,

Jamser Realty Corporation,
Jancoy, Inc.,
Janeway and Carpender, Inc.,
Japanese Silk Garment Company,
J. Arthur Pelletier, Inc.,
Jarvis Jackson & Co.,
Jayare Holding Co.,
Jay-Mor Shop, Inc.,
Jaypy Holding Corporation,
J. B. Auto Service, Inc.,
J. B. Caravatta Co.,
J. B. Hayden, Inc.,
J. C. Construction And Investment Company,
J. C. E. Inc.,
J. C. McLaughlin, Inc.,
J. Coyman Co.,
J. C. Theatre Center Company,
J. D. Farrington, Inc.,
J. D. D. Holding Company, Inc.,
J. D. Realty Company,
Jean-Kay Dress Shops,
Jehn & Company, Inc.,
Jennie Klein, Inc.,
Jersey Agency Incorporated,
Jersey Belle Food Products Co.,
Jersey-Bergen Realty Corporation,
Jersey City Bottling Works (No. 2),
Jersey City Padded Van Co.,
Jersey City Plate Glass Company,
Jersey City U Drive Co., Inc.,
Jersey Coat Mfg. Co.,
Jersey Coffee Company,
Jersey Democrat Publishing Company,
Jersey Estates,
Jersey Flying Service, Inc.,
Jersey Hills,
Jersey Holding Corporation,
Jersey Homes Corporation,
Jersey Ice Cream Corp.,
Jersey Maid Dress Co., Inc.,
Jersey Meat Products Company,
Jersey Motor Haulage, Inc.,
Jersey Motor Rebuilding Co.,

Jersey Press,
Jersey Produce Packing Co., Inc.,
Jersey Sanitary Milk Corp.,
Jersey Shore Realty Company,
Jersey State Realty Company,
Jersey Supply Company,
Jersey Table Co., Inc.,
Jersey Thrift Bureau, Inc.,
Jersey Tile Distributors, Inc.,
Jersey Topics,
Je-Ru Holding Company,
Jewel Realty Co.,
Jewish Standard Publishing Company,
Jewish Times,
J. F. Glasby Lumber Company,
J. F. & M. M. Stein, Inc.,
J. Freeman Culver, Inc.,
J. Giordano and Brothers, Inc.,
J. G. Shahnazarian & Co., Inc.,
J. Harold Windeler, Inc.,
Jimco Chemical Co., Inc.,
J. Joseph Mason, Inc.,
J. J. Schwartz, Inc.,
J. Lind & Co., Inc.,
J. L. S. Corporation,
J. M. O'Rourke Securities Corporation,
J. M. Wells, Inc.,
J. N. M. Commercial Co., Inc.,
Joan-Bar Realty Company,
Joanna Realty Corporation,
Jobey's Dress Stores, Inc.,
Jobey's Stores, Inc.,
John A. Ackley Auction Company,
John A. Ackley & Son, Inc.,
John B. Marino and Company,
John Callas Realty, Inc.,
John Decker, Inc.,
John Donohue And Sons,
John Ellice Company,
John F. Dorvall And Associates, Inc.,
John F. Novak Co., Inc.,
John F. O'Brien Inc.,
John Glueck Agency,

John Ilaria Bldg. Co., Inc.,
John J. O'Leary Company,
John Kamm, Inc.,
John Kurkjian, Inc.,
John Mawhinney Co.,
John M. Cooney & Sons, Inc.,
John Mehl & Co., Inc.,
John Mullins & Sons, Inc.,
John Oak Press, Inc.,
John Pedersen, Inc.,
John Regas, Inc.,
John R. Geisinger Company,
John R. Morris, Inc.,
Johnsin Dress Shop, Inc.,
Johnson Bros. Construction Co., Inc.,
Johnson Bros. Inc.,
Johnson Company,
Johnson Construction Company,
John Wallace, Inc.,
John W. Heller Company,
John William Butler, Inc.,
Jomax Holding Co.,
Jones Motor Sales Co.,
Jones Realty Co., Inc., of Newark, N. J.,
Jones' Restaurant, Inc.,
Jordan Holding Company, Inc.,
Jordan's Shoe Shop, Inc.,
Joseph B. Hottell, Inc.,
Joseph De'Angelo & Son, Inc.,
Joseph Di Renzo and Son, Inc.,
Joseph Emery Incorporated,
Joseph Fisch Hat Co.,
Joseph Fisch Hat Sales Co.,
Joseph Fisch, Inc.,
Joseph Gruerio, Inc.,
Joseph Investment Co.,
Joseph Jesuele Co., Inc.,
Joseph K. Clickenger and Son, Inc.,
Joseph Levy Co., Inc.,
Joseph Magad Realty Corporation,
Joseph Martin Estate,
Jos. M. Bass & Co.,
Joseph M. Ryan, Inc.,

Joseph N. Kasdin, Inc.,
Joseph Piergross, Inc.,
Joseph Plumeri, Inc.,
Joseph Stillwell, Inc.,
Joseph Walguarnery, Inc.,
Josiah Tice Engineering & Surveying Corporation,
Jost and Son, Inc.,
Journal Square Billiard Academy,
Journal Square Ramp Garage Co.,
J. Owen Carter, Inc.,
Joyce Dress Shops, Inc.,
Joyce Holding Company,
J. P. Wolfe, Inc.,
J. Randall and Brothers, Inc.,
J. Raymond Davis and Company,
J. Rubin & Co., Inc.,
J S. Bus Corporation, Inc.,
J. Spingarn, Inc.,
J. & S. Simon, Inc.,
J. Sturm & Sons,
Junction Garage, Inc.,
Junction Holding Co.,
June Realty Co.,
Junior Boys and Girls Shop,
Junus Realty Co., Inc.,
Jupiter Realty Company,
Justesen Walker Development Company,
Just F. Eriksen, Inc.,
Just Right Shoe Co., Inc.,
Juvenile Shoe Co.,
Juventus Publishing Company,
J. W. Cassan, Inc.,
J. W. Conger, Inc.,
J. W. Mason and Sons,
J. W. Pierson Company,

Kabert Realty Corporation,
Kadel Building Company, Inc.,
K and A Hardware Company, Inc.,
Kalamen Construction Corporation,
Kalander Construction Co., Inc.,
Kaltenbach & Gourdin, Inc.,
Kamen Lunch Company,

Kamine Furniture Co.,
Kana Holding Company,
Kane Realty Company,
Kapco Fabrics, Inc.,
Kaplan Agency,
Kaplan Mills, Inc.,
Kaplan Motor Car Company,
Karavangelos, Inc.,
Karkus Heights Realty Co., Inc.,
Karl Bracher Mfg. Co.,
Karlson Baths,
Kasper and Aplerstein, Inc.,
Kass Realty Co.,
Katan Construction Company,
Katz Painting Company, Inc.,
Katz's Restaurant, Inc.,
Kaufman Finance and Home Building Association,
Kaufman Manufacturing and Salvage Company,
Kaufmann & Company,
Kausel and Company,
Kaw Cotton Felt Mfg. Co., Inc.,
Kay-Gee Building Company,
Kaygo Silk Corp.,
Kay-H Realty Company, Inc.,
Kay Realty Company,
Kay Theatre Co., Inc.,
K. Barney Realty Company,
K. B. Luton, Inc.,
K B P Realty Company,
K. B. R., Inc.,
K-City Broadway Laundry,
K and D Tasty Krisps Company,
Keansburg Recreation Company,
Kearny Service Station, Inc.,
Kearny Swimming Pool, Inc.,
Keegan Agency, Inc.,
Kelbur Company,
Kelso Manufacturing Company,
Kemble Realty Company,
Kenilworth Coal & Supply Company, Inc.,
Kennedy's,
Kensington Carpet Company,
Kensington Construction Company, Inc.,

Kensington Finance Company,
Kensington Storage Warehouse Company,
Kent Collection Service, Inc.,
Kentucky Securities Company,
Kenz Holding Co.,
K. E. Realty Co., Inc.,
Kerman Finance Company,
Kerman Investment Company,
Kessel Hardware & Paint Company,
Kessler & Mazzella Co., Inc.,
Keswick Theatre Corporation,
Ketner Holding Co., Inc.,
Keyler's Pharmacy,
Keyless Lock Co.,
Key Realty Company,
Keystone Cleaning & Dyeing Co., Inc.,
Keystone Decorating Co.,
Keystone Food Stores, Inc.,
Keystone Mortgage Corporation,
Keystone Motor Car Company, Inc.,
Keystone Paint and Filler Company,
Keystone Piece Dye Works,
Keystone Pine Tree Products Co., Inc.,
Keystone Realty Co.,
K & F Realty Company, Inc.,
K & G Lighting Co.,
Kiefer Construction Co.,
Kievitt Beverages, Inc.,
Kilpatrick and Roberts, Incorporated,
Kinderkamack Estates, Inc.,
Kinderkamack Realty Co., Inc.,
King of Clubs, Inc.,
King Cole Corporation,
King Furniture Company,
King George Realty Co.,
Kinggill Realty Company,
King Housing Corporation,
Kingoram Newsreel Corporation,
Kingsley Investment Company,
Kingston Brass Foundry Co., Inc.,
Kingston Corporation,
Kinmar Corporation,
Kinney Grill, Inc.,

Kirby Construction Co.,
Kirby Stack Hardware Company,
Kirkman's, Inc.,
Kitty Kelly Realty Co., Inc.,
Kitty Kelly Shoe Co., Inc.,
K & K, Inc.,
Klean Rite Auto Laundry of Newark, Inc.,
Kleen Products Co., Inc.,
Klinghoffer, Shacter Realty Company, Inc.,
Klingsberg Electrical Co.,
Klings, Inc.,
Klockner & Downing, Inc.,
Kloland Realty Corporation,
K. & M. Meat Market, Inc.,
K. M. W. Realty Company,
Knapp Development Company,
Knight Park Apartments, Inc.,
Kobern Hat Shops, Inc.,
Kolberg Realty Co.,
Kolody Lumber and Trim Co.,
Konzuma Realty Company,
Kopp and Feldman Realty Company, Inc.,
Kornhoff Bros., Inc.,
Kosspass Arcade, Inc.,
K and P Realty Company,
Kramer Construction Co.,
Kramer's Fish Markets, Inc.,
Krellwitz Contracting Co., Inc.,
Krest Service Bureau, Inc.,
Kroll's, Inc.,
Krom Auto Service, Inc.,
Kromolithic, Inc.,
Kron Furniture Co.,
Krueger's Men's Shop,
Krugman & Taub,
Krulewitz Realty Corporation,
K. & S. Company,
K. & S. Operating Company,
K. S. P. Realty Corporation,
K's Super Service Corporation,
Kucher and Schaefer, Inc.,
Kugel and Spieler, Inc.,
Kuraly Realty Company, Inc.,
Kutner, Bass and Kutner Co.,

La Boheme Beauty Shoppe,
Lacava Building Co., Inc.,
Lackawanna Contracting Co.,
Lackawanna Silk Throwing Co.,
Lady Eve's Studio, Inc.,
Lafayette Pharmacy, Inc.,
La Fiura Plastering Co., Inc.,
La Francaise Piece Dye Works,
Lake Coal Company,
Lake Drive Court, Inc.,
Lakehurst Development Co.,
Lake Iliff, Inc.,
Lake Musconetcong Estates, Inc.,
Lakeside Estates, Inc.,
Lake Swannanoa Country Club,
Lake Water Company,
Lakewood Comet Aero Advertising Company,
Lakewood Hills Company,
Lakewood In-The-Pines Realty Company,
Lakewood Investment Co., Inc.,
Lakewood Nash Sales, Inc.,
Lakewood Steam Laundry Company,
La Mark Dress Co., Inc.,
Lamella Woven Roof Co.,
Lamoco Company,
Lampe Construction Company, Inc.,
Land Investors Corporation,
Land Title Abstract Company,
Lange & Co.,
Lan & Kufferman, Inc.,
La Rau Pearl Works, Inc.,
Larchmont Home Building Co., Inc.,
Larcro Gas And Petroleum Company,
La Reine Furniture Co., Inc.,
Lark Holding Company, Inc.,
Lasker & Hass, Inc.,
Lasky & Rosenstein,
Lasrew Holding Co.,
L. A. Thompson Scenic Railway Company,
Lathox Corporation,
La Touquet, Inc.,
Launch Haven Realty Company of New Jersey,
Laurel Holding Corporation,

Laurel Investment Co.,
Laurel Realty Corporation,
Laurel Springs Improvement Company,
Laurel Springs Inn, Inc.,
Laurelton Land Co.,
Laurino Company, Inc.,
Lawden Realty Co., Inc.,
Lawrence-Cooper Corporation,
Lawrence Estates, Inc.,
Lawrence Investment Co., Inc.,
Lawrence M. Becker Lumber Co.,
Lax-O-Naisse Corporation,
Lazer Company,
L. C. E. Realty Corporation,
Lea Company,
Leader Publishing Corporation,
Leahys' Floral Shop of Plainfield,
Lebair Auto Supply Co.,
Lebanon Fresh Cheese Corporation,
Lebies Realty Company,
Leblang's Chester Inn, Inc.,
Le Cerff Company,
Le Cerff Construction Company,
Leco Department Store, Inc.,
Ledega, Inc.,
Leder And Company, Inc.,
Lee Chemical Products, Inc.,
Le Edda Realty Corporation,
Lee-Hamilton School,
Leer & Haynes, Agency,
Lees Coal & Ice Co.,
"Lee" Shops, Inc.,
Leeson Development Co.,
Lefcourt Finance Company,
Lefkowitz Fur Co., Inc.,
Legrance Operating Co., Inc.,
Lehigh Amusement Co.,
Leighton W. Frome, Incorporated,
Lelyman Realty Corporation,
Lemac Realty Company,
Lemko Apartment Corporation,
Lemoine Realty Company,
Lenchris, Inc.,

Lenore, Inc.,
Lenox S. Reid, Incorporated,
Leonard Sheet Metal Works,
Leonard Troast Glass Corporation,
Leon A. Sever, Incorporated,
Leon, Inc.,
Leon Noel, Inc.,
Leopolds Tailoring Shops, Inc.,
Leo Realty & Contracting Co., Inc.,
Le Petit Parisien Restaurant, Inc.,
Lerton Construction Co.,
Leslie Protective Co.,
Leslie Realty Company,
Leslie S. Rimback, Inc.,
Levine Plastering Co.,
Levroth Realty Company,
Levy Construction Co.,
Levy Furniture Company,
Levy's Tire and Battery Shop, Inc.,
Lewisburg Creamery Company, Inc.,
Lewis Max And Sons,
Lewis R. Hogan, Inc.,
Lexington Agency, Inc.,
Lexington Corp.,
Lexington Fidelity Co., Inc.,
Lexington Pharmacy, Inc.,
L. G., Inc.,
L. Goldstein & Company, Inc.,
L. Gottlieb & Sons, Incorporated,
L. Greenfield, Inc.,
L. Harris Glass Co.,
L. H. Sinquett, Inc.,
Liability Underwriters Association, Inc..
Libbs, Inc.,
Liberty Cut Glass Works,
Liberty Libraries, Inc.,
Liberty Manufacturing Company,
Liberty Securities Company,
Liberty Trucking Company,
Lichtenstein & Co., Inc.,
Lido Italian Restaurant, Inc.,
Lieber Pastry Shop, Inc.,
Lieb-Man Realty Company.

