LAWS—NEW JERSEY
1939

New Jersey State Library

ACTS

OF THE

One Hundred and Sixty-third Legislature

OF THE

STATE OF NEW JERSEY

AND

Ninety-fifth Under the New Constitution

Preceded by Additional Acts of 1938

(Chapters 403 to 431)

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New Jersey State Library

ADDITIONAL LAWS OF 1938

(Chapters 403 to 431)

The following additional laws, passed by the One Hundred and Sixty-second Legislature, are published in accordance with "An act for the publication of the 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.

THOMAS A. MATHIS,
Secretary of State.

ADDITIONAL ACTS

PASSED BY

The One Hundred and Sixty-second Legislature

CHAPTER 403

AN ACT concerning State aid to municipalities, and amending section 27:15–7 of the Revised Statutes.

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

1. Section 27:15–7 of the Revised Statutes is hereby amended to read as follows: Section amended.

The governing bodies of the municipalities may raise the funds necessary for the work contemplated by this chapter by taxation, by assessment in the manner provided for assessing local improvements under chapter 56 of the Title Municipalities and Counties (Par. 40:56–1 et seq.) or by temporary loans. The amount of the temporary loans and the interest thereon until the time of payment shall be included in the tax levy of the year following that in which the indebtedness is incurred. Empowered to raise funds for local improvements.

Any municipality may accept contributions from any person toward meeting its share of the cost of this work. The financial officer of the municipality shall receive such contributions and properly credit them. Contributions receivable.

When the cost of the work exceeds the sum of ten thousand dollars the municipality may issue bonds therefor in the manner provided by Article 1 of Bond issue.

chapter 1 of the Title Municipalities and Counties (Par. 40:1–1 et seq.)

2. This act shall take effect immediately.

Approved October 21, 1938.

CHAPTER 404

AN ACT concerning the issuance of bonds and other obligations and the incurring of indebtedness by counties, cities, boroughs, towns, townships, villages and other municipalities other than school districts, and amending section 40:1–79 of the Revised Statutes.

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

Section amended.

1. Section 40:1–79 of the Revised Statutes is hereby amended to read as follows:

Limiting self-liquidating issues.

Period.

Proviso.

Bonds or notes deductible.

40:1–79. Bonds or notes for the financing of such utilities or enterprises or for any extension or improvement thereof 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; *provided,* that the 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 article, on the basis of a project report prepared by the engineer. Bonds or notes to finance the improvement or extension of an existing utility or enterprise shall be deductible during the fiscal year in which they shall have been authorized or issued (1) if such utility or enterprise would have been self-liquidating during

the last preceding fiscal year had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one-half per centum per annum on the bonds or notes issued or to be issued to finance such improvement or extension and the amount of the first installment of serial bonds legally issuable to finance such improvement or extension, or (2) if, in the case of an improvement or extension of any water supply or distribution system or any sewerage system, the board of public utility commissioners shall have determined by order that, upon the basis of a project report prepared by engineers for such utility or enterprise, the utility or enterprise would have been self-liquidating during the last preceding fiscal year had there not only been included in the interest and debt redemption charges an amount computed in the manner provided under clause (1) of this section, but also included in the income thereof the prospective income from the proposed improvement or extension, or (3) if in the case of an improvement or extension of any water supply or distribution system or any sewerage system, in connection with the operation of which fees, rents or other charges were not prescribed, charged or collected during the last preceding fiscal year, the 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 article, on the basis of a project report prepared by the engineer, which shall set up the schedule of fees, rents or charges thereafter to be prescribed, charged and collected in connection with the operation of such system. The board of public utility commissioners is hereby authorized and empowered to make any such determination hereunder 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

Schedule of fees to be fixed.

Determination.

chapter two of the Title Public Utilities (48:2–1 et seq.); 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, or be determined to 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 redemption, or the prospective amount of such deficit as determined by said State Board of Public Utility Commissioners, shall be capitalized at five per centum and the capital sum so determined shall not be deductible from the gross debt.

Deficit in income.

2. This act shall take effect immediately.

Approved October 21, 1938.