Lightcraft, Inc.,
Lighthouse Bakery, Inc.,
Lighthouse Cab Company,
Lighthouse Garage Co.,
Lillian-Lauretta Corporation,
Lilliput Golf Course Corporation,
Limouze Bros., Inc.,
Lincoln Building Co.,
Lincoln Chinalite Company, Inc.,
Lincoln Clothes, Inc.,
Lincoln Coal And Ice Company,
Lincoln Court, Inc.,
Lincoln Gardens, Inc.,
Lincoln Home Sites, Inc.,
Lincoln Institute, Inc.,
Lincoln Laboratories Corporation,
Lincoln Marble Co., Inc.,
Lincoln Park Country Club,
Lincoln Park Realty Co.,
Lincoln Plumbing Supply Co., Inc.,
Lincoln Terminal Corporation,
Lincoln Thrift Corporation,
Lincoln Upholstery Co.,
Linden Credit & Collection Association, Inc.,
Linden Finance Company,
Linden Mortgage Corporation,
Lindenwold Development Co.,
Lindy Realty Co.,
Linoleum Service, Inc.,
Lion Adjustment Bureau,
Lionel Strongfort Institute,
Litemetal Castings Corporation,
Litolit Co., Inc.,
Litowsky's Restaurant, Inc.,
Little Beach Investment Co.,
Little Falls Trucking Company,
Little Ferry Bus Line,
Little Ferry Inn, Inc.,
Little Folks Shoppe, Inc.,
Little Hof Brau, Inc.,
Little Nursery, Inc.,
Little Theatre Guild of the Oranges, Inc.,
Littman Underwear Company,

Livingston Furniture Co., Inc.,
Livingston Machine Tool & Die Company, Inc.,
Livingston Park & Development Co.,
L & L Construction Company, Inc. (No. 2),
Llenroc Realty Corporation,
Llewellyn Holding Corporation,
Llewellyn Parks Walker, Inc.,
L. L. Loveland & Sons, Inc.,
Lloyd's Haberdashers & Clothiers,
Lloyds Holding Co.,
L. M. Gordon, Inc.,
Lobel Kiddie Shops, Inc.,
Loboves Radio Corporation,
Local Feed Co.,
Lodi Securities Corporation,
Log Cabin Golf Course,
Log Cabin Lodge,
Lomauro Realty Co.,
Lombard & Lobell Construction Company,
Lombardy Construction Company,
Lombardy Contracting Co., Inc.,
London Tailors, Inc.,
Longacres,
Long Avenue Motor Sales Corporation,
Long Beach Bridge Company,
Long Beach Supply Company,
Long Branch Furniture Co., Inc.,
Long Branch Holding Company,
Long Branch Real Estate Co.,
Long Branch Surety Co.,
Long Bros. Auto Service, Inc.,
Long Hill Acres, Inc.,
Long's Fixtures Corporation,
Longwood Holding Corp.,
Loran Construction Co., Inc.,
Lord Shoe Shops, Inc.,
Lorraine Marble Contracting Company, Inc.,
Lorraine Oil Company,
Lorraine Realty Company Of Perth Amboy,
Lorraine Sweets Company, Inc.,
Lost Brook Farm, Inc.,
Lothair Rich, Inc.,
Lott Universal Roller Bearing Corporation,

Lotz, Silk Dyeing Corporation,
Louisa Apartments, Inc.,
Louis Alpern, Inc.,
Louis C. Tiffany Furnaces, Incorporated,
Louis Deutsch, Inc.,
Louis E. Goldfarb, Inc.,
Louis Holding Company,
Louis H. Shank Opticians,
Louis Kolodin, Inc.,
Louis Sagel Candy Co.,
Louis Salins, Inc.,
Louis Satanov Real Estate And Mortgage Corporation,
Louis Stipkovich, Inc.,
Louis W. Potler Company,
Lounsbury & Patterson, Inc.,
Lou's Sea Food,
Lowenkraus Realty & Investment Co.,
Loyal Holding Company, Inc.,
Lozier Manor, Inc.,
L. Roberts Walton, Inc.,
L. R. Weller & Son, Incorporated,
"L. Schmitt & Co.,"
L. S. D. Realty Co.,
L. Sette & Sons, Inc.,
L. & S. Pulis & Company, Incorporated,
L & T Garage, Inc.,
L. T. Realty Co.,
Lubert Produce Corporation,
Lucille Hat Shoppe, Inc.,
Luddington Realty Co., Inc.,
Ludlow And Squier,
Luelsinora Land Company,
Lukbe-Wituz Co.,
Luke Millwork Co.,
Lumberton Mills,
Lum Bros., Incorporated,
Luminite Corporation,
Lumo Corporation,
Lumtse Company,
Lund Holding Corporation,
Lun Hing Company, Inc.,
Lustrite Hat Company,

Luxor Beauty Salon,
L. W. G. N. Realty Company,
L. & W. Knight Sales Company,
Lyceum Candy Shops,
Lyndhurst Realty Company,
Lyndhurst Swimming Pool, Inc.,
Lyndhurst Theatre, Inc.,
Lyric Holding Company,

Mabe Realty Company,
Mab Holding Co., Inc.,
Mabie Cement Products, Inc.,
Macdro Mortgage Co., Inc.,
Mac Evoy Construction Co.,
Macin Realty Company, Inc.,
Maclachlan Corp.,
Mac Tay Realty Company,
M. A. Daniel Co., Inc.,
Madeline Maheu, Inc.,
Madewell Pleating & Stitching Co.,
Madison Amusements Corporation,
Madison Construction Co.,
Madison & Fourth Corporation,
Madison Holding Co., Inc.,
Madison Ladies' Wear Mfg. Co.,
Madison Yellow Cab, Inc.,
Madoan Holding Co.,
Mae's Cut-Rate Cosmetics, Inc.,
Maes Painting And Decorating Company,
Magie Delicatessen, Inc.,
M. A. H. H., Inc.,
M. & A. Holding Company,
Maid-Rite Bakery, Inc.,
Mainfield Realty Company,
Mainlex Realty Co.,
Main Street Holding Company,
Main And Verona, Inc.,
Maison Claire, Inc.,
Majestic Construction & Investment Co.,
Majestic Electric Clock Co., Inc.,
Majestic Furniture Factories,
Majestic Holding Company,
Majestic Housing Corporation,
Majestic Tire Co., Inc.,

Majocchi Bros., Inc.,
Makeland Dredging Company,
Malatesta Brothers, Inc.,
Maline Investment & Construction Company,
Malky Realty Corporation,
Malley Company,
Malwin Silk Co.,
Mamola's Company, Inc.,
Manasquan Fish Company,
Mandalay Development Corporation,
Mandarin Restaurant, Inc.,
Mandel Holding Company,
Mandina Construction Co.,
Mangun Holding Co., Inc.,
Manhasset Company,
Manhattan General Equipment Co.,
Manhattan Service Station, Inc.,
Manne's Toyland, Inc.,
Mann, Freifeld & Co.,
Manning's Express, Inc.,
Manno, Inc.,
Mann's, Inc.,
Manny's Clothes Shop, Inc.,
Manor Construction Co., Inc.,
Manufacturers Oxygen Company,
Manville Fabric Mfg. Co., Inc.,
Maple Construction Company,
Maple Delicatessen, Inc.,
Maple Grove Golf Course,
Maple Manor, Inc.,
Maplewood Motors, Inc.,
Maplewood Trim Company,
Mar-Bar, Inc.,
March Chemical Corporation,
Marcia Holding Co.,
Margaret H. O'Reilly, Inc.,
Mariam Realty Corporation,
Marie and Dorothy, Inc.,
Marie Gheude, Inc.,
Marie Holding Corporation,
Marielle Foundation, Inc.,
Marilyn Corporation,
Marine Fruit Company,

Marine Laboratories, Incorporated,
Marion Ice Company,
Maritum Holding Company,
Mar Kar Salon, Inc.,
Markeim-Coles-MacEwan, Inc.,
Market And Broad Music Company,
Marko Realty Holding Co.,
Mark P. Reilly, Inc.,
Mark Realty Company,
Marks-Reiss Realty Co., Inc.,
Marks Utilities Corporation,
Marlazar, Inc.,
Marlton Farms, Inc.,
Marmol Realty Company,
Marmoyle Engineering Corporation,
Marsden Research Corporation,
Marshal Holding Company,
Martin Picture and Gift Shop, Inc.,
Martin-Walker Realty Company,
Mart Realty Co.,
Marvel Dress Shoppe,
Marvel Laundry, Inc.,
Marven Co.,
Marveth Bus Corporation,
Marvinida Corporation,
Mary Finn Company,
Mary Holding Co., Inc.,
Maryland Farms,
Mary Willar Holding Co.,
Masino & Cortese Bros.,
Mason Realty Company,
Mass Clinical Laboratory, Inc.,
Masson, Inc.,
Masten-Everett, Inc.,
Master-Bilt Homes, Inc.,
Master Food Corporation,
Master Painter Publishing Co., Inc.,
Master Shoe Machinery Company,
Matawan Company, Inc.,
Matazzo Construction Co.,
Mathias-Robinson Realty Sales Corporation of New Jersey,
Matis Home Building Corporation,

Matthew Realty Co., Inc.,
Mattison Lumber Co.,
Maud C. Hyland Van Houten, Inc.,
Maurada Company,
Maurer Produce Co., Inc.,
Maurice B. Peikin, Inc.,
Maurice River Oyster Packing Company,
Maurice Schonholz, Inc.,
Max A. Tartalsky, Inc.,
Max Cook, Inc.,
Max D. Vilensky, Inc.,
Max Epstein Agency, Inc.,
Max Epstein, Inc.,
Max Garber Realty Company,
Max North, Inc.,
Max Roth Plumbing and Heating Company,
Maxsam Investment Company,
Max's Hat & Cap Stores, Inc.,
Max Soiffer, Inc.,
Max Von Der Horst, Inc.,
Maxwell Holding Corporation,
Maxwell & Son, Inc.,
May Construction Co.,
Mayer's Jewel Shop, Inc.,
Mayer's Pharmacy, Inc.,
Mayfair Realty, Inc.,
Mayflower Diners, Incorporated,
Mayflower Estates,
Mayflower Holding Corporation,
Mayflower & Sevilla Apartments, Inc.,
Maypat Corporation, Inc.,
Maywood Crest Realty Co., Inc.,
M. B. C. Realty Company,
M. B. Jacobson Holding Co., Inc.,
Mc Allister Development Corporation,
McCall & Irwin, Inc.,
M. C. Construction Co.,
M. C. Cosler, Inc.,
Mc Cracken's Laundry,
McDermott Realty Company,
Mc Kiernan's, Inc.,
McKinley Construction Co.,
McKinley Realty Co.,

McLaughlan-Conover Company,
M. C. M. Realty Company,
Mc Spirit Dredging Company,
M & D Realty Company,
Mead Construction Co.,
Meadow Bridge Improvement Co.,
Meadow Brook Construction Co., Inc.,
Meadowbrook Land Company,
Mecca Securities Company,
Mechanical Products Corporation,
Mechanics Building Company of Fairview, Incorporated,
Mechanics Realty Corporation,
Meck Finance Company,
Medford Lakes Construction Co.,
Medford Lakes Golf Club,
Medical Adjustment Bureau, Inc.,
Medical Research Corporation,
Meehan Trucking Corp.,
Meeker Contracting Company,
Meekston Realty Company,
M. E. F. Holding Co., Inc.,
Meister Brothers Transportation Company,
M. & E. Konner, Inc.,
Melbro Realty Corporation,
Mellon F. Kittell, Incorporated,
Melrose Realty & Construction Co.,
Melton Construction Company,
Melville Realty Corporation,
Memorial Park Sales Corporation,
Mendel Koblentz, Inc.,
Mercantile Adjustment Bureau,
Mercantile Company,
Mercantile Credit Bureau And Collections of New Jersey, Inc.,
Mercantile Fabrics Corp.,
Mercantile Land Company,
Mercer Investment Company, Inc.,
Mercer Investment & Realty Corporation,
Mercer Truck Sales Corporation,
Merchant's Adjustment Bureau, Inc.,
Merchants and Bankers College,
Merchants Company,

Merchants and Manufacturers Adjustment Association, Inc.,
Merchants And Manufacturers Credit Service, Inc.,
Merchants & Manufacturers Finance Corporation,
Merchants Mortgage & Investment Company,
Merchants Realty Co.
M & E Realty Company,
Merger Realty Corporation,
Merkel Construction Co., Inc.,
Merl Realty Corporation,
Merritt Construction Co., Inc.,
Merritt Securities Corp.,
Mesick And Mesick, Inc.,
Messer And Holle, Inc.,
Messer's Bakery, Inc.,
Metal Edge Fibre Products Company,
Metalon Manufacturing Corporation,
Metal Windows, Incorporated,
Methyl Electric Baths, Inc.,
Metro Brake Stations, Inc.,
Metro Color & Chemical Co., Inc.,
Metropole Realty Corporation,
Metropolitan Aid Society,
Metropolitan Amusement Co., Inc.,
Metropolitan Beef Company,
Metropolitan Construction Company,
Metropolitan Development Company,
Metropolitan Leather Finishing Corporation of New Jersey,
Metropolitan Mortgage Co. of New Jersey,
Metropolitan Piece Dye Works,
Metropolitan Theatres, Inc.,
Metropolitan Undergraduate Cinema,
Metro Stores, Inc.,
Metuchen Holding Company,
Metuchen Tourists Camp, Inc.,
Mexicomerica Corporation,
Meyer & De Vogel, Inc.,
Meyers Holding Company,
M. Friedman, Inc.,
M. & G. Garage Repairmen's Finance Corp.,
M. H. Harris & Son, Inc.,
M and H Realty Company,

M. H. Reiss & Company,
M. H. Securities Co.
Michael Picardi Company,
Michaels Company,
Michaels Golden Rule Stores, Inc.,
Michaels, Inc.,
Micla Holding Co.,
Mid-City Land Corporation,
Mid-County Realty Company,
Middaugh's, Inc.,
Middlebrook Farms, Inc.,
Middlebury Marble Company,
Middlesex Realty Company,
Midland Building Co.,
Midland Construction And Contracting Co.,
Midland Drug Co.,
Midland Pharmacy, Inc.,
Midland And Red Bank Steamboat Company,
Midstate Holding Company,
Midway Service, Inc.,
Miele Manufacturing Company,
Milford Land Company,
Military Realty Company,
Millard Realty & Finance Co.,
Millar-Lambert & Company,
Millbridge Development Co.,
Millburn Construction Co.,
Millburn Park Pharmacy, Inc.,
Millburn Realty Company,
Mill Construction Company,
Mill End Shop, Inc.,
Miller Holding Co.,
Miller Realty Company,
Millers' Representatives, Inc.,
Miller's Style Shoppe,
Millimet Realty And Construction Company,
Millinery Silks, Inc.,
Milltown Realty And Construction Company,
Millville Athletic Club, Inc.,
Millville Foundry Co.,
Millville Junior Coat House, Inc.,
Miloyne & Company, Inc.,
Milt Construction Co.,

Milton L. Dake & Company,
Milton Mirkin, Inc.,
Minahan Realty Company,
Mindorsa Rubber Plantation Company,
Mineral Deeds, Inc.,
Miner's Fuel & Heating Co., Inc.,
Miners Plumbing & Heating Co., Inc.,
Miner Supply Corporation,
Minerva Garage, Inc.,
Minerva Realty Company,
Minerva Specialty Shop, Inc.,
Minton-Vine Building Company,
Mipar Realty & Investment Co.,
Mi-Pet Products, Inc.,
Misowitz, Chase and Hess, Inc.,
Missouri Can Company,
Mitchell-Wood Realty Co.,
M. J. Brown Realty Company,
M. J. M. Realty Company, Inc.,
M. K. M. Leather Goods Company, Inc.,
M. K. & S. K. Realty Company, Inc.,
M. Lopez & Co., Inc.,
M. Machlin Motor Co., Inc.,
M. Margolin and Sons,
M. M. D. Realty Co.,
M. Michaels And Company,
M. M. Wertheim, Inc.,
M And N Corporation,
Model Garage,
Model Home Building & Construction Co.,
Model Improvement Corp.,
Model Land Company,
Model Plan Finance Corporation,
Modern Animal Traps, Inc.,
Modern Auto Service Co., Inc.,
Modern Distributors, Inc.,
Moderne Reedcraft Studio, Inc.,
Modern Floor Crafters, Inc.,
Modern Frocks, Inc.,
Modern Investment Company,
Modern Home Sales Corporation,
Modern Homes And Finance Company,
Modern Home Sites Company,

Modernistic Store & Office Fixture Co., Inc.,
Modern Knish Bakery, Inc.,
Modern Laundry Cleaning and Dyeing,
Modern Painting & Decorating Co.,
Modern Paint Supply Co., Inc.,
Modern Press Corporation,
Modern Realty Co.,
Modern Shirt Company,
Monarch Mortgage & Realty Company, Inc.,
Mona Realty Co.,
Monat Corporation,
Monhegan Holding Co., Inc.,
Monitor Cab Company,
Monitrol Systems, Inc.,
Monmouth Auburn Motor Co.,
Monmouth Loan Company,
Monmouth Marine Motors Corporation,
Monmouth Motor Truck Sales Corp.,
Monmouth Sales Co.,
Monmouth Utilities Company, Incorporated,
Monograve Company, Inc.,
Monroe Dry Goods Co.,
Montague Fruit Company,
Montauk Auto Body Co., Inc.,
Montclair Community Drug Company, Inc.,
Montclair Housing Co.,
Montclair Ladies Hatterie, Inc.,
Montclair Motor Sales, Inc.,
Montclair Sash & Door Co., Inc.,
Montefiore Cemetery Co., Inc.,
Montell & Co.,
Montglen Company,
Montgomery Soda Fountain Co., Inc.,
Monticello Wall Paper And Painting Co., Inc.,
Montrose Realty & Mortgage Company,
Monument Building Corporation,
Monument Clothing Shop,
Moonlight Golf Club,
Moorestown Investment Company,
Moorestown Securities Company,
Moore & Vollmer Company,
Mooseheart Restaurant, Inc.,
Moran Co.,

Moran Motors, Inc.,
Mor-Del Realty Co.,
Morey Marcus, Inc.,
Morgan Plumbing Co., Inc.,
Morgan Securities Company,
Morgan Terminal Company,
Morganville Chemical Works,
Morgenstern & Light Baking Company, Inc.,
Morjer Realty Company,
Morningside Development Co.,
Morningside Park Corporation,
Morocco Silk Company,
Morrell Scott Corporation,
Morris Apparel Co.,
Morris Bunevich, Inc.,
Morris County Heating & Refrigerating Corporation,
Morris Development Company,
Morris Klein, Inc.,
Morris Live And Dressed Poultry Market Co., Inc.,
Morris R. Sherrerd, Inc.,
Morristown Furniture Co.,
Morristown Glass and Window Shade Co.,
Morristown Motors, Inc.,
Morristown Topics Corporation,
Morseco Realty Corporation,
Morseco Realty Holding Corporation,
Morse Lake Corporation,
Morston, Inc.,
Mortgage Company,
Mortgage Company of America,
Mortgage Discount Company of New Jersey,
Mortgage & Finance Company of New Jersey,
Mortgage Security Investment Co.,
Mortgage Service Company,
Morton Furniture Co.
Moser Drug Company,
Moss Realty Corporation,
Motor Aid Corporation,
Motor Service Corporation,
Motor Shop,
Mountain Lodge Corporation,
Mountain Park Realty Corporation,

Mountain Ridge Realty Co., Inc.,
Mountain View Amusement Company,
Mt. Freedom Development Co.,
Mount Laurel Holding Corporation,
Mount Prospect Apartments, Inc.,
Mt. Royal Memorial Park,
Mt. Vernon Drug Co., Inc.,
Mowbray Realty Co.,
Moyer Thorn & Co.,
M. P. M. Food Products Co., Inc.,
M. P. T. Construction Company,
M. & R. Corporation,
M. R. K. Investment Co.,
Mrs. B. E. Hunter, Inc.,
Mrs. Dunker's Candy Shoppes, Inc.,
M. R. Sneden Company,
M. R. Trucking Company, Inc.,
M. S. & M. Realty Company, Inc.,
M. S. Realty Co.,
M & T Corporation,
Muecke Realty Company,
Muecke's Garage, Incorporated,
Mulberry Realty Co., No. 2,
Mullen Holding Company,
Mullen Realty Co.,
Mullins Dept. Store, Inc.,
Municipal Light & Power Co.,
Municipal Service Station,
Municipal Tire Shop, Inc.,
Munster-Neiskens Co., Inc.,
Murray, Griffith & Messler, Inc.,
Murray Holding Co.,
Muscle Shoals Mutual Realty Corporation,
Musconetcong Gardens Company,
Mutual Contracting Company,
Mutual Hardware Co.,
Mutual Holding Co., Inc.,
Mutual Housing Corporation of N. J.,
Mutual Land Company,
Mutual Professional Plan of New Jersey, Inc.,
Mutual Products Company,
M. W. Marder & Son, Inc.,
M. W. Simonson Company,

Myers Ave. Holding Corp.,
Myrtle Ave. Corporation,
Myrtle Shop,

Nabos Realty Corporation,
Nadel Cigar Manufacturing Company,
Naedele-Janney, Inc.,
Nalpak Realty Co.,
Nancarrow Holding Company,
Naroma Corporation Of New Jersey,
Nash Realty Co.,
Nash Service Corp.,
"Nasos" Restaurant, Inc.,
Nassau Laboratories, Inc.,
Nasswal Construction Corp.,
Nathan Gross, Inc.,
National Ad-Mirror Corporation,
National Aircraft Corporation,
National Amusements Corporation,
National Auctioneers, Inc.,
National Auto Accessories Co.,
National Bilt-Well Homes,
National Blouse & Shirt Co., Inc.,
National Cleanser Co.,
National Collection Service, Inc.,
National Community Theatres, Incorporated,
National Contractors & Engineers,
National Corporate Holdings, Inc.,
National Corporation Of New Jersey,
National Diary (Dairy) Stores, Inc.,
National Discount Sales Co.,
National Farm Exchange, Inc.,
National Finance & Mortgage Corp.,
National Fire Escape Weight Receiver Corp.,
National Fire Place Co.,
National Fruit Industries, Inc.,
National Heating & Appliance Corporation,
National Home Heating Corporation,
National Home Plumbing Corporation,
National Hunting and Racing Foundation, Inc.,
National-Independent Securities Co.,
National Investment And Development Company,
National Light & Electric Company,

National Linoleum Company,
National Liquidators, Inc.,
National Malt & Hop Co., Inc.,
National Manufacturers Permanent Exhibit,
National Mill Supply Co., Inc.,
National Miniature Golf Products, Inc.,
National Neon Sign Maintenance Co., Inc.,
National Plan Finance Company,
National Process Illuminating Co.,
National Radio Service, Inc.,
National Radio Tube Corporation,
National Radium Products Co.,
National Realty & Investment Co.,
National Ribbon Company,
National Sign Company,
National Supply Co.,
National Thrift Market Company,
National Trade Bureau,
Nat. Levy, Inc.,
Nat Sutton Company, Inc.,
Nat Weinberg, Inc.,
Navarre Investing Corporation,
N. Concilio & Co., Inc.,
Nevin Bus Lines,
Needham & Co., Inc.,
Neider Realty Co.,
Neighbors Finance Ass'n.,
Neiman's Department Store, Incorporated,
Nelhar Land Improvement Company,
Nelson M. Ayers, Incorporated,
Nelson-Morris Lumber & Supply Co., Inc.,
New Ampere Lumber Supply Co.,
Newark Automotive Engineering Co., Inc.,
Newark Baking Company, Inc.,
Newark Bay Terminal Corporation,
Newark Beef Company,
Newark Bloomfield Holding Co.,
Newark Brass Works,
Newark Chair Company,
Newark Charter Coach Co., Inc.,
Newark Clinic, Inc.,
Newark Cooperative Homes Builders Association,
Newark Diamond Cutters, Inc.,

Newark Foods, Inc.,
Newark Free Press,
Newark Gospel Tabernacle, Inc.,
Newark Home Publishing Company,
Newark Knitting Works,
Newark Laurel Gardens, Inc.,
Newark Manufacturing Supply Co., Inc.,
Newark Mirror & Glass Beveling Co., Inc.,
Newark National Barbers, Inc.,
Newark Orpheum Theatre Company,
Newark Photo Studio, Inc.,
Newark Quilt Mfg. Co., Inc.,
Newark Sample Cloak Company,
Newark, Silver Corporation,
Newark Tube Co., Inc.,
Newark Tube Company,
Newark Woodworking Co., Inc.,
New Atlantic Hotel, Inc.,
New Beverly Hotel Corporation,
New Brunswick Bottling Works,
New Brunswick Cornice Works,
New Brunswick Equitable Mortgage Corp., Inc.,
New Brunswick Paper Company,
New Brunswick Picture Frame Co.,
New Brunswick Tire Company,
New Brunswick Window Cleaning Co.,
New Community Food Center,
New Departure Can Co., Inc.,
New Electric Laundry, Inc.,
New Elm Furniture Co., Inc.,
New England Pine Tree Products Co., Inc.,
New Essex Finance Company,
New Field's, Inc.,
New Garrick Theatre Company,
New-Gill Development Company,
New Holding and Building Co.,
New Homestead Building Co.,
New Jersey Architectural Exhibition, Inc.,
New Jersey Automatic Coal Burner Corporation,
New Jersey Bonded Floor Co.,
New Jersey Book Company,
N. J. Bowling & Billiard, Inc.,
New Jersey Brick & Supply Company, Inc.,

New Jersey Building Construction Company,
New Jersey Bus Advertising Co.,
New Jersey Business And Co-operative Company,
New Jersey Cast Stone Company,
New Jersey Cloak And Dress Company,
New Jersey Concessions, Inc.,
New Jersey Copy-Graph Corporation,
New Jersey Cornice and Skylight Works, Inc.,
New Jersey Dress Manufacturing Company, Inc.,
New Jersey Empire Pickle Works,
New Jersey Farmers Supply Company,
New Jersey Foundation, Inc.,
New Jersey Garage Service,
New Jersey Hair Company, Inc.,
New Jersey Law Review Publishing Co.,
New Jersey Life Publishing Company,
New Jersey Manure Company,
New Jersey Marble Products Corporation,
New Jersey Model Homes, Inc.,
New Jersey Mortgage Corporation,
New Jersey Mortgage Securities Co.,
New Jersey Motor Freight Clearing House, Inc.,
New Jersey Preparatory School,
N. J. Realty Company,
New Jersey Realty And Construction Company,
New Jersey Realty and Investment Company,
New Jersey Secret Service Automobile Division, Inc.,
New Jersey Shores, Incorporated,
New Jersey Somerville Realty Corporation,
New Jersey Sportsman, Inc.,
N. J. Super Sales & Service, Inc.,
New Jersey Tailor Trimming & Supply, Inc.,
New Jersey Theatre Corporation,
New Jersey Truck Owners' Protective Association,
New Jersey United States Bond And Mortgage Corporation,
New Jersey Wheel Company,
New Jersey Wool Products Corp.,
Newkord Realty Co., Inc.,
New La Reine Hotel, Inc.,
New London Cleaners & Dyers, Inc.,
Newman Throwing Co.,

New Market Loan Co., Inc.,
New Metal-Ite Banner Co.,
New Milford Transportation Company,
New Model Realty Corporation,
Newmont Company,
New Nixon Forrest Company,
New Nixon Theatre Company,
New Norman Hotel, Inc.,
New Nutley Cruller Co., Inc.,
New Olympia Delicatessen Co.,
New Palisade Realty Co.,
New-Pass Development Company,
Newport Silk Dyeing And Finishing Co., Inc.,
New Realty Company,
New System Dye Works,
New System Washing Company,
New Tamara Hat Corporation,
Newton Academy Corporation,
Newton Development Corporation,
Newton G. Gabriel, Inc.,
Newton Laundry Corporation,
Newton Milk Company, Inc.,
New Venice Company,
New White Rose Laundry Co., Inc.,
New York Bakery, Inc.,
New York Cloak Co.,
New York Drum & Barrel Co.,
New York Glass & Store Fixtures Co.,
New York Homes Company,
New York and New Jersey Bottle Exchange, Inc.,
New York Sporting Goods Co.,
New York Wholesale & Retail Butter & Egg Company,
Nibot Oil Co., Inc.,
Nicholas J. Droge Company,
Nick Mincielli, Inc.,
Nick Nicholas, Inc.,
Nick's Restaurant Company, Inc.,
N. & I. Holding Co.,
Niver-Leslie, Inc.,
Nixon-Apollo Theatre Company,
N. & L. Developing Corporation,
N. Marchio & Co.,

Noble Service Garage, Inc.,
No-Eke Wall Products Manufacturing Company, Inc.,
No-Glare Lamp Company, Inc.,
Nojoh Corporation,
Nolan's Point Operators, Inc.,
Nonpareil Pickle Works, Inc.,
Nora Lee Beauty Salon, Inc.,
Nord Company,
Norfolk, Inc.,
Norlein Research Laboratories,
Norma Land & Realty Company,
Normal Realty Company,
Normandy Beach Water Company,
Normandy Laundry Co., Inc.,
Norman Sportwear Co., Inc.,
Northam Company,
North American Credit Agency,
North American Fruit Exchange,
North Apartments, Inc.,
North Bergen Auto Electro Radio Supply Co.,
North Bergen Construction Co.,
North Bergen Contracting Company,
North Camden Company,
North Camden, Mortgage And Investment Company,
North Cleaners & Dyers, Inc.,
North Cliff Realty And Investment Co.,
North Clinton Motor Sales & Garage, Inc.,
North End Holding Co.,
North End Realty & Investment Company,
Northern Development Co.,
Northern Distributing Co., Inc.,
Northern Holding Corporation,
Northern Home Builders,
Northern University,
Northern Valley Lumber And Supply Co.,
North Hudson Eagles' Home Association, Inc.,
North Jersey Adjustment Bureau,
North Jersey Auto Sales Company,
North Jersey Body Works, Inc.,
North Jersey Builders, Inc.,
North Jersey Engineering Company,

North Jersey Home Investors Co.,
North Jersey Improvement Co.,
North Jersey Publishing Co.,
North Jersey Realty Co.,
North Jersey Refrigeration Co.,
North Jersey Security & Finance Company,
North Jersey Speedways, Incorporated,
North Jersey Times Publishing Co., Inc.,
North Jersey Tractor Company, Inc.,
North Newark Auto Laundry, Inc.,
North Seventh Construction Company,
North Ward Radio Company, Inc.,
Norwood Company,
Norwood Estates, Inc.,
Norwood Improvement Company,
Nosenchuk Bros., Inc.,
Noslip Company, Inc.,
Nospark Pipe And Manufacturing Co.,
Notch Holding Company,
Nottus Corporation,
Novelty Case Mfg. Company,
Novelty Felt Rug Co., Inc.,
N & R Building Company,
Nutley Bowling Alley,
Nutley Cruller Company, Inc.,
Nutley Development Co., Inc.,
Nutley Finance Company,
Nutley Holding Co.,
Nutley Park Holding Co.,
Nutley-Times Square Service, Incorporated,
Nyman Furniture Co., Inc.,

O. A. Company,
Oak Hills Development Company,
Oakland Finance Co.,
Oak Tree Realty Co.,
Ocean City Dredge Company,
Ocean City Duco Shop,
Ocean City Gardens Beach Front Company,
Ocean City Securities Corporation,
Ocean County Silver Black Fox Co., Inc.,
Ocean Front Hotel Corporation of Ocean City, N. J.,

Ocean Front Security Company,
Ocean Garage Company,
Ocean Pier Realty Corporation,
Ocean Properties, Inc.,
Ocean Real Estate Exchange of Jersey City, N. J.,
Ocean Realty Company, Inc.,
Ocean View Development Co.,
Odd Fellows Hall Association of Jersey City, N. J.,
Oden Construction Co.,
Ode Realty Co.,
Office Supplies and Equipment Corporation,
O'Gara Construction Co.,
Oil Fuel Corporation,
Oil Heating Corporation of New Jersey,
Oil Heat & Power Co., Inc.,
Oil Products Corporation,
Oilrite Corporation,
O. J. Scheld, Inc.,
O. J. Stutz, Inc.,
O. K. Garage, Inc.,
Olcott Realty Company,
Olivenbaum's Boys' Clothing, Inc.,
Olsson and Fehn, Inc.,
Olympic Natatorium Corporation,
Olympic Realty Company,
Omai Realty Co.,
Oneida Realty Co.,
Oneida Transportation Co., Inc.,
O'Neill Lumber Company,
O'Neill Shoe Repairing Co.,
Opera Food Shop, Inc.,
Opperman's Elmora Market, Inc.,
Oradell Supply Co., Inc.,
Orange and Broad Finance Company,
Orange Cleaning and Pressing Co.,
Orange Crush Bottling Company,
Orange Engineering and Construction Company,
Orange Fairways,
Orange Investors' Corporation,
Orange Land-O-Lake Co.,
Orange Lighting Fixtures Manufacturing Company,
Orange Mountain Contracting Corporation,

Orange Mountain Valley Land Company,
Orange Valley Cutlery Company,
Orange Window Shade Co., Inc.,
Oraton Co-operative Association,
Orchard Hills Holding Corporation,
Orda Borda Corporation,
Orient Dairy Co.,
Orio Supply Company, Inc.,
Oritani Realty Investment Corporation,
Orivard Corner, Inc.,
Oro Oil Company,
Osborne Service, Inc.,
Osborn Products, Inc.,
Oscar Blum Coal Company,
Oscar Lustig, Inc.,
Oscar Meckling, Incorporated,
Osceola Building Association,
Osiecki Realty Corporation,
Ostergaard Development Company,
Otis Wright, Incorporated,
Otto Arienta, Inc.,
Otto Mueller, Inc.,
Otto's Coffee Pot,
Otto Seiss Realty Corporation,
Overland Shoe Company,
Overpeck Building Corporation,
Owensee Corporation,
Owner's Service Corporation,
Oxford Community Association, Inc.,
Oxford Realty & Investment Company,
Oyster Bar, Inc.,

Pabac Construction Co., Inc.,
Pacific Garage Company, Inc.,
Packard Plainfield Company,
Packer & Bellet Coal Company,
Packer's Furniture House, Inc.,
Packers' Sales Corporation,
Page Church Construction Corp.,
Paintco Products, Inc.,
Paint & Wall Paper Stores Corp.,
Palace Court, Inc.,
Palace Realty Company,

Palette Painting Corporation,
Palisade Avenue Holding Co.,
Palisade Paper & Twine Supply Co., Inc.,
Palisade Park Investment Corporation,
Palisade Realty Mortgage Co.,
Palisade Restaurant Co., Inc.,
Palisade Theatre Corporation,
Palmer & Company,
Palmleaf Realty Company,
Palm Tree Restaurant, Inc.,
Palmyra Pipe Laying & Const. Co.,
Palvin Realty Corporation, Inc.,
Panacea Laboratories Corporation,
Panorama Farms, Inc.,
Paradise Restaurant Co., Inc.,
Paragon Electric Sales Company,
Paragon Motors, Inc.,
Paragon Realty And Mortgage Company,
Paramount Auto Service, Inc.,
Paramount Construction Company,
Paramount Corporation,
Paramount Engineering Corporation,
Paramount Fur Dressing Company,
Paramount Hat Stores, Inc.,
Paramount Hosiery Stores, Inc.,
Paramount Industrial Finance Corporation,
Paramount Loan Association, Inc.,
Paramount Realty & Construction Co., Inc.,
Paramount Restaurant, Inc.,
Paramount Rubber Co. of N. J.,
Paramount Securities, Inc.,
Paramount Shoe Rebuilding, Inc.,
Paramount Throwing Company,
Paramus Estates Corporation,
Paras Fur Dyeing and Dressing Co. Inc.,
Paratus Law Printing Company Inc.,
Parisian Academy of Beauty Culture and Parisian Beauty School,
Park Amusement Company,
Park Associates, Inc.,
Park Avenue Company, Inc.,
Park Avenue Manor, Inc. of Paterson,
Park Avenue Realty Company,