CHAPTER 405

AN ACT to validate and confirm the proceedings of school district meetings heretofore held and bonds voted at such meetings.

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

Proceedings and bonds validated.

1. All proceedings of school district meetings and elections heretofore held in school districts in this State for the purpose of authorizing the issuance of bonds and any bonds issued or to be issued in pursuance of a proposal or proposals adopted by the legal voters at any such meeting or election are hereby validated and confirmed, notwithstanding that there were two or more polling districts and polling places for any such meeting or election and the notices of such meeting or election did not contain the boundaries of the several polling districts; *provided,* said notices contained the locations of the several polling places.

Proviso.

2. This act shall take effect immediately.

Approved October 21, 1938.

CHAPTER 406

AN ACT concerning the care of crippled persons, and amending section 9:13–7 of the Revised Statutes.

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

1. Section 9:13–7 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

9:13–7. Expenditures for crippled children authorized. The board of chosen freeholders of a county which has no county home and hospital for crippled children may appropriate not more than thirty thousand dollars each year for the necessary expense incident to the diagnosis and treatment of crippled children resident in the county under the age of twenty-one years, including the cost of surgical appliances, support and maintenance of such children, investigation of cases, and necessary traveling expenses incidental to the investigation and transportation of patients to a suitable home or hospital within the State supported by public funds or private charity. Within such appropriation such board of chosen freeholders or its appropriate committees, may, in its discretion, pay the whole or any part of the cost of transporting crippled persons to and from sheltered workrooms. Expenditures authorized. May pay cost of transportation.

Before spending money for such purposes the board shall adopt such rules and regulations as it deems desirable concerning the requirements of residence and eligibility for such relief. Disbursements shall be made through officers designated by the board for that purpose on verified bills presented and approved as in the case of other county expenditures. Rules and regulations. Disbursements.

Approved October 21, 1938.

CHAPTER 407

AN ACT concerning highways, and amending section 27:12–1 of the Revised Statutes.

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

Section amended.

1. Section 27:12–1 of the Revised Statutes is amended to read as follows:

Disposition of property not needed for public use:

27:12–1. Disposition of property not needed for public use. When real estate or any right or interest therein has or shall have come into the possession or control of the commissioner, or when he has or shall have taken real estate or any right or interest therein, in the name of the State for the use of the State in the improvement, betterment, reconstruction or maintenance of a State highway, and the commissioner has or shall have determined that the property so acquired is no longer required for such use, he may:

Private sale;

a. Sell at private sale, for not less than the amount paid therefor by the State, to any municipal corporation or to any public board or commission, for public use only; *provided, however,* that the State Highway Commissioner is empowered to convey to any municipal corporation or to any public board or commission for road and bridge purposes only any lands heretofore acquired by the State of New Jersey for road and bridge purposes, upon which lands the improvement contemplated at the time of acquisition has not been completed due to lack of funds or otherwise.

Proviso.

Public sale;

b. Sell at public sale to the highest bidder; and

c. Exchange for other lands—

All or any portion of such real estate, or any interest therein, with or without improvements thereon, including the hereditaments, appurtenances, easements and right of ways, and make the necessary conveyance of same. Exchange.

2. This act shall take effect immediately.

Approved October 21, 1938.

CHAPTER 408

A FURTHER 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-nine, and regulating the disbursement thereof," approved June fourteenth, one thousand nine hundred and thirty-eight.

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

1. For the purpose of carrying into effect the provisions of sections 34:11–34 to 34:11–56, both inclusive, of the Revised Statutes (P. L. 1933, chapter 152), and otherwise known as the "New Jersey Minimum Wage Law," there is hereby appropriated the sum of fifteen thousand dollars ($15,000.00), which sum shall be expended by the Commissioner of Labor in the same manner as other appropriations made pursuant to the act to which this act is a further supplement. Appropriation for minimum wage law.

2. This act shall take effect immediately.

Approved October 21, 1938.

CHAPTER 409

A FURTHER 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-nine, and regulating the disbursement thereof," approved June fourteenth, one thousand nine hundred and thirty-eight.