Park Buffet Lunch, Inc.,
Park-Cliff Holding Company,
Park & Dodd Bake Shop, Inc.,
Parke-Allen Corporation,
Parker Company,
Parker Poultry Company,
Parker T. Harris,
Park Holding Co., Inc.,
Park Lake Holding Company,
Park Loan Association of Newark, New Jersey,
Park Manor Garage,
Park Manor Hotel Company,
Park Mortgage Corporation,
Park Motors of Newark,
Park Ridge Construction Company,
Park Securities Co.,
Parkside Security Company,
Parks-Martin Laboratories, Inc.,
Park Supply Co.,
Parkview Crest Apartments, Inc.,
Park View Home Builders Co.,
Park View Realty Company of Newark, Inc.,
Parkwood Realty Co.,
Parose Holding Co., Inc.,
Parus Remedy, Inc.,
Pascoe Realty Co.,
Paso Del Rio Industrial Company,
Passaic And Bergen County Homes Company,
Passaic Body Company,
Passaic-Broadway Manor, Inc.,
Passaic And Clifton Realty Co.,
Passaic Fidelity Investment Co., Inc.,
Passaic Live Poultry Company, Inc.,
Passaic Lumber Company,
Passaic Men's Shop, Inc.,
Passaic Mortgage & Realty Company,
Passaic Pants Company,
Passaic Realty & Construction Company,
Passaic Window Shade Co., Inc.,
Patent Holding Company of New Jersey,
Paterson Batton & Loom Builders, Inc.,
Paterson Coal Company, Inc.,
Paterson Construction Company,

Paterson Grill,
Paterson Pep Boys,
Paterson, Ridgewood And Westwood Transportation Co.,
Paterson Vreeland Holding Company,
Patrick Galante Produce Co.,
Patrizio Construction Company, Inc.,
Paugh Manufacturing Co.,
Paul Gabriel Corporation,
Paulison Arms Realty Company,
Paul, Kingsley, Inc.,
Paul Lisch, Inc.,
Paul's Furniture Co., Inc.,
Paul V. Casteline, Inc.,
P. & B. Food Store,
P. Bronstein & Co., Inc.,
P. C. Realty Co.,
Peak Realty Co.,
Pearl Harbor Co., Inc.,
Pearsall Realty Company,
Peckman Realty & Development Corporation,
Peck Printing Corporation,
Peerless Awning Hardware Co., Inc.,
Peerless Concrete Block Company, Inc.,
Peerless Decorators, Inc.,
Peerless Manufacturing Company,
Peerless Service Laundry,
Peerless Sportwear Co.,
Pegleo Company,
Peikin Galleries, Inc.,
Peikin Studios, Inc.,
P. E. L. Holding Co.,
Pellecchia & Rotonda, Inc.,
Pellegrin Brothers Plumbing Co.,
Pellington Laundry, Inc.,
Penguin Holding Corporation,
Peninsular City Company,
Penn Associates, Incorporated
Penn Bay Company,
Pennington Courts, Inc.,
Pennington Kosher Meat & Poultry Market, Inc.,
Pennington Road Golf Course, Inc.,
Penn Loan Society,

Penn Parking Station, Inc.,
Pennsauken Apartments, Inc.,
Pennship Holding Company,
Pennsylvania Dock And Warehouse Co.,
Pennsylvania Finance Company,
Peoples Associates, Inc.,
Peoples Building And Construction Co.,
People's Cut-Rate Coal and Fuel Co.,
Peoples Holding Company,
Peoples Pure Food Market Of Dunellen, New Jersey,
Pep Auto Supply Stores, Inc.,
Pepper's Fur Shop, Inc.,
Pep Stores, Inc.,
Pequest Valley Fur Farms, Inc.,
Perfect Sizing & Warping Co.,
Period Realty Company,
Perkins' Bakery,
Perkins Baking Company,
Perlmutter Brothers,
Perry Cleaning & Dyeing Company,
Perry's Cotton Stores, Inc.,
Perth Amboy Barrel Co.,
Perth Amboy Iron & Metal Company,
Perth Amboy Journal Co.,
Perth Amboy Merchants Mortgage And Investment Association,
Perth Amboy Nash, Inc.,
Perth Amboy & New Brunswick Realty Co.,
Perth Amboy Restaurants, Inc.,
Perth Realty Company,
Peshine Realty Company,
Peter Breidt Company,
Peter Grogan and Sons Co.,
Peter J. Blum & Sons, Inc.,
Peters J. Burns Painting Corporation,
Peter Leone, Inc.,
Peter's Beauty Parlors, Inc.,
Peterson & Lake Realty Company,
Peterson Transportation Co., Inc.,
Petmore Realty Corporation,
Petro Central Jersey Corporation,
Petrovic And Son,

P. Fleuchaus Company,
Pflueger-Connelly Co.,
P. F. McDonough & Bros., Inc.,
Phelps Road Realty Corporation,
Phenirol Laboratories, Incorporated,
Phenix Holding Company,
Philadelphia Porcelain Company,
Philadelphia Specialty Shop, Inc.,
Philip S. Willingmyre, Inc.,
Philip Tischler, Inc.,
Philip Tumulty Realty Company, Inc.,
Phillips Meat Markets, Inc.,
Phoenix Hand Bags, Inc.,
Phoenix Welding And Machine Company, Inc.,
Phyllis Holding Company,
Pierce Laundry Co., Inc.,
Pierrepont Realty Company,
Pierre Realty Co.,
Pierrpont Hotel, Inc.,
Pinco Papers, Incorporated,
Pinecrest Lakes, Inc.,
Pine Grove Development Company,
Pinehurst Estates, Inc.,
Pine Island Corporation,
Pinelot Co.,
Pine Paint Company,
Pineview Investment Company,
Pioneer Log Cabin Corporation,
Pioneer Pump and Tank Service, Inc.,
Pitoma Realty Co.,
Pittstown Farmer Supply Company,
Place Realty Corporation,
Plainfield Bargain Store, Inc.,
Plainfield Glass Co., Inc.,
Plainfield Plumbing Supply Company,
Plainfield Trading Company, Inc.,
Planet Realty Co.,
Plastic Sales Corporation,
Playgrounds, Inc.,
Playland Baths, Inc.,
Plaza Pharmacy, Incorporated,
Plaza Restaurant, Inc.,
Plaza Sales Company,

Pleasantdale Hotel Co.,
Pleasant Mills Paper Company,
P. & L. Hat Co., Inc.,
P. Luciano and Sons Inc.,
Plumbing and Heating Service Co.,
Plumstead Construction Company,
P. Magri & Son, Inc.,
P. M. G., Inc.,
P. M. J. Corporation,
P & M Realty & Investment Company,
Pneumatic Concrete Machinery Co.,
Pneumatic Ejectors, Inc.,
Pneumatic Painters, Inc.,
Pneumatic Seat Corporation,
P. and N. Realty Corporation,
Pogol Manufacturing Co., Inc.,
Polakoff Construction Company,
Polish Home Incorporated of Dunellen, New Jersey,
Polish Investment Association,
Pollock Realty Company,
Polonia Publishing Co.,
Pomona Building Company,
Pompi Molinaro, Inc.,
Pompton Lodge, Inc.,
Popik Realty Co., Inc.,
Poplar Company,
Poppke Realty Company, Inc.,
Porocoba & Company, Inc.,
Portable Machinery Company, Inc.,
Portaupeck Properties, Inc.,
Portland Lines, Inc.,
Port Newark Trucking Company,
Posner Brake Lining Service, Inc.,
Postel, Inc.,
Potter & Buffinton Company,
Potts, Inc.,
Poulson-St. John-Powers Realty Company,
Power Appliance Company, Inc.,
Power Construction Company,
Pozner Paint Co., Inc.,
P. and P., Inc.,
Practical Building Co.,

Preakness Dairy, Inc.,
Preen, Incorporated,
Pre-Ferd Baking Company,
Preferred Corset Co.,
Preferred Land Improvement Co.,
Preferred Materials Company, Inc.,
Preferred Realty Company,
Preferred Supply & Specialty Co.,
Premier Auto Body & Paint Co.,
Premier Building Co.,
Premier Co., Inc.,
Premier Embroidery Works, Inc.,
Premier Finance Corporation,
Premier Investment Company,
Premier Textile Stores, Inc.,
Prescott Hill Country Club, Inc.,
Prescott Home Builders, Inc.,
Prescott Realty Co., Inc.,
Press Observer Publishing Corp.,
Price Brothers of Hudson County, Inc.,
Price's, Inc.,
Price X-Ray Service,
Pride of Italy Home Association, Inc.,
Pride of Jersey Dairies, Inc.,
Prima Donna Silk Mills,
Prince Homes, Inc.,
Princeton Alumni Country Club, Inc.,
Princeton Natatorium, Inc.,
Princeton Preparatory School,
Priority Investment Company,
Productive Holding Co., Inc.,
Profit Realty Company, Inc.,
Progressive Dry Goods Co., Inc.,
Progressive Finance Co.,
Progressive General Store,
Progressive Investment and Development Company,
Progressive Loan Association,
Progressive Realty Company Of Westfield,
Progressive Schools of Music,
Progressive Textile Printing Co., Inc.,
Progressive Workers' Publishing Co., Inc.,
Progress Loan Company,

Prom Dancing Academy, Inc.,
Property Owner's Co-operative Association of Middlesex County, Inc.,
Prospect Delicatessen, Inc.,
Prospective Loan Association,
Prospect Transportation Company,
Prosperity Realty Corporation,
Protected Estates, Inc.,
Protected Investment Co.,
Protected Plans Holding Co.,
Protected Plans Service Co.,
Protective Holding Co., Inc.,
Providence Investment Company,
Provident Loan Corporation Of New Jersey,
Provident Painting and Decorating Co.,
Prudential Bond & Mortgage Co., of Dumont, Inc.,
P. Shandore Company, Inc.,
Public Construction Company, Inc.,
Public Laundry Company,
Public Realty Corporation,
Public Realty & Mortgage Co.,
Publishers Holding Company,
Publix Hosiery Shops of Hackensack, New Jersey, Inc.,
Publix Hosiery Shops, Inc.,
Puget Chemical Company,
Purdelger Realty Co.,
Purdy-Ten-Eyck-McClean Corporation,
Pure Coal & Ice Co., Inc.,
Purepac Corporation,
Puritan Garment Co.,
Putnam Realty Corp.,
P. W. Dawkins, Inc.,
P. W. & W. Realty Co.,
Pylos, Inc.,
Pyramid Finance Company,
Pyramid Investing Corporation,
Pyrotex Company,

Quackenbush and Son, Incorporated,
Quaker Mayde Bakeries, Inc.,
Quaker Oil Company,
Quaker Shoe Repair, Inc.,

Quality Athletic Club, Inc.,
Quality Radio Service, Inc.,
Quality Upholstering Co., Inc.,
Quanitco Company, Inc.,
Queen City Home Builders, Inc.,
Queen City Laundry, Inc.,
Queen City Smoke Shop, Inc.,
Queen Elizabeth Hats,
Queen Hat Co.,
Queen Hotel Company,
Quick-Freeze Corporation,
Quincy Holding Co., Inc.,
Quintine Realty Co., Inc.,

Racine Trading Corporation,
Radcliffe Printing Corporation,
R. & A. Delicatessen & Restaurant,
Radio and Electrical Distributors, Inc.,
Radio Finance Corporation of America,
Radio Tube Products Company,
Radius Realty Corporation,
Radnor Realty Company,
Radwall Land Company,
Raecrest Building Co., Inc.,
Raffo & Sons, Inc.,
Rafner Riskin Furniture Company,
Rahway Holding Company,
Rahway Lumber Company,
Rahway Plumbing & Heating Company, Inc.,
Railway Car And Window Cleaning Company, Inc.,
Rajah Liberty Association,
Raleigh Holding Co.,
Raleigh Rajoppi Construction Co., Inc.,
Raleigh Realty Corporation,
Ralph Atkins, Inc.,
Ramig Roofing Company,
Ramsey Sales & Service,
Rankin Taxi Service, Inc.,
R. A. Phillips Company,
Rapidare, Inc.,
Rare Gaseous Products, Inc.,
Raritan Amusement Co.,
Raritan Barrel Co., Inc.,

Raritan Fruit Company, Inc.,
Raritan Laundry Service,
Raritan River Rest Service Station,
Raritan Valley Oil Company,
Ratzman, Inc.,
Rayarn Corporation,
Raylite, Inc.,
Raylo Clock Company,
Ray-Lo Investment & Holding Co. of Paterson, New Jersey,
Raymond Boulevard Realty Company, Inc.,
Rayon Assets Corporation of N. J.,
Rayon Chemical Works, Inc.,
Rayon Processing Company,
Rayon Ribbon Company, Inc.,
Rayon Service Studio,
Rayon Textile Corporation,
Raysim Holding Corporation,
R. C. Rintell, Inc.,
R. C. Woodruff, Inc.,
R. D. Maldeis, Inc.,
Ready Products Co.,
Rea Homes, Inc.,
Realclub Corporation,
Reale Realty Co., Inc.,
Real Estate Listing Bureau, Inc.,
Real Estate Merchants,
Real Estate Salvage Corporation,
Realistic Displays, Inc.,
Real Land Holding Corporation,
Re-Al Fruit Beverage Co., Inc.,
Realty Development and Holding Corporation,
Realty Enterprises, Inc.,
Realty Holding Company,
Rear Vision, Inc.,
R. E. Beers Lumber Company,
R. E. Beyer Co.,
Rebman Corporation,
Re Built Homes, Inc.,
R. E. Company,
Re-Construction Corporation,
Record Book Cabinet Co.,
Rector Estates, Inc.,

Red Bank Auction House and Furniture Exchange, Inc.,
Red Bank Development Company,
Red Bank Garage Company, Inc.,
Red Bank Park Corp.,
Red Bank Riverside Realty Co.,
Red Hill Silk Mills, Inc.,
Redivivum Corporation,
Redlus & Gaio, Incorporated,
Redman and Crews Co., Inc.,
Rednib Realty Co. of Long Branch,
Red Top Taxicab Corporation,
Reeco, Incorporated,
Rees, Taylor and Company, Incorporated,
Reffie Polcari,
Reflex Engineering Corporation,
Reforma Mining and Milling Company,
Refrigerated Motor Truck Corporation,
Regal Bag Co., Inc,
Regal Beauty Shops, Inc.,
Regal Doll Manufacturing Co., Inc.,
Regent Gasoline & Oil Co., Inc.,
Regent Holding Company,
Regford, Inc.,
Regina Silk Hosiery Co., Inc.,
R. E. H. Realty Co., Inc.,
Reich Realty Co.,
Reilly & Fitzpatrick, Inc.,
Reiner Service Stations, Inc.,
Reinhard Trucking & Rigging Corp.,
Reinhold Corporation,
Reisdorff Corporation,
Reliable Dress Co.,
Reliable Food Center, Inc.,
Reliable Free Press Corp.,
Reliable Fur Shoppe, and Goldberg Valet Service, Inc.,
Reliable Garage & Auto Service Company, Inc.,
Reliable Gas And Oils, Inc.,
Reliable Hardware Company,
Reliable Ice & Coal Co. of Newark, N. J.,
Reliable Investment Company,
Reliable Laundry Service, Inc.,

Reliable Mortgage and Investment Company,
Reliable Pants Company Of Passaic, N. J.,
Reliable Service Station,
Reliable Silk Dyeing Company,
Reliable Silk Yarn Company,
Reliance Textile Corp.,
Relkcam Construction Corp.,
Rembrandt Studios, Inc.,
R-E-M, Inc.,
Reminder Clock Co., Inc.,
Remus Realty Corporation,
Remuvo Company,
Remwall Co.,
Renard Chocolate Company, Incorporated,
Rena Realty Corporation,
Rene Renaud, Inc.,
Renner And Breuer, Inc.,
Ren Realty Company,
Rentar Realty Company,
Rent & Sales Exchange, Inc.,
Republic Beef Company,
Republic Electric Company,
Republic Varnish Company,
Reservation Building Co.,
Reserve Mortgage Corporation,
Retail Candy Dealers Cooperative Association Of New Jersey, Inc.,
ReTinning Corporation,
Retlaw Realty Co.,
Revere Loan Company,
Rex Swiss Embroidery Company,
Reynolds, Inc.,
R and G Realty Co., Inc.,
Rhoda A. Williams Development Company,
R & H Realty Company,
R. H. Rosenfeld, Inc.,
Rialto Restaurant, Inc.,
Ribeth-Secor, Inc.,
Richard Bender Co.,
Richard E. Weitlich, Inc.,
Richard Gleick, Inc.,
Richard Hotel Management,
Richard Osborn, Inc.,

Richard P. Lister,
Richard Shoe Stores, Inc.,
Richard V. Dorbeck Holding Company,
Richfield Realty Corporation,
Richleigh Homes, Inc.,
"Rich's, Inc.",
Ridgefield Park Building Corporation,
Ridgefield Park Service Co.,
Ridgefield Park Transportation Company, Incorporated,
Ridge-Grove Realty Corp.,
Ridgelawn Realty Co., Inc.,
Ridgewood Estates Corporation,
Ridgewood and Glen Rock Realty Company,
Ridgewood Heights Building Co.,
Ridgewood Park Estates, Inc.,
Ridgewood Plaza Building, Inc.,
Ridgewood Presto Restaurant and Lunch, Inc.,
Ridgewood Safety Service Corporation,
Riggins Piano Company,
Riis Construction Co., Inc.,
Ring Delivery Co.,
Ringel & Feldman,
Ringling Park Corporation,
Ringling Park Hotel, Inc.,
Riola Realty Co., Inc.,
Riparian Realty Corporation,
Ripat Automatic Amusement Devices, Inc.,
Ritchie & Page, Inc.,
Rite Built Associates, Inc.,
Rittersbacher & Sons Hdwe. Co., Inc.,
Ritz Holding Company,
River Crest Realty Company,
River Realty Co.,
River Road Bus Co.,
Riverside Construction Company,
Riverside Realty Holding Company,
Riverside Rough Dry Laundry Co., Inc.,
Riverside Silk Co., Inc.,
Riverside Theatre, Incorporated,
Riverview Construction & Realty Co.,
Riverview Development Company,
Rivoli Dress Co., Inc.,

Rivoli Leather Goods Co.,
R. J. Arrowsmith, Inc.,
R-J-K Holding Corporation,
R. L. Saxe, Inc.,
R. & M. Atkins Auto Sales Corp.,
R. M. S. Corporation,
R. N. Burkert Co., Inc.,
Road Stands, Inc.,
Robert Chase, Inc.,
Robert Clinton, Inc.,
Robert Drug Co.,
Robert Griffin Company,
Robert James Smith Construction Co.,
Robert Paterson, Inc.,
Robert R. Hellyer & Co., Inc.,
Roberts Hotel Operating Co.,
Robertson, Incorporated,
Robert Stinson Company, Inc.,
Robinson Mfg. Co., Inc.,
Robinson's Express, Inc.,
Robinsons Stores,
Rocema Building and Supply Company,
Roche Corporation,
Rochelle Park Land Company,
Rochelle Park Realty Holding Co.,
Rockaway House Soda Shop,
Rocket Realty Co.,
Rockland Finishing Co. of America,
Rockledge Farm Products, Inc.,
Rockler Cloak Co., Inc.,
Rock Spring Builders, Inc.,
Rock Spring Land Company,
Rodeo Silk Corporation,
Rodolfo Naddeo, Inc.,
Roebling Gardens Realty Company,
Roessler Furniture Co.,
Roger H. Blake Company,
Rogers Clothes of Perth Amboy,
Rogokos Realty Co.,
Roi Holding Corporation,
Rollinson Textile Corp.,
Roma Grocery Company,
Rome Holding Co., Inc.,

Romort Agency,
Ronchi Piano Company, Inc.,
Ronnie and Waltman, Inc.,
Roofers of New Jersey,
Roosevelt Amusement Corporation,
Roosevelt City Property Owners Corporation,
Roosevelt Holding Corporation,
Rosalie Development Co.,
Rosberg Corporation,
Rose Amusement Co.,
Rose Boys' Departments, Inc.,
Rose Bud Tea Room, Inc.,
Rosedale Farms Company,
Rosedale Packing Co., Inc.,
Rose Development Co., No. 2,
Rose Frank Holding Company,
Rose Highway Company,
Rosehill Holding Co.,
Roseland Realty Co.,
Rosell Dress Company of Lodi, N. J.,
Roselle Estates,
Roselle Park Realty Company, Inc.,
Rose Manufacturing Company, Inc.,
Rosemont Land Co.,
Rosenhayn Brick Machine Company of New Jersey,
Rosenkranz Plumbing & Building Co.,
Rosenthal Bros., Inc.,
Rose Specialty Shop, Inc.,
Roseville Confectionery Co., Inc.,
Roseville Miniature Golf Course, Inc.,
Ross Building Co., Inc.,
Ross-Fenton Farm Service Company, Inc.,
Ross Realty Co.,
Ross & Taylor, Inc.,
Ross Vandever & Company,
Roth's Pharmacy, Inc.,
Round Table Book Shop., Inc.,
Rovebert Realty Corporation,
Roxy Confectionery Corporation,
Roxy Express Company, Inc.,
Roxy Fur Dressing Corp.,
Roxy Motor Car Company,
Roxy Pastry Shop, Inc.,

Royal Apartment Co.,
Royal Brothers, Inc.,
Royal Building Company,
Royal Distributing Co.,
Royal Dress Co.,
Royal Investment Co. (No. 2),
Royal Mortgage Company,
Royal Neon Signs, Inc.,
Royal Oak Co.,
Royal Pastry Shop, Inc.,
Royalston Clothing Company,
Royal Textile Mills,
Royston Paper Company,
Rozalia Realty Company, Inc.,
R. P. C. Sales Corporation,
R. Peskowitz, Inc.,
R. & P. Holding Company, Inc.,
R. P. Richardson, Jr., & Co., Inc.,
R-T-W Realty Company,
Ruandray Realty Company,
Rubber on Metal Welding Corporation,
Rubel's Bargain Store,
Ruby Apartments, Inc.,
Ruby Furniture Stores, Inc.,
Rucker, Heinen & Thomas, Inc.,
Rudbak Realty Company,
Ruderman Realty Co.,
Ruderman-Warner Company,
Rudolph Garoni, Incorporated,
Ruffu Corporation,
Rug Processing Co., Inc.,
Rumson Company,
Runnemede Theatre Corporation,
Runnymeade Estates, Inc.,
Rupert F. Mills & Co.,
Rural Realty Corporation,
Rushden Company,
Rusoff Realty Co., Inc.,
Rusoff's,
Russell Co.,
Rusty Dairy Farms, Inc.,
Rutgers Cleaners & Dyers, Inc.,
Ruth Amusement Corporation,

Ruth Concrete Products Company, Inc.,
Rutherford Company,
Rutherford Land Company (No. 2),
Ruth Silk Co., Inc.,
Rutkin Sporting Goods Supply Co.,
Rutledge Holding Co.,
Ruttenberg Store, Inc.,
R. V. Afflerbach Rubber Co., Inc.,

Sabe Trucking Co.,
Sabre Holding Corporation,
Saco Holding Co., Inc.,
Saddle River Land Company,
Sadie Dugan Co.,
Safe Fire Escape Corporation,
Safety-First Realty Company,
Safety Realty Corporation,
Safro & Bogarad, Inc.,
Saf-T Amusement Corporation,
Saf Way Products Corporation,
Sagen Holding Company,
Sager Distributing Corporation,
Sagold Realty Company,
St. Charles Realty Co.,
St. James Cafeteria,
St. Leonard's Construction Co.,
Saklehr Lunch, Inc.,
Saldarini Machine Shop, Inc.,
Sale Davis Company,
Salem Corporation,
Salem Fur Company,
Sales & Engineering Company,
Salomon Agency,
Sal Salavin, Inc.,
Salvarex Company, Inc.,
Salvina Realty & Construction Co.,
Salzinger Sign Mfg. Corp.,
Sam Caplovitz, Inc.,
Samclar Investment Company,
Samdin Realty Co.,
Sam Little, Inc.,
Sammax Realty Company,
Samo Realty Co.,
Sam Newman, Inc.,

Samuel Engel, Inc.,
Samuel Freeman, Inc.,
Samuel Frumin, Inc.,
Samuel Garfinkle, Inc.,
Samuel Greenberg, Inc.,
Samuel Hirsch Metal Co., Inc.,
Samuel Kapnek & Co., Inc.,
Samuel Metzky, Inc.,
Samuel M. Rosenbaum, Inc.,
Samuel Shapiro, Inc.,
Sanders Co., Inc.,
Sanderson Fertilizer & Chemical Company,
Sanders Service Station, Inc.,
Sandford Heights Development Co.,
Sandra Realty Co.,
Sandwich Rail, Inc.,
Sandy Beach, Oakland, Inc.,
Sanford Investment Co.,
Sanford Paint Co.,
Sanhican Realty Co.,
Sani Onyx Construction Company,
Sanitary Sea Food Market, Inc.,
Sanrone Corporation,
Sanrose Jewelry Co., Inc.,
Santa Monica Company,
Santa Monica Sales Company,
Saratoga Realty Company,
Sarat Stores, Inc.,
Sargent Utilities, Inc.,
Saulsberry Co., Inc.,
Saul's Lunch Company,
Savage, McDonald & Neri,
Savings Holding Co.,
Savoie Rubber Manufacturing Company, Inc.,
Savon Dress Shoppe, Inc.,
Savor Realty Company,
Savoy Engineering Company,
Saybrook-Hillside Company, Inc.,
S. B. Engel, Inc.,
S. & B. Holding Company,
S. B. O. Realty Corporation,
S. B. & O. Trucking and Contracting Company, Inc.,
Scalera Bus Service, Inc.,

Scaling Equipment Corporation,
Scarboro Realty and Holding Company, Inc.,
Scatchard-Hebard, Inc.,
S. C. Bennett & Company, Inc.,
Schaefer Shop, Inc.,
Schaffner & Keicher, Inc.,
Schapiro Textile Exchange, Inc.,
Schary Manor, Inc.,
Schaunbam Hardware Company,
Schickerling Electric Products, Inc.,
Schiller Realty Company,
Schiller & Son, Inc.,
Schindel's, Inc.,
Schirl Realty Corporation,
Schlamowitz Silk Company,
Schneider's, Inc.,
Schnell & Josephs, Inc.,
Schoer's Homemade Sweets, Inc.,
Schonholz & Hunken, Inc.,
School Wardrobe Co., Inc.,
Schoonmaker and Son, Inc.,
Schuette Motor Sales Co.,
Schuette Realty Co.,
Schuster's Bakery,
Schwartz Decorating Company,
Schwarzbach Drug Co., Inc.,
Schwarz Cycle Engine Corporation,
Scientific Author's Publishing Co., Inc.,
Sco-Co Realty Company,
Scotch Company,
Scotland Arms, Inc.,
Scott & De Palma Engineering Corp.,
Scott Products, Inc.,
Scotty the Tailor, Inc.,
S. County Company,
S. C. Pursel Estate,
Scullion & McAuliffe, Inc.,
Sea Beach Restaurant, Inc.,
Seaboard Airways, Inc.,
Seaboard Freight Co., Inc.,
Sea Bright Gas & Oil Corporation,
Seabrook and Baitinger,
Seacoast Company,

Seacoast Holding Co.,
Seacoast Iron Works, Inc.,
Sea Girt Builders Supply Company,
Sea Girt Parkway, Inc.,
Sea Girt Realty Co.,
Sea Gull Laundry Company,
Sea Shore Hotel Co.,
Seashore Laundry Co.,
Seashore Mortgage & Real Estate Co.,
Seaside Bottling Company,
Sea Side Fishing Corporation,
Seaside Heights Fish Company, Inc.,
Seaside Laundry,
Sea-Side Trucking Co., Inc.,
Season Silk Company,
Secaucus Progress Publishing Co., Inc.,
Second Realty Company,
Second Street Estates, Inc.,
Second Ward Realty Co., Inc.,
Securities Corporation of South Jersey,
Security Construction Co.,
Security Trading Co.,
S & E Dress Co., Inc.,
See & Bee Radio Corporation,
Segal Service Stations, Inc.,
Seib & Donohue, Inc.,
Seib Holding Company,
S. & E. Investment Co.,
Seldner Realty Company,
Select Apartments Corporation,
Selected Securities Corporation,
Select Home Sites, Inc.,
S. E. Liebow Co.,
Selkin Bros., Inc.,
Selmor Frocks, Inc.,
Sendel & Fiedler Holding Co.,
Sendler, Inc.,
Seneca, Inc.,
Seneca Investment Co.,
Seneca Realty Co.,
Senn's Massing Device Co.,
Senton Silk Corporation,
S. E. Phillips, Inc.,

Sepp Holding Company, Inc.,
Service Apron Stores,
Service Bonding Agency, Inc.,
Service Bureau, Inc.,
Service Chemical Corporation,
Service Garage of Franklin, Inc.,
Service Mortgage Company,
Service Realty Co. of Passaic,
Service Tire, Inc.,
Sesqui-Roumanian Exhibit, Inc.,
Severin-Machinery Corp.,
Sevilla Holding Co., Inc.,
Sevlesruo Holding Corporation,
Sewage Disposal Company of New Jersey,
Sewaren Realty and Investment Company,
Sexton Motor Car Co., of Perth Amboy,
Seymour Amusement Corporation,
Seymour, Joyce & Co.,
S. & F. Realty Co.,
S. & G., Incorporated,
S. Goldstein & Sons,
Shack,
Shadow Lake Company,
Shadowlawn Corporation,
Shady Glen Golf Course,
Shan Investments, Inc.,
Shapiro & Sons, Inc.,
Sharp Tour and Outing Company,
Shaw Holding Co., Inc.,
Shaw Meat Market,
Sheffield, Inc.,
Sheffield Loan Asso.,
Shelley Realty Co.,
Shell Realty Co.,
Sheridan Estates, Inc.,
Sherman Construction Company,
Sherman Park, Inc.,
Sherman Sales Co., Inc.,
Sherow Extract & Chemical Company,
Sherry Realty Company, Inc.,
Shirley Realty Co.,
Shirleys Millinery
S. H. J. Sales Corporation,

S. H. L. Holding Co., Inc.,
Shoe Rebuilders Association, Incorporated,
Sootrite Golf Mat Corp.,
Shore Amusement Co.,
Shore Bed & Floor Covering Co., Inc.,
Shorefront Materials Corporation,
Shore Road Estates, Inc.,
Short Hills Development Company,
Short Term Distributors, Inc.,
Shrewsbury Market, Inc.,
Shubin Building Company,
Shul Co., Inc.,
Shur Drug Co.,
Shur & Okum, Inc.,
Sid-Ednea Beauty Salon, Inc.,
Signs, Inc.,
Sig Schoenagle, Inc.,
Silco Realty Corporation,
Silkay Realty Co.,
Silk Carrier Corp.,
Silk City Furniture & Auction House, Inc.,
Silk Manufacturers Corporation,
Silverbar Realty Corporation,
Silverberg's, Inc.,
Silver Dollar Cleaners,
Silver Dollar Transportation Co.,
Silver Lake Realty Company, Inc.,
Simmons Furniture Company, Inc.,
Simon Cohen Architect,
Simon Harness Shop,
Simon Motor Corp.,
Simonsons Inc.,
Sinder's Cut-Rate Stores,
Singer's Natural Ice And Coal Company, Incorporated,
Sixteenth Avenue Holding Co.,
Sixth & Boardwalk Realty Company,
S. J. Cahn Construction Co.,
S. & J. Tool Co.,
S. J. Ward, Inc.,
Skelton Gift Shop,
S. & K. Men's Shop,
S. K. S., Inc.,

Slocum Motors, Inc.,
Slott Realty Company, Inc.,
Slovak Manor Community Building Company, Incorporated,
S & L Solon, Inc.,
Smallwood Realty Corp., Inc.,
S. Margulies, Inc.,
Smart Frocks, Inc.,
S. M. Birch Lumber Company,
S. M. Hess & Bro., Inc.,
S. & M. Holding Co., Inc.,
Smith And Solomon Trucking Company,
Snelbaker-Lindsey, Inc.,
Snyder Bottle Crate Corporation,
Snyder & Robins, Inc.,
Social Register Of New Jersey,
Sojemo Realty Company,
Sokol Coal Co.,
Solar Mining Co.,
Soley Corporation,
Soline Products Co., Inc.,
Sol Lilienfeld Agency, Inc.,
Solomon Lowenthal, Inc.,
Solow Radio Co.,
Somerset Construction Company,
Somerset County Music House,
Somerset Sale Stables, Inc.,
Somerset Warehouse Co.,
Somerville Development Co.,
Sondra Shoppe, Inc.,
Sonntag Holding Company,
Sonny Boy Manufacturing Co., Inc.,
Sorenson Realty & Construction Company,
Sorett Fashion Shop,
Sorgie, Inc.,
Sorrentino, Inc.,
Sorval Construction Co., Inc.,
S. O. S. Radio Corporation,
S. O. S. Sales Co., Inc.,
South Camden Homes Co.,
South Camden Junk Company,
South Centre Realty Co.,
South End Realty Holding Company,