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

Appropriation to study labor relations.

1. To the commission created by resolution of the House of Assembly to study the question of labor relations in this State, the sum of five hundred dollars ($500.00).

Expenditures.

2. Said appropriation in this act authorized shall be expended by the commission in the same manner as other appropriations made pursuant to the act to which this act is a further supplement.

3. This act shall take effect immediately.

Approved October 21, 1938.

CHAPTER 410

A SUPPLEMENT to an act entitled "An act to regulate and control promotion of members of the police department of any city of first class in this State," 40:174–147 of the Revised Statutes, and adding thereto 40:174–147A.

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

1. Title 40, chapter 174-147 of the Revised Statutes is hereby supplemented as follows: New section.

40:174–147A. Promotion from any rank to the next higher rank: 1. Any person now or who may hereafter be a member of the uniformed rank in the police department in any city of the first class of this State may be promoted or advanced to the next higher grade or rank in such police department by the governing body of any such city without complying with any of the rules or regulations of the Board of Civil Service Commissioners; *provided,* the said person shall have served as a member of said uniformed rank for at least fifty years prior to the making of said promotion or advancement. Promotions in police department. Proviso.

2. This act shall take effect immediately.

Approved November 22, 1938.

CHAPTER 411

AN ACT to validate and confirm deeds, mortgages, assignments of mortgages, discharges of mortgages, releases of mortgages and postponements of mortgages made by or to corporations whose charters have been forfeited by nonpayment of State taxes.

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

Validating deeds, etc., made by certain corporations.

1. Any deed or deeds of conveyance, mortgage or mortgages, assignment or assignments of mortgages, discharge or discharges of mortgages, release or releases of mortgages, or postponement or postponements of mortgages, heretofore made by or to a corporation organized under the laws of the State of New Jersey, for, upon or affecting any lands, tenements or hereditaments situate in this State, are hereby validated and confirmed notwithstanding that the charter of such corporation may have been forfeited for the nonpayment of State taxes at the time of the making of such deed or deeds of conveyance, mortgage or mortgages, assignment or assignments of mortgages, discharge or discharges of mortgages, release or releases of mortgages, or postponement or postponements of mortgages; *provided, however,* that the charter of said corporation has been reinstated.

Proviso.

2. This act shall take effect immediately.

Approved November 22, 1938.

CHAPTER 412

AN ACT to validate and confirm the proceedings of school district meetings heretofore held and bonds voted at such meetings.

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

Proceedings and bonds validated.

1. All proceedings of school district meetings and elections heretofore held in school districts in this State for the purpose of authorizing the issuance of bonds and any bonds issued or to be issued in pursuance of a proposal or proposals adopted by the legal voters at any such meeting or election are hereby validated and confirmed, notwithstanding that the polls for any such meeting or election were not open between the hours required by law; *provided,* said polls were open for at least two hours and as much longer as was necessary to poll the vote of the district.

Proviso.

2. This act shall take effect immediately.

Approved November 22, 1938.

CHAPTER 413

AN ACT concerning county and municipal finances.

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

Approval of items of anticipated miscellaneous revenue.

1. In the budget of any municipality for the year one thousand nine hundred and thirty-nine, the Commissioner of Local Government shall be authorized and it shall be his duty to approve an item of anticipated miscellaneous revenue appearing in such budget where such revenue is set up under the

caption of "Franchise and Gross Receipts Taxes of one thousand nine hundred and thirty-eight" in an amount not in excess of the amount certified by the State Tax Commissioner by his certificate dated September first, one thousand nine hundred and thirty-eight; *provided,* the amount so set up has not been received in cash by the municipality at the close of the fiscal year one thousand nine hundred and thirty-eight; *and provided, further,* that such item in a budget that is not adopted in accordance with the provision of sections Revised Statutes 40:2–25 to 40:2–28, inclusive, shall not be in excess of the amount of the appropriation made in such budget for "deficit in miscellaneous revenues of one thousand nine hundred and thirty-eight." The said commissioner shall also be authorized and it shall be his duty to approve an item of anticipated miscellaneous revenue for one thousand nine hundred and thirty-nine under the caption of "Franchise Taxes of one thousand nine hundred and thirty-nine" or "Gross Receipts Taxes of one thousand nine hundred and thirty-nine"; *provided,* such item is not in excess of the amount set forth in the certification of the State Tax Commissioner dated September first, one thousand nine hundred and thirty-eight, in accordance with the provisions of chapters seven and eight, Pamphlet Laws one thousand nine hundred and thirty-eight.