Southern Newark Realty Company,
Southern Nut Co.,
Southern Pine Company,
South Jersey Collection Bureau, Inc.,
South Jersey Construction Co. No. 1,
South Jersey Cooperative Egg Co.,
South Jersey Furniture Company, Inc.,
South Jersey Mortgage Company,
South Jersey Roof And Siding Company,
South Jersey Sand And Gravel Company,
South Jersey Supply Co.,
South Munn Holding Company,
South Plainfield Millwork & Supply Co.,
South River Contracting Co., Inc.,
South River Improvement Company,
South River Paint & Hardware Co.,
South Side Realty Corporation,
South Somerville Dairy Farms, Inc.,
Spad Stores, Inc.,
Spa Luncheonette,
Spanjer Building Corporation,
Spa Realty Company,
Spark-La Reine Hotel Co.,
Sparklets, Incorporated,
Spark-Plug And Electrical Distributing Co.,
Sparks 921 Broad Street, Inc.,
Special Rayon Throwing Co., Inc.,
Specialties-Equipment Company,
Speckmanns, Inc.,
Speed Control Corporation,
Speed Service Press, Inc.,
Spencers' Business College,
Sperling's, Inc.,
Spingarn Realty Corporation,
Spirer's Dairy,
S. P. Johnson Company,
Spofford Realty Co., Inc.,
Sports Promotion Associates, Inc.,
Spotless Bakery, Inc.,
Spotswood Development Company,
Spotswood Rug Mills, Inc.,
Spranz Realty Co., Inc.,
Spray-O-Lette Brush Company,

Spray-Rite Paint Products Corp.,
S. & P. Realty Co.,
Springdale Garage, Inc.,
Spring Development Co.,
Springfield Avenue Holding Company,
Springfield Ave. Realty Co., Inc.,
Springfield Garage,
Springfield Sun Publishing Co.,
Spring Grove Oil Company,
Spring Lake Development Co.,
Spruce-Up-Shop, Inc.,
Squan Beach Amusement Co., Inc.,
S. & R. Embroidery Corporation,
S. Rudolph & Son Co.,
S. & S. Company,
S. & S. Development Co.,
S. & S. Enterprises, Inc.,
S. & S. Forwarding Co.,
S. Silverstein, Inc.,
S. S. S. Realty & Construction Co.,
S. & S. Transportation Co.,
Stables Inn,
Stacy Paper Box Co., Inc.,
Staiger Company,
Stammelman Realty Co.,
Stamper Mills, Inc.,
Stan-Al House Wrecking Co., Inc.,
Standard Auctioneers, Inc.,
Standard Auto Service and Garage, Inc.,
Standard Bleachery Company,
Standard Builders Supply,
Standard Building Co.,
Standard Casement Company, Inc.,
Standard Corporation,
Standard Engineering Products, Inc.,
Standard Equipment And Gas Company,
Standard Glass Company,
Standard Grocery Company No. 1,
Standard Management Corporation,
Standard Novelty Textile Company,
Standard Nut Products Company,
Standard Office Partition Co.,
Standard Oil Heating And Improvement Company,

Standard Paving & Construction Company,
Standard Publishing Company,
Standard Real Estate & Improvement Co.,
Standard Rubber Corporation,
Standard Silk Service Company,
Standard Spring Service, Inc.,
Standard Steamaker, Inc.,
Staner Construction Co., Inc.,
Stanley-Daniels Construction Co.,
Stanley Furniture Company,
Stanley's Bakery, Inc.,
Stanley Trading Co.,
Stan Realty Co.,
Stanton Hardware, Inc.,
Stanton Hosiery Mills,
Star Acceptance Corporation,
Star Ball Room,
Star Bowling & Billiard Academy, Inc.,
Star Clay Products Co.,
Star Dental Laboratory, Inc.,
Star Heating Co., Inc.,
Star Laundry Service,
Star Luggage, Inc.,
Star Paper & Twine Co.,
Star Realty Investment Co.,
Star Theatre Corporation,
Stasig Construction Co.,
State Builders, Inc.,
State Cafeteria, Inc.,
State Land Company,
Staten Island Cleaners & Dyers, Inc.,
States Corporation,
Station Avenue Apartments, Inc.,
Station Square Realty Co., Inc.,
Staub Engineering Co.,
Staubwaser, Inc.,
Stazin Realty Co.,
Steadman Oil Company,
Steelweld Homes, Inc.,
Steiner Oven & Equipment Co.,
Stein Painting & Decorating Co., Inc.,
Stella Holding Company,
Stenton Realty Company,

Stephen Ballard Corporation,
Sterling Art Fixture Company,
Sterling Fuel Oil Co., Inc.,
Sterling Realty Corporation,
Sterling Supply Station, Inc.,
Sternbach-Wigder Motors, Inc.,
Steuben Colonial Corporation,
Stewart Construction Co.,
Stewart Oldsmobile Co.,
Stewart Realties, Inc.,
Stewart And Stewart, Inc.,
Stirling Bake Shop, Inc.,
Stockade Holding Company,
Stockman Millwork Company,
Stockton Real Estate Corporation,
Stock And Snyder, Inc.,
Stoker Equipment & Supply Co.,
Stone and Company,
Stone Harbor Land Company,
Store Builders, Inc.,
Storms Realty Co., Inc.,
Strand Cafeteria, Inc.,
Strand Corporation,
Strand Garage And Battery Service, Inc.,
Strand Hand Laundries, Inc.,
Strand Oil Co., Inc.,
Straulina And Wright, Inc.,
Strebor Corporation,
Streitfeld-Adelphia,
Stromko Building Co.,
Stucki Brothers, Inc.,
Stuyvesant Food Stores,
Style Chain Stores, Inc.,
Subock Investment Company,
Suburban Home Builders, Inc.,
Suburban Investment Company of New Jersey,
Suburban Laundry, Inc.,
Suburban Properties, Inc.,
Suburban Securities Company,
Suburban Sites, Inc.,
Sullivan Floral Shops, Inc.,
Sulzberger Aircraft Sales Corporation,
Summit Holding Company,

Summit Lunch Company, Inc.,
Summit Plumbing & Heating Company,
Summit & Sip Corporation,
Sun Cabana Corporation,
Sun Construction Co.,
Suncris Holding Corporation,
Sunkist Orange Drink, Inc.,
Sunlight Laundry, Inc., Of Trenton,
Sun Lite Home Builders, Inc.,
Sunny-Day Laundry,
Sunny Hall Cafe, Inc.,
Sunnyside Farms, Inc.,
Sun Pine Corporation,
Sunrise Developing Co., Inc.,
Sunrise Press, Inc.,
Sunset Builders, Inc.,
Sunset Construction Co.,
Sunset Realty Company, Inc.,
Sunset Trail Bus Company,
Sunshine Flower And Nursery Corporation,
Sunshine Health Farm, Inc.,
Sun Star Investment Co.,
Sunview Dairy Co., Inc.,
Sunview Fruit Corporation,
Superior Brake Service, Inc.,
Superior Building & Construction Co.,
Superior Cleaners & Dyers, Inc.,
Superior Glass, Sash & Door Co.,
Superior Grocery Co.,
Superior Holding Corporation,
Superior Land Co., Inc.,
Superior Laundry Company of Paterson, N. J.,
Superior Live Poultry Market, Inc.,
Superior Lumber & Panel Corporation,
Superior Manufacturing Company,
Superior Manufacturing Engineers,
Superior Stores Corporation,
Super-Oil Products Co.,
Super Refining Company, Inc.,
Super-Service Sales Co.,
Supply Company of Trenton,
Supra-Value Corporation,
Supreme Credit Service of New Jersey Inc.,

Supreme Investment And Acceptance Corporation, Inc.,
Supreme Oil Burner & Engineering Company,
Supreme Oil Co.,
Supreme Service Stations, Inc.,
Surety Mortgage Funding Corporation,
Surf Club Corporation,
Surgical Service Company,
Surprise Development Company, Inc.,
Sussex Florist And Nursery Supply Company,
Sussman Corporation,
Sutphin Ice And Coal Company,
Sutterlith, Inc.,
S. Vangieri, Inc.,
Swain & Snedaker, Inc.,
Swan Realty Co.,
Swedesboro Land Company,
Swift Realty Corporation,
Sylvan Estates, Inc.,
Sylvan Wotiz, Inc.,
Sylvia Millinery,
Sylvia Realty Company,
Syndicate Department Stores, Inc.,
Syndicators, Inc.,
Synthetic Products Corporation,
Syroy Furniture Exchange, Inc.,

Tajco, Inc.,
T. A. Larsen, Inc.,
Tamba Gift Shop, Inc.,
Tappan Company,
Targan Brothers, Inc.,
Tarn Realty Company,
Tarquin Holding Corporation,
Tasty Shoppe,
Taxpayers Publishing Company,
Taylor-Diller, Inc.,
Taynor & Brown,
Teaneck-Cedar Lane Corporation,
Teaneck Development Company,
Teaneck Gardens, Inc.,
Teaneck Holding Co.,
Teaneck Housing Corporation,

Teaneck Investment Co.,
Tedesco Realty Company,
Teitelbaum's Delicacies, Inc.,
Teitelbaum's, Inc.,
Templar Realty Company,
Tempo Realty, Incorporated,
Tenafly Holding Company,
Tenafly Land Development Co.,
Tenafly Weavers, Inc.,
Tenakill Motor Sales Company,
Tenenbaum's, Inc.,
Tenore Realty Company,
"Tenth Street Realty Company",
Tep-Ter Chemical Service, Inc.,
Terminal Advertising Co.,
Terminal Cab Corporation,
Terminal Lunch And Delicatessen, Inc.,
Terminal Pattern And Model Works,
Terminal Publishing Company,
Terminal Trucking Company, Inc.,
Terrace Building Company,
Terrace Homes Company,
Terrace Studio, Inc.,
Terre Holding Co.,
Textile Bag And Waste Co.,
Textile Rug Manufacturing Company, Inc.,
Textile Utilities Corporation,
Textile Waste Products Corporation,
T. F. M., Inc.,
Thago Manufacturing Company,
Theodore Efthim, Inc.,
Theodore The Florist, Inc.,
Theodore-Williams & Co.,
Thermann Dairy, Inc.,
Thermo Switch Corporation,
Theronoid of Elizabeth, Inc.,
Thien Equipment Company,
Third Avenue Realty Co.,
Thirty-Second Street Realty Company,
Thixton Motor Co., Inc.,
Thomas A. Tully & Co., Inc.,
Thomas Holding Investment Company,
Thomas J. Carnes, Inc.,

Thomas Merchantile Agency,
Thos. Parry's Sons Company,
Thomas Restaurant And Bakery, Inc.,
Thomas Restaurant, Inc.,
Thomaus Realty Co., Inc.,
Thompson Home Builders, Inc.,
Thompson Properties, Inc.,
Thompson Realty Co.,
Thompson-Rockhold Corporation,
Thorn And Zakin Paint And Wall Paper Company,
Those Three Master Craftsmen, Inc.,
Thrift Book Corporation,
Thrift Corporation,
Thrift Investment And Realty Company,
Thrift Market Corporation,
Thrifto-Print Corporation,
Thriftway Stores, Inc.,
Thurston Plays,
Tiffany Cigar Co., Inc.,
Tiffany Glass And Decorating Company,
Tiffany Lunch Corp.,
Tiffin, Inc.,
Tiger Motors, Inc.,
Tilton Contracting Co., Inc.,
Timbert Realty Corporation,
Times-Herald Publishing Co.,
Times Square Realty Co.,
Tindall Land Company, Inc.,
Tindall Realty Co.,
Tip Top Dress Shop,
Tip-Top Markets, Inc.,
Titanic Realty Company,
Title Reporting Co.,
T. J. Barrett, Inc.,
T. & K. Construction Co., Inc.,
Tobacco Sales, Inc.,
Toggery Cleaning Shop, Inc.,
Toggery Shops, Inc.,
Tom Murray's Shoes, Inc.,
Tommy Elm's Auto Supply & Service Station,
Toms River Restaurant, Inc.,
Tom Thumb Electric Water Heater Corp.,
Tonnele Aircraft Corporation,

Tonnele Realty & Construction Co.,
Tony Sarg's Workshops, Inc.,
Tony Spitaleri & Company,
Tony's Taxi, Inc.,
Toothe Realty Company,
Topic Sign Company, Inc.,
Toriello & Purdy, Inc.,
Toschi Construction Co.,
Totowa Investment Company,
Tourist's Autokit Company,
Towaca Realty Associates, Inc.,
Tower Company,
Tower-Connolly Motors, Inc.,
Tower Hill Manor Construction Company,
Tower Lumber And Sales Company,
Towne Holding Company,
Townley Realty Company,
Townsend, Inc.,
Tractor & Equipment Co.,
Trans Continental Demonstration Tours, Inc.,
Trans Holding Company,
Transportation Finance Corp.,
Travaini Realty Company,
Travellers, Incorporated,
Travoy, Inc.,
Treasure Island Realty Co.,
Treat Realty Corporation,
Trebor Const. Co.,
Treb Trading Company,
Treiber Diesel Engine Corporation,
Tremont Apartments, Inc.,
Trenton & American Hotels, Inc.,
Trenton Army And Navy Stores, Inc.,
Trenton Banana Company,
Trenton Clothing Company,
Trenton Fibre Products,
Trenton Fruit & Produce Company,
Trenton Hard Wood Floors & Supply Company,
Trenton Jobbing House,
Trenton Plumbing & Heating Company,
Trenton Restaurant, Inc.,
Trenton Rust Penetrating Oil Manufacturing Co., Inc.,

Trent-Scale Company, Incorporated,
Tresgrow Realty Company,
Triangle Corporation,
Triangle Credit And Adjustment Bureau, Inc.,
Triangle Sales Company,
Tri A. Realty Corporation,
Tri-Boro Syndicate, Inc.,
Tricoli Realty Co.,
Tri-County Trucking Corporation,
Tri-G., Inc.,
Trimmer, Sand & Gravel, Limestone Co.,
Trimpi-Campbell, Inc.,
Trio Realty And Construction Company,
Tri-Party Realty Co.,
Tripodi Electric Co.,
Tri State Development Company,
Tri-State Silk Corporation,
Tritelion Owners, Inc.,
Triumph Realty Co.,
Tri-Won Specialty Company, Inc.,
Trober Corporation,
Troeller, Aliantro & Co.,
Trowbridge Outdoor Advertising Corp.,
Trucking And Transit Publishing Company,
True Friends Saving & Investment Corp.,
True Value Shop,
Truhlar Building Co.,
Tru-Lax Products Company,
Trustee Realty Company,
Trustworthy Realty, Inc.,
T. And S. C. White Company,
T-Square Triangle Company,
Tube Signs Corporation Of New Jersey,
Tuck Holding Company,
Tudor Construction Co.,
Tudor Corporation No. 2,
Tudy Realty, Inc.,
Tuohig Bros., Inc.,
Turnbull Construction Co.,
Turner & Burr, Inc.,
"Turrell Holding Co., Inc.,"
Tuscan Company,
20th Century Business Corporation,

Twenty-First Avenue Corporation,
Twin-Boro Cement Block Corporation,
Twin Brook Dairy, Inc.,
Twin Lakes Realty Company,
Twin Puff Company, Inc.,
Twin State Realty Co., Inc.,
Twist-Rite, Inc.,
Tyler Park Trucking Company,
Tyrian Masonic Association,

Uco Realty Co.,
U-Drive-It Co. of Montclair, N. J.,
Ugaro Trucking Company,
Ummer Paper Co., Inc.,
Uneeda Luncheonette, Inc.,
Uneeda Products Company, Inc.,
Uneeda Realty Co.,
Uneeda Upholstering Co., Inc.,
U-Neek Manufacturing Co.,
Unexcelled Diner, Inc.,
Unexcelled Home Building Company,
Union Automobile Company of the Town of Union, N. J.,
Union Baking Company,
Union Carbonic Gas Corporation,
Union Center Hardware Co.,
Union Center Pharmacy,
Union City Artificial Flower Co., Inc.,
Union City Cleaners and Dyers, Inc.,
Union City Investment Co., Inc.,
Union City Leather Goods Corp.,
Union City Realty Co.,
Union Club Beverages, Inc.,
Union Cooked Foods, Inc.,
Union Cooperative Association, Inc.,
Union County Agency, Inc.,
Union County Bond, Mortgage & Securities Corporation,
Union County Cleaners & Dyers, Inc.,
Union Development Company,
Union Film Laboratories, Inc.,
Union Garage Company of Perth Amboy,
Union Land & Mortgage Co.,