Proviso.

Proviso.

Proviso.

2. This act shall take effect January first, one thousand nine hundred and thirty-nine.

Act effective.

Approved December 13, 1938.

CHAPTER 414

AN ACT concerning the payment of excise taxes levied in the year one thousand nine hundred and thirty-eight upon certain public utility corporations.

WHEREAS, The apportionment of taxes levied in the year one thousand nine hundred and thirty-eight against certain public utility corporations pursuant to the provisions of chapter seven and chapter eight of the laws of one thousand nine hundred and thirty-eight is in litigation; and Preamble.

WHEREAS, Such corporations are willing and desirous of paying such taxes or a part thereof prior to the completion of such litigation but cannot safely do so under said acts; therefore Preamble.

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

1. It shall be lawful for any corporation against which excise taxes were assessed in the year one thousand nine hundred and thirty-eight under the provisions of either chapter seven or chapter eight of the laws of one thousand nine hundred and thirty-eight to make payment to the several municipalities entitled to share in the apportionment of such taxes on account of the amount to which such municipalities shall each ultimately be entitled to receive; and the several collectors of taxes, or other officers performing like duties, in any such municipality shall receive such payments and give a proper receipt therefor; and in case it shall ultimately appear that any such payment is in excess of the amount which such municipality shall be entitled to receive, such corporation shall be reimbursed for such excess payment out of the amount of excise taxes thereafter apportioned to May pay 1938 excise taxes. Reimbursement.

and payable to such municipality by such corporation until the full amount of such excess payment shall have been recovered by such corporation from such municipality.

2. This act shall take effect immediately.

Approved December 13, 1938.

CHAPTER 415

AN ACT to validate and confirm the proceedings of school district meetings heretofore held and bonds voted at such meetings.

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

Proceedings and bonds validated.

1. All proceedings of school district meetings and elections heretofore held in school districts in this State for the purpose of authorizing the issuance of bonds and any bonds issued or to be issued in pursuance of a proposal or proposals adopted by the legal voters at any such meeting or election are hereby validated and confirmed, notwithstanding that such proceedings were without the assent in writing of the municipal finance commission; *provided,* the assent in writing of said commission to the issuance of said bonds shall have been obtained prior to the issuance of said bonds.

Proviso.

2. This act shall take effect immediately.

Approved December 13, 1938.

CHAPTER 416

AN ACT to validate and confirm the proceedings taken at school district meetings heretofore held and the proposals adopted and bonds voted at such meetings.

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

Proceedings and bonds validated.

1. All proceedings taken at any school district meeting heretofore held in any school district of this State to authorize the board of education of such school district to purchase, take or condemn land to be used as a site for any school building and to construct such building on such land and to purchase and provide for the installation of necessary furnishings, furniture and equipment and to issue bonds for such purposes in the corporate name of the district, and any proposal adopted or bonds voted at such meeting for such purpose, are hereby validated and confirmed, notwithstanding that such proposal submitted to the voters at such meeting shall not have described or otherwise identified or designated the particular land to be purchased, taken or condemned in pursuance of such proposal; *provided,* such proposal was adopted at said meeting by a majority of the legal voters present and voting at said meeting.

Proviso.

2. This act shall take effect immediately.

Approved December 13, 1938.

CHAPTER 417

AN ACT concerning municipal and county finances and supplementing chapter two of Title 40 of the Revised Statutes.

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

Date for approval of budgets extended.

1. The dates for the approval, hearing and final adoption of the budget and appropriate resolutions in connection with county and municipal budgets shall, for the year one thousand nine hundred and thirty-nine, 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 budgets for the year one thousand nine hundred and thirty-nine shall be extended for one month.