Union Metals Co., Inc.,
Union Poultry Company, Inc.,
Union Press,
Union Realty and Construction Company,
Union Station Realty Co.,
Union Window Cleaning Company,
Unique Chemical Company, Inc.,
United Beef Co.,
United Body Corporation,
United Breeders Packing Corp.,
United Coffee Roasters, Inc., No. 1,
United Combustion And Engineering Company,
United Dairy Stores, Inc.,
United Delicatessen Co., Inc.,
United Department Stores, Inc.,
United Die & Tool Works,
United Distributing Corporation,
United Farms Company,
United Finance and Loan Corporation,
United Furniture Company, Incorporated,
United Hat Cleaners, Inc.,
United Investors Company,
United Loan & Mortgage Corporation,
United Neon Corporation,
United Painless Dentists,
United Plumbing Supply Company,
United Publishing Co.,
United Sales Organization,
United Secret Service,
United Sheet Metal Works, Inc.,
United Shoe Holding Co., Inc.,
United Shoe Market, Inc.,
United Shoe Stores, Inc.,
U. S. Cake Company,
United States Credit Corporation,
U. S. Electric Co.,
U. S. Film Laboratories, Inc.,
U. S. Gasoline Company,
United States Laundry, Inc.,
U. S. Lunch,
United States Mortgage Company,
U. S. Pharmacal Co.,
U. S. Photo Products, Inc.,

U. S. Plumbing & Heating Corporation,
U. S. Service Advertising,
U. S. Tire Sales Corp.,
United States Wheel Track Layer Corporation,
United States Wrecking Co.,
United Steel & Iron Works, Inc.,
United Store Fixtures Corporation,
United Subdivision, Inc.,
United Surgical Supply Co.,
United Tank Installation Company, Inc.,
United Textile Industry,
United 25 Cents Beauty Shoppe,
United Wholesale Poultry Market,
United Wool Dyeing & Finishing Company,
Unity Riding Academy, Inc.,
Unity Securities Co., Inc.,
Universal Advertising Corporation,
Universal Auto Service, Inc.,
Universal Distributing Co.,
Universal Electric Supply Co.,
Universal Engineering Corp.,
Universal Finance Corporation,
Universal Machine Co.,
Universal Metal Products, Inc.,
Universal Neckwear Co., Inc.,
Universal Oil Equipment Co.,
Universal Paint Company,
Universal Safety Window Co.,
Universal Sales Syndicate,
Universal Security Company,
University Country Club,
University Realty Co.,
Up-Stairs Bargain House, Inc.,
Uptown Grill, Inc.,
Uptown Holding Company,
Uptown & Union Iron Works, Inc.,
Urban-Suburban Realty Company,
Utilities Electric and Supply Company,
Utilities Engineering and Equipment Corporation,
Utilities Sales Corp.,
Utility Trucking Company,

Vacuum Ash & Soot Conveyor Company,
Vailsburg Building Company,
Valentine Fulton Corporation,
Valentine Holding Corporation,
Vallata Corporation,
Valley Smokeless Coal Mining Co.,
Value Fur Dressing Corp.,
Val. Zucchi, Jr., Inc.,
Vanalgo, Incorporated,
Van Buiten Building Company,
Van Buiten-Hulsebos Realty Co.,
Van Cleve And Newman, Inc.,
Vanderbilt Apartments Company,
Vanderbilt Corporation,
Vanderpool Investment Co.,
Vanderpool Realty Co.,
Vanity Beauty Shops,
Van Keuren Concrete Material Co.,
Van Morton & Co.,
Van's Auto Stores, Inc.,
Van Vorst Holding Company,
Vant Woud Rubber Company,
Vardee Motor Sales, Incorporated,
Variety Manufacturing Company,
Variety Sales Corporation,
Varnelac Manufacturing Company,
Varsity Boys Shop, Inc.,
V. A. S. Corporation,
Vaughn Rotary Signal Company,
Vauxhall Home Builders Association,
V. B. Giffin and Son, Inc.,
V. And C., Incorporated,
Velvet Hand Soap Co., Inc.,
Velvet M'f'g. Co., Inc.,
Velvette Mills, Incorporated,
Venango Stone Co., Inc.,
Venice Amusement Co.,
Venice Gardens, Inc.,
Venice Park Co.,
Verdi Bros., Inc.,
Veri-Best Farm Products Corporation,
Vernon Investment Co.,
Vernon Nurseries, Inc.,

Verona Construction Company,
Vertex Realty Co.,
Verzi Grocery Company, Inc.,
Vesey Dress Company,
Veteran Realty Co.,
V. F. C. Realty Corporation,
Viaduct Holding Company,
Vickers-Hill Automatic Heating Corporation,
Victor Burglar Alarm Co.,
Victor Heights Realty Company,
Victor Weatherstrips, Inc.,
Victory Catering Company,
Victory Construction Company,
Victory Laundry Co., Inc.,
Victory Park Realty Company,
Victory Vacuum Vaporizer Company,
Vienna Sand & Gravel Co.,
Vierow & Foerst Inc.,
Vigilant Holding Company,
Villa Mona, Inc.,
Vimore Realty Co.,
Vince Holding Corporation,
Vincent E. Martino, Inc.,
Vincent Holding Company,
Vineland Brick Company,
Vineland Clothing, Inc.,
Vineland Dairy Products Company,
Vineland Plumbing Supply Co.,
Vineland Poultry Farms, Inc.,
Vineyard Farms Co.,
Vino Puro Corporation,
Vino Sano Fruit Brick Distributors, Inc.,
Virginia Beach Rolling Chair Company, Inc.,
Virginia Holding Corporation,
Virgin Realty And Investment Company,
Visbeen Bros.,
Viterb Products, Inc.,
Vito Construction Co.,
V. & M. Developing & Holding Co.,
V. M. Sales Company,
Vogel-Glaser Co., Inc.,
Voigt Construction Company,
Vokay Dress Co., Inc.,

New Jersey State Library

Volkert Land Company,
Volk & Greenspan, Inc.,
Vollmer & Thompson, Inc.,
Volusia Investment Corp.,
V. O. Trasborg, Inc.,
V. W. Rospond and Company,

W. A. Allen Co.,
W. A. Birdsall and Co.,
Waco Construction Company,
Wagner and Compton Construction Co.,
Wagner Holding Company,
Wain-Sel, Inc.,
Wakefield Manufacturing Corp.,
Wakefield Television & Radio Co., Inc.,
Walad Associates, Inc.,
Walbus Food Products, Inc.,
Walden-Brodhead, Inc.,
Waldo Realty Company,
Waldorf Clothes, Inc.,
Wales Riggs Plantations,
Walker Cement Products, Inc.,
Walker Holding Corp.,
Walker Investment Company, Inc.,
Walker's Restaurants, Inc.,
Walkor Lunch, Inc.,
Wallace-Dignan Motor Car Co.,
Wallington Wrecking & Lumber Co.,
Wall Street Iron Works, Inc.,
Walnut Hall Restaurant and Catering Company,
Walnut Street Realty Company,
Walsam Realty Company,
Walter B. Steele and Co., Inc.,
Walter Eichhorn Company,
Walter Johnson, Inc.,
Walter J. Stone, Inc.,
Walters Jewelry Mfg. Co., Inc.,
Walter-Slovik, Inc.,
Walter V. Ashby, Inc.,
Walther's Express Company, Inc.,
Walton Provision Co.,
Walt Whitman Pharmacy, Inc.,
Ward Construction Co., Inc.,

Warehouse Realty Corporation,
Warner Realty Company,
Waronker and Son, Inc.,
Warren Apartments, Inc.,
Warren Delicatessen, Inc.,
Warta Oil, Inc.,
W. A. Russell and Company,
W. A. Ryan and Co., Inc.,
"Wa-Shade" Sales Corporation,
Washington Bridge Land Corporation,
Washington Electric Co.,
Washington Market, Inc.,
Washington National Corporation,
Washington Parking Co.,
Washington Sales Co.,
Washington Tailors, Inc.,
Wasserman Bros., Inc.,
Wasserman Realty Company,
Watchung Distributing Corporation,
Watchung Furniture Company,
Watchung Furniture Store,
Watchung Investment Company,
Water Cooled Smoking Pipe Co.,
Waterman Shoes,
Watrous Varnish Company,
Watsessing Laundry, Inc.,
Watson Engineering Co., Inc.,
Watson Realty Company,
Wave Realty Co.,
Waverly Garage And Automotive Engineering Corporation,
Way Motor Sales, Inc.,
Wayne Bakery And Lunch, Inc.,
Wayne Loan Co.,
Wayside Realty Co., Inc.,
W. B. Simmons and Co., Inc.,
W. Cantor and Sons, Inc.,
W. C. Gallagher Company,
W. D. Perle Embroidery Works, Inc.,
W. D. Swartzel, Inc.,
Wear Well Silk Manufacturing Company,
Weber Building Co.,
Weber Loan and Finance Service, Inc.,

Weber's Pharmacy,
Webster Improvement Company,
Webster Motor Car Company, Incorporated,
Weekes Corporation,
Weequahic Auto Service,
Weequahic Building Supply Company,
Weequahic Confectionery Co., Inc.,
Weequahic Delicatessen, Inc.,
Weequahic Holding Corporation,
W. E. Howes & Co., Inc.,
Wehrhan Realty Corporation,
Weil Brothers, Inc.,
Weiler Motors, Inc.,
Weill and Weill, Inc.,
Weinmann Finance Corporation,
Weinrich, Getchius Company, Inc.,
Weisman Produce, Inc.,
Weiss-Croes Company, Inc.,
Weisspel-Lefrie Realty Company,
Weiss Realty Company, Inc.,
Wek Realty Company,
Welcome Small Loan Company,
Welding Engineers & Constructors, Inc.,
Weldons, Inc.,
Welland Holding Company, Inc.,
Wellington Embroidery Manufacturing Co., Inc.,
Wellmont Confectionary, Inc.,
Wellwood Holding Company,
Wenonah Military Academy,
Werner-Barrett Corporation, Inc.,
Werner Knickers Co., Inc.,
Werner O. Lorenz, Inc.,
Werod Realty Company,
Wertheim, Hodge and Potts, Inc.,
Wesley Carol Press, Inc.,
West Bergen Alleys, Incorporated,
West Bergen Service Station, Inc.,
West Berlin Pants Shop,
Westchester Association,
Westcliff Co., Inc.,
West-Court Apartments, Inc.,
West-Emer Realty Company,
West End Casino, Inc.,

West End Cornice and Skylight Works,
West End Holding Corporation,
West End Tea Room,
West Englewood Estates, Inc.,
West Englewood Lumber Company,
Western Lands Development Company,
Western Sash, Door & Trim Co.,
West Essex Development Company,
West Essex Motors, Inc.,
Westfield Airport, Inc.,
Westfield Corporation,
Westfield Estates, Inc.,
Westfield Floor Surfacing Co., Inc.,
Westfield Homes, Inc.,
Westfield Land and Improvement Co.,
Westfield Realty Syndicate,
Westfield Thrift and Loan Corporation,
Westfield United Home Builders, Inc.,
West Heights Construction Company,
West Hoboken Garage,
West Jersey Oil And Gas Co.,
West Jersey Trucking Co.,
West Main Investment Co.,
West Manufacturing Co., Inc.,
Westminster Realty Company,
West Ocean City, Inc.,
West Orange Agency,
West Orange Construction Co.,
West Orange Holding Company,
West Park & Broad Parking Station, Inc.,
West Paterson Mortgage Company, Inc.,
West Shore Manufacturing Company,
West Shore Shoe Repair Co.,
West Side Garage, Inc.,
West View Realty Co., Inc.,
West Virginia Harwood Products Corporation,
Westwood Theatre, Inc.,
Wetherhold Corporation,
W. Finley Jones Company,
W. F. Kerrigan Company,
W. F. Rogers Co.,
W. Gonzales, Inc.,
W. G. Wolford Co., Inc.,

Wharton Realty Corporation,
W. and H. Co.,
Wheeler Ledgemere Corp.,
Whelan Clinic, Inc.,
W. H. Investment Company,
Whipponong Fur Products Corporation,
Whistle Bottling Company of Newark, N. J.,
Whistling Oyster,
White Furniture Company Inc. of Asbury Park,
Whitelaw & Mciver, Inc.,
White Lines Inc. Of Hackensack, N. J.,
White Lobster Co., Inc.,
White Motor Sales, Inc.,
White Star Relish Co.,
Whitney Realty Company,
Whitpar Corporation,
Whittaker Bros., Inc.,
Wholesalers' Beef Company,
Whyte National Sales Corp.,
Whyte & Whyte, Inc.,
Wickes Machinery Co.,
Wiermus Investment Company,
Wiesel Baking Co., Inc.,
Wilckes Realty Company,
Wilcox Motors, Inc.,
Wildew Realty Corp.,
Wildwood Baths, Inc.,
Wildwood Construction And Operating Company,
Wildwood Lumber Company,
Wildwood Place Development Co.,
Wildwood Realty & Development Co.,
Wilfried Realty Co., Inc.,
Wilk Realty & Development Co., Inc.,
Willard Company,
William A. Runner, Inc.,
William Conover Company,
William E. Caldwell, Incorporated,
William E. Schenk, Jr., Inc.,
Wm. F. Bork Construction Co., Inc.,
William F. Moore, Inc.,
William Fogg Poultry Farm, Inc.,
Wm. H. Ayres & Son, Inc.,
William H. Imlay, Inc.,

Wm. H. Ingersoll Company, Inc.,
Wm. J. Mohn & Son,
William & Joseph, Inc.,
William-Jules Distributing Co., Inc.,
William H. Klechner, Inc.,
William L. Keane, Inc.,
William Luckhardt, Sr., Inc.,
William Peterman, Inc.,
William and Prospect Realty Corp.,
Wm. P. Thompson, Inc.,
William Rinckhoff, Inc.,
Wm. R. Smith, Inc.,
Wm. Schmidt Construction Co.,
Williams & Clark Fertilizer Company,
Williams Contracting Company,
William S. Hine Company,
Williams Island, Inc.,
Williams Laundry Company,
Williamson Realty Company,
William T. Lins, Inc.,
William Wood, Inc.,
William Z. Fromer, Inc.,
Willott Laundry Co.,
Willys Cars, Inc.,
Wilmet Sweet Shoppe,
Wilmort Park Development Company,
Wilms Realty Company,
Wilsal Realty Co.,
Wilscot Land Company,
Wilson Clarifying Systems, Inc.,
Wilson-Collins Co., Inc.,
Wilson-McDonnell Company,
Wilwyls Holding Corporation,
Winans Holding Company,
Winans Paper Company, Inc.,
Windbeam Log Cabin,
Windsor Site, Inc.,
Winged City Corporation,
Wissahickon Country Club,
Wisteria Amusement Company,
Wittan Holding Co.,
W. J. M. Lumber Company, Inc.,
W. L. Clayton, Inc.,

W. & L. Holding Co.,
W. L. Winckler & Son, Inc.,
W. M. Realty Co.,
Wolf Company,
Wolff Brothers Corporation,
Wolf Ox & Son, Inc.,
Wolstenholme Engineering Company,
Women's Silk Store, Inc.,
Wonder Market Co., Inc.,
Woodbine Realty Company,
Woodbridge Amusement Co.,
Woodbridge Feed & Coal Co.,
Woodbridge Gardens Realty Co.,
Woodbridge Knights of Columbus Building Association,
Woodbridge Refractories Company,
Woodcliff Realty Company,
Wood Construction Company,
Wood Dairy Company,
Woodfern Development Company,
Woodhull Distributing Corporation,
Woodland Avenue Construction Company,
Woodland Corporation, Inc.,
Woodland Homes Company,
Woodland Sales And Service, Inc.,
Woodlawn Painting Co.,
Woodlin Realty Company,
Wood Realty Company,
Woodruff Motor Sales Company, Inc.,
Woodruff Patents, Inc.,
Woodson County Gas And Oil Co., Inc.,
Wood-Van Wagner, Inc.,
Woodward Bryce Co.,
Woolley Hardware Company, Inc.,
Woolston Stair Building Co.,
W. O. Parts Department, Inc.,
Workingman's American Society,
Workmen's Building Co., Incp. of Union County,
World Wide Theatre Equipment Corporation,
Worthley & Parker, Inc.,
Wow Publications, Inc.,
W. P. G. Realty Corporation,
W. R. Christopher, Inc.,

Wright Bros., Inc.,
Wright's Clothes Shops, Inc.,
W. Shapiro & Son, Inc.,
W. T. Smith And Son,
W. W. Smith, Inc.,
Wyckoff-Bergen Construction Company, Inc.,
Wyckoff-Ridgewood Realty Co.,
Wycoff-Masten Company, Inc.,
Wyoming Properties, Inc.,

Xenophon Co.,
X. L. Corporation,
X. Y. Z. Holding Corporation,

Yakima Realty Co.,
Yale Investment Company,
Yarnold Realty Co.,
Yates Building Co.,
Yellow Bowl Coffee Shop, Inc.,
Yellow Cab Company,
Yellow Cab Company Of Union County, New Jersey,
Yellow Taxi Companay,
Yellow Transportation Co.,
Ye Olde Staten Island Dyers And Cleaners,
Ye Old Town Hall, Inc.,
Yeskel Supply Co.,
Yoengs Restaurant, Inc.,
Yoke Bros., Inc.,
York Holding Corporation,
Yorkwood Realty Corporation,
Young Investment Co.,
Young Men's Shop,
Yours Truly Candy Co., Inc.,
Yuker Holding Company, Inc.,

Zaitz Shoes, Inc.,
Zams, Inc.,
Zatz Realty Company, Inc.,
Zeh, Incorporated,
Zeller Construction Company,
Ziemer Painting And Decorating Company,
Zi-Mar Delicatessen And Lunch Room Company,

Zion Credit Corporation,
Zisette Company,
Zisk Realty Company,
Zuman-Weiner, Inc.,

UNPAID TAXES FOR THE YEAR 1932

One Holding Corporation,
2-G Inc.,
Three Oak Pigeon Farm, Inc.,
Four Family, Inc.,
Four Star Hosiery Shops, Inc.,
Four Star Manufacturing Company,
Five Points Realty Company,
19 Stratford Place Corporation,
Twenty Nassau Street Holding Company,
Twenty-Four Holding Corporation,
26 Halsey Street Corporation,
29 Nelson Place Inc.,
31-33-35 Chestnut Street Corporation,
Thirty-Two Gifford Avenue, Inc.,
47 Tichenor Street, Inc.,
55 Bidwell Company, Inc.,
79 Smith Street Holding Co., Inc.,
89 State Street, Inc.,
94 Stevens Ave., Corp.,
101 North Broad Realty Corporation,
111 Harrison Street Mortgage Co.,
One-Twenty Main Street, Inc.,
140 Chancellor Avenue Corporation,
144 Newark Ave. Holding Corporation,
148 Kensington Ave. Company,
153 Plane St., Inc.,
185-189 Clinton Ave. Corporation,
194 Wright Street Corporation,
196 Court Street, Inc.,
197 Market Street Corporation,
200 Clinton Street Corporation,
208 South Center Street Company, Inc.,
Two-Forty Garfield Corporation,
254 Mt. Prospect Corporation,
275 Central Avenue Corporation,

288 Park Ave., Inc.,
309-48th Street, U. C. Inc.,
371 Leslie Street Corporation,
399 Lincoln Ave., Inc.,
438-440 Washington Street Corporation,
511 Wash'n Ave. Co., Inc.,
600 Main St. Holding Company, Incorporated,
Six Hundred Eleven Main Avenue Passaic Corporation,
614 Main Avenue Corporation,
617 Ferry St. Corporation,
620-628 East Jersey Street Corporation,
625 New Brunswick Avenue Corporation,
772-778 West Side Realty Co.,
Eight-O-Two Broadway, Inc.,
1151 East Jersey Street Corporation,
1417 Coney Island Avenue, Inc.,
1450 North Broad Street Corporation,
1583 Holding Corporation,
2999 Boulevard Corporation,

are void, and all powers conferred by law upon such corporations and each of them, are hereby declared inoperative and void.

Given under my hand and the Great Seal of New Jersey, this eighteenth day of
[SEAL] January, A. D. one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Conservation of natural resources becomes an increasingly important feature of our State and National existence. The days are gone when extravagance in the use of these resources can be condoned. In the earlier days of our country this extravagance was excusable, as the vast natural resources seemed almost limitless. Bitter experience has demonstrated how great has been the havoc wrought by carelessness and waste, and how vitally necessary it is that every precaution be taken to safeguard our resources, and every possible effort made to replace, so far as possible, the losses already sustained.

Because I realize the worth of a definite program of education in this important matter of conservation,

I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim the week beginning April 8, 1935, as

STATE CONSERVATION WEEK.

Inasmuch as Arbor Day will be observed during this week, on April 12th, I would especially request the public schools and other educational institutions of New Jersey to conduct conservation programs throughout the week, as well as Arbor Day exercises.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fifteenth day of February, in the year of Our Lord one thousand nine hundred

and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,

The observance of National Business Women's Week, from

MARCH 17TH TO MARCH 23D,

comes at a most opportune time.

Now, more than ever, an impetus is needed in our economic adjustment, and the woman in public affairs is capable of providing that animation conducive to a Business Renaissance.

To the New Jersey Federation of Business and Professional Women's Clubs, who unite during this week to celebrate the Eighth Annual Anniversary of the National Business Women's Week, I convey, on behalf of the State of New Jersey, my earnest hopes that their program, outlined for the coming year, will be attended by every measure of success.

The Educational, the Re-employment and Rehabilitation Program deserves the whole-hearted support and co-operation of our citizens, and I join with the people of New Jersey in voicing my admiration for the ever-widening influence of women in public affairs and their expansive achievements in the Business and Professional World.

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim the period between

MARCH 17TH

and

MARCH 23D

as

NATIONAL BUSINESS WOMEN'S WEEK

and I ask the co-operation of the public in the observance of this week.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fourth day of March, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The twenty-first Annual Observance of National Negro Health Week will be celebrated from Sunday, March thirty-first, to Sunday, April seventh, inclusive; and,

WHEREAS, National Negro Health Week is memorialized under the auspices of the United States Public Health Service; and,

WHEREAS, This year's observance has, as its aims and ideals, the perpetuation of the Family and the Home as the unit of community health; and,

WHEREAS, The adherence to, and strict observance of, hygienic precautions are attained by instruction and counsel;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim the period between

MARCH 31ST TO APRIL 7TH

as

NATIONAL NEGRO HEALTH WEEK

and call upon hospitals, health clinics, physicians, dentists, nurses and all interested agencies to lend their whole-hearted co-operation and support in the interest of Health and Hygiene among the colored population of New Jersey.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twentieth day of March, in the year of our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The church of this State and the Nation will observe Friday, April nineteenth, as a day devoted to divine worship; and

WHEREAS, That while thousands of citizens of this State will attend church services in observance of Good Friday, there will be thousands of working persons who may be barred from taking part in appropriate religious services because of their employment; and

WHEREAS, This day should offer an opportunity for all our citizens to invoke divine guidance,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby call upon business and industry of the State which has not already granted to its employees a recess from labor, sufficient time for its employees to take part in some religious observance attendant with the sacredness of the day.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fifteenth day of April, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Congress of the United States, by enactment, has set aside May first as CHILD HEALTH DAY; and

WHEREAS, The President of the United States, by proclamation, has set aside this day for earnest consideration of the needs of children in their communities and in their homes; and

WHEREAS, In the present necessity for strict economy there is danger of curtailment of public and private activities in the interest of child health,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, urge all organizations, agencies and persons interested in the continued progress of the welfare of our children and the future of our State to unite on May first in the observance of CHILD HEALTH DAY, and arrange such exercises and activities as they believe will further the health and welfare of the children of the State and Nation.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this twenty-second day of April, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Memorial Day is an occasion for earnest consecration of the highest patriotic ideals; and,

WHEREAS, This day is set apart as one of deep reverence for our beloved dead; and,

WHEREAS, Such reverence is a true measure of the memory and spiritual fiber of our Nation, betokening the continuity of our National existence and loyalty to the finest American traditions;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, mark the observance of Memorial Day this year as more deeply significant than ever before in the history of our country, and that in extending our tribute, affection and respect to those who have offered their lives in the service of our country, we are dedicating and broadening the scope of our National idealism.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-seventh day of April, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It is the custom to set aside one week each year for the observance of National Music Week throughout the United States; and,

WHEREAS, Such a week does much to stimulate musical education and appreciation; and,

WHEREAS, We all need the cultural and recreational advantages which an acquaintance with music affords, and Music Week gives us the opportunity of becoming acquainted with the compositions of the great musical geniuses of the world; and,

WHEREAS, A concerted effort toward the preservation of music and the other arts as a vital community force amid these trying times should be made; and,

WHEREAS, The conservation of our musical assets is to be the main objective of the Twelfth Annual National Music Week;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim

MAY 5TH

to

MAY 11TH

as

NATIONAL MUSIC WEEK IN NEW JERSEY,

and call upon all citizens of this State to observe this period by fitting exercises and ceremonies,

through community singing, special musical programs, and in other suitable ways.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-seventh day of April, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The State of New Jersey is distinguished by the fact that within its borders is the major aviation terminal of the world, presenting a daily demonstration of the movement of the greatest volume of air passenger, mail and express traffic of any flying field; and

WHEREAS, Since the Nation shortly will observe another anniversary of air mail service, it is appropriate that New Jersey be the first to mark the great advance which we have shared with our sister States in the field of modern aeronautics; and

WHEREAS, New Jersey has materially aided in the development of air express until today Newark is the terminus for more than two million pounds

of freight and the major portion of more than two hundred million miles flown annually by the air mail;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, recognizing these achievements, do hereby proclaim

WEDNESDAY, MAY 15TH, 1935,

as

AIR TRANSPORT DAY

in the State of New Jersey, and do urge that all citizens pause in tribute to the pioneers of flights, and at the same time do honor to those designers, engineers and operators who have so ably contributed their heritage of genius.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this sixth day of May, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The hospitals serving the people of New Jersey have earned a place of high esteem and real affection in the hearts of those whom they have served so loyally; and

WHEREAS, public recognition of the services which the hospitals have rendered in their respective communities ought to be made; and

WHEREAS, Sunday, May twelfth, one thousand nine hundred and thirty-five, has been designated as National Hospital Day,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim and designate

SUNDAY, MAY 12TH, 1935,

as

NATIONAL HOSPITAL DAY

I heartily recommend that the people of New Jersey observe this day by visiting and inspecting the hospitals serving their respective communities, in order that they may see what well-conducted institutions, equipped with the most modern facilities, are ready to offer in the way of skilled and sympathetic care and treatment in time of illness or injury.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this tenth day of May, in the year of Our Lord one thousand nine hundred and

thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It is most fitting and proper that we should celebrate the anniversary of the adoption of the Stars and Stripes as the American Flag;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby designate

FRIDAY, JUNE 14TH,

as

FLAG DAY,

and I request that the same spirit which marked the Federal adoption of the flag prevail on that day, with citizens of New Jersey displaying the flag from public buildings, places of business, and private dwellings.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this eighth day of June, in the year of Our

Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Since time immemorial the home has been recognized as the basis of community life, contributing to the health, happiness and prosperity of our people; and,

WHEREAS, The Federal Housing Administration and the communities of our State have joined in a Better Housing Program to build new homes and to modernize existing structures for the purpose of giving worthy employment and contributing to the business recovery of our nation;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby designate

SATURDAY, JUNE 15TH,

as

BETTER HOUSING DAY,

and I urge the citizens of this State to mark this day with appropriate observance, spreading through every city and hamlet the benefits of the

Better Housing Program, and, as far as possible, to initiate projects that will carry out the aims of the Better Housing Movement.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this twelfth day of June, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and fifty-ninth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Favorable growing conditions have resulted in the production of a good crop of high quality, vine-ripened white potatoes in New Jersey this summer; and,

WHEREAS, These potatoes are high in nutritional value and, at current prices, are one of our most economical as well as one of our most healthful foods,

WHEREAS, The well-being of many New Jersey farmers, business establishments, banks and working people is dependent upon a successful potato marketing season,

NOW, THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby appeal to the people of the State of New Jersey to cooperate with their fellow-citizens and further the best interests of the State by using more of these high quality and nutritious New Jersey potatoes, and by giving preference to them in purchasing this commodity.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and sixtieth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

On Tuesday, September 17th, occurs the one hundred and forty-eighth anniversary of the adoption of the Constitution of the United States.

The safeguarding of the rights and privileges accorded the American citizen under the Constitution is of such vital importance that no citizen should remain in ignorance of the provisions of the organic law of the country.

In order that public attention may be directed to this anniversary, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim

TUESDAY, SEPTEMBER 17TH,

as

CONSTITUTION DAY.

Special ceremonies and exercises should mark this anniversary, and I strongly recommend that emphasis be placed upon the necessity of every citizen making a study of this great document.

I direct that the American Flag be displayed on all public buildings of the State on this day, and request that all citizens of the State likewise display the flag from their homes and places of business.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-seventh day of August, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and sixtieth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, More than 1,200 deaths and 27,000 personal injuries, in addition to an economic loss equalling millions of dollars resulting from motor vehicle accidents, is too great a price for citizens of New Jersey to pay each year because of human carelessness; and

WHEREAS, Despite the advancement made in safety features of automobiles and highway facilities in recent years, the highway accident toll is increasing; and

WHEREAS, Preventive and cautionary measures promulgated and adopted by public officials will, of course, help, but until each individual highway user realizes his responsibility when he is upon the highways, and governs his actions accordingly, a complete solution of the motor vehicle accident problem cannot be had; and

WHEREAS, The bringing about of greater safety on the streets and highways is of such importance that attention should be directed to this necessity;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim

THE MONTH OF SEPTEMBER, 1935,

as a month of concerted effort by all to obtain and practice proper habits when upon the highways and to at all times respect the rights of others, to the end that such habits and courtesy will become permanent characteristics.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this thirty-first day of August, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and sixtieth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

May I extend to the Jewish people of New Jersey my greetings upon the feast of Rosh Hashonah, that great and joyous day which ushers in the New Year.

I hope that this feast may be for all who observe it the starting point of great progress during the coming year. True observance of the celebration, with its consecration to a nobler life, should be a step toward the day for which we all so ardently long—the day when peace and order among nations will be an established fact and the spirit of brotherly love and kindliness will prevail throughout the world.

In order that the observance of the Jewish New Year may be directed to public attention, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do issue this

PROCLAMATION,

and I hope for a widespread and fervent observance of this great feast.

Given under my hand and the Great [SEAL] Seal of the State of New Jersey, this fifth day of September, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and sixtieth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, I have learned that The Save the Children Fund of America, a national organization founded in 1932 for the purpose of furthering the welfare of under-privileged children in unorganized, undeveloped areas, has rendered invaluable service in the mountain regions of the South, and

WHEREAS, This organization has received urgent calls from many other States in the Union to render similar service to children in isolated sections of their States, and is endeavoring to raise a National Supporting Fund to meet the increased demands upon the Save the Children Fund Treasury; and

WHEREAS, A New Jersey Save the Children Committee has been organized in this State, which Committee is endeavoring to raise New Jersey's share of the National Supporting Fund, in order that the under-privileged children of New Jersey and elsewhere may share in the great work of this fine organization, now,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby call upon the citizens of New Jersey to aid the New Jersey Save the Children's Committee in its laudable efforts, and I hereby proclaim

SUNDAY, SEPTEMBER 15, 1935,

as

SAVE THE CHILDREN SUNDAY,

and

SATURDAY, SEPTEMBER 14, 1935,

as

SAVE THE CHILDREN SABBATH

I would request that in all places of worship on these days, as well as in the homes, consideration, thought and support be given to the project of adequately safeguarding the health and general welfare of children who have heretofore been deprived of their rightful advantages.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twelfth day of September, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and sixtieth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, October 11, 1935, marks the anniversary of the death of Brigadier General Casimir Pulaski, who so signally aided the struggling colonies in the War of the Revolution, and

WHEREAS, The American people are so deeply indebted to this gallant soldier that they should never fail in doing honor to his memory,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by Joint Resolution No. 3, P. L. 1932, do hereby issue this my

PROCLAMATION,

and I request the people of this State to observe this anniversary with suitable ceremonies in commemoration of General Pulaski, such ceremonies to be conducted in the schools, churches and other suitables places; and I call upon officials of the government to display the flag of the United States on all governmental buildings on this date.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this thirteenth day of September, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and sixtieth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Development, improvement and commercial use of motor transportation are accomplishments of comparatively recent years, and

WHEREAS, Motor transportation definitely has become a necessary adjunct to agricultural, industrial and commercial operations, as well as an integral part of our general transportation system, and

WHEREAS, Motor transportation favorably affects the economic and social life of each citizen in the State of New Jersey—shortening distances, broadening horizons and opening new vistas of profitable employment, and

WHEREAS, The automotive industry and industries related to it have notably assumed leadership in the present revival of economic progress, now,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim the week from

OCTOBER 28th to November 2d, 1935,

as

MOTOR TRANSPORTATION WEEK

Further, I recommend and urge that all persons engaged in commercial automotive transportation and related industries devote their best efforts during that week to promoting full realization of the

benefits which motor transportation has brought to all citizens and all industries in the State of New Jersey.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fifteenth day of October, in the year of Our Lord one thousand nine hundred and thirty-five, and in the Independence of the United States the one hundred and sixtieth.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

Decrees of Dissolution

Decrees of Dissolution

IN CHANCERY OF NEW JERSEY

In pursuance of Chapter 185 of the Laws of 1896, copies of decrees of dissolution of the charters of the following corporations have been filed in the office of the Secretary of State:

Name	*Filed*
Verona Publishing Company	Mar. 23, 1935
Colonial Stationery & Supply Co. Inc.	Mar. 26, 1935
Broadney Corporation	April 13, 1935

Statements of Results of Municipal Elections

Statements of Results of Municipal Elections

At a special election held on March 19, 1935, in the city of Trenton, Mercer County, "An act relating to, regulating and providing for the government of municipalities, except counties, by a Municipal Council and a Municipal Manager," approved March 19, 1923, being Chapter 113 of the Laws of 1923, was adopted. Filed March 22, 1935.

At a special election held in Mt. Ephraim, Camden County, "An act relating to, regulating and providing for government of cities, towns, townships, boroughs, villages and municipalities governed by boards of commissioners or improvement commissions in this State," was adopted. Filed May 17, 1935.

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