Proviso.

2. This act shall take effect immediately; *provided,* that any budget affected by the provisions of this act shall in all other respects be finally approved and adopted in accordance with chapter two of Title 40 of the Revised Statutes.

Approved December 13, 1938.

CHAPTER 418

AN ACT concerning the Board of Commerce and Navigation, and amending section 12:3–10 of the Revised Statutes.

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

1. Section 12:3–10 of the Revised Statutes is amended to read as follows: Section amended.

12:3–10. Any riparian owner on tidewaters in this State who is desirous to obtain a lease, grant or conveyance from the State of New Jersey of any lands under water in front of his lands, may apply to the board, which may make such lease, grant or conveyance with due regard to the interests of navigation, upon such compensation therefor, to be paid to the State of New Jersey, as shall be determined by the board, which lease, conveyance or grant shall be executed as directed in sections 12:3–2 to 12:3–9 of this Title, and shall vest all the rights of the State in said lands in said lessee or grantee. Leasing riparian lands.

The board in its discretion, upon application in writing from any riparian owner, may cancel and annul any lease, grant or conveyance heretofore made to such riparian owner, and thereupon such lands, and rights therein, so leased, granted or conveyed shall revert to the State. Cancellation of lease.

2. This act shall take effect immediately.

Approved December 13, 1938.

CHAPTER 419

AN ACT concerning workmen's compensation, and amending section 34:15–31 of the Revised Statutes.

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

Section amended.

1. Section 34:15–31 of the Revised Statutes is hereby amended to read as follows:

Terms defined.

34:15–31. When applicable in this article to occupational diseases the following words and phrases shall be construed to have the following meanings:

Schedule of compensable occupational diseases.

a. Compensable occupational diseases shall not include any other than those scheduled below and shall include those so scheduled only when the exposure stated in connection therewith has occurred during the employment, and the disability has commenced within five months after the termination of the exposure.

Occupational diseases:

Anthrax;
Lead poisoning;
Mercury poisoning;
Arsenic poisoning;
Phosphorus poisoning;
Poisoning from Benzene and its homologues, and all derivatives thereof;
Wood alcohol poisoning;
Chrome poisoning;
Caisson disease;
Mesothorium or radium poisoning.

b. Willful self-exposure to occupational diseases shall include:

Willful self-exposure defined.

(1) Failure or omission to observe such rules and regulations as may be promul-

gated by the department of labor and posted in the plant by the employer, tending to the prevention of occupational diseases;

(2) Failure or omission to truthfully state to the best of the employee's knowledge, in answer to inquiry made by the employer, the location, duration and nature of previous employment of the employee in which he was exposed to any occupational disease as herein listed.

2. This act shall take effect immediately.
Approved December 15, 1938.

CHAPTER 420

AN ACT making appropriations for the State Tax Department.

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

Appropriation for tax department.

1. There is hereby appropriated out of the general State fund for the State Tax Department for the fiscal year commencing July first, one thousand nine hundred and thirty-eight, and ending June thirtieth, one thousand nine hundred and thirty-nine, the following sums, in addition to any other sums appropriated to said department in any general or other appropriation bill:

For continuing to June thirtieth, one thousand nine hundred and thirty-nine, salaries of present employees not provided for after December thirty-one, one thousand nine hundred and thirty-eight $20,000 00

2. This act shall take effect immediately.
Approved December 19, 1938.

New Jersey State Library

CHAPTER 421

AN ACT providing for participation by the State of New Jersey in the World's Fair to be held in New York City, and making an appropriation therefor.

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

Appropriation to World's Fair.

1. In order to provide for participation by the State of New Jersey in the World's Fair to be held in New York City, commencing in the year one thousand nine hundred and thirty-nine, there is hereby appropriated for such purpose the sum of seventy-five thousand dollars ($75,000.00). In addition thereto the World's Fair commission representing this State is authorized to expend such revenues as may be received by it in the operation of the exhibit owned by the State of New Jersey.

May expend revenue.

2. This act shall take effect immediately.

Approved December 20, 1938.

CHAPTER 422

AN ACT providing for the submission of a proposed amendment to the Constitution of this State to the people thereof and making an appropriation therefor.

Preamble.

WHEREAS, A certain proposed amendment to the Constitution of this State was at the session of the Legislature held in the year one thousand nine hundred and thirty-seven, agreed to by a majority of the members elected to each of the

two houses thereof, and entered on the journals of each of said houses, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen; and

WHEREAS, The said proposed amendment was published as required by the Constitution; and Preamble.

WHEREAS, In the Legislature then next chosen said proposed amendment having been agreed to by a majority of all of the members elected to each house; and Preamble.

WHEREAS, The Constitution of this State requires the Legislature to submit such proposed amendment, as aforesaid, to the people, at a special election to be held for that purpose only, at least four months after the adjournment of the Legislature; therefore Preamble.

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

1. On Tuesday, the twentieth day of June next, a special election shall be held in the several election districts or precincts of this State, at such places as are selected for holding the primary and general elections under and by virtue of the provisions of Title 19 of the Revised Statutes, to enable the electors qualified to vote for members of the Legislature to vote for or against the said proposed amendment to the Constitution. Special election, June 20, 1939.

2. The district boards of registry and election in the several election districts and precincts shall conduct the said special election; the polls shall open at twelve o'clock noon and shall remain open until the hour of eight o'clock P. M. eastern standard time on said day, and said election shall be conducted, as far as practicable, in the same manner as now required by law for conducting annual elections for members of the General Assembly, except as otherwise directed in this act. Conducting election.

Form of official ballot.

3. The official ballot to be used and voted at said special election shall be substantially in the following form, clearly and distinctly printed upon white paper, except in counties and municipalities wherein voting machines are used. In such counties and municipalities the question to be submitted shall appear on the machine and the voter shall vote for or against the said proposed amendment in the manner provided in Title 19 of the Revised Statutes in so far as said title relates to voting machines and the use thereof.

OFFICIAL BALLOT

Special Election, June 20, 1939

Marking ballot.

Proposed amendment to the Constitution of the State of New Jersey.

If you favor the adoption of the proposed amendment to the Constitution of the State of New Jersey printed below, make an × mark or plus + mark in the square opposite the word "Yes"; if you are opposed thereto make an × mark or plus + mark in the square opposite the word "No". Black ink or black pencil may be used for such purpose.

Constitution amended.

Amend paragraph two of section seven of Article IV of the State Constitution by striking out said paragraph two and inserting in lieu thereof a new paragraph to be known as "paragraph two of section seven of Article IV of the State Constitution," which shall read as follows:

Pari-mutuel betting on horse races permitted.

It shall be lawful to hold, carry on, and operate in this State race meetings whereat the trotting, running or steeplechase racing of horses only may be conducted between the hours of sunrise and sunset on week days only and in duly legalized race tracks, at which the pari-mutuel system of betting shall be permitted. No lottery, roulette, or game of chance of any form shall be authorized by the Legislature in this State, and no ticket in any lottery shall be bought or sold within this State, or

Games of chance prohibited.

offered for sale; nor shall pool-selling, book-making, or gambling of any kind be authorized or allowed within this State, except pari-mutuel betting on the results of the racing of horses only, from which the State shall derive a reasonable revenue for the support of government; nor shall any gambling device, practice, or game of chance, or pari-mutuel betting thereon now prohibited by law, except as herein stated and otherwise provided, be legalized, or the remedy, penalty, or punishment now provided therefor be in any way diminished.

Proposition.

Shall this amendment be adopted?	Yes.	
	No.	

Sample ballots.

4. It shall be the duty of the Secretary of State on or before the twenty-first day of April, one thousand nine hundred and thirty-nine, to prepare and have printed at least five hundred sample forms of ballot, conforming to the above provision, as to contents (including directions for voting) and style and arrangement; printed, however, in such size type, and with such size and arrangement of space and form as will in his judgment simplify and make clear the proposition proposed to the voter; and also poll books, blank statements of the result of the election and copies of this act; and the Secretary of State, on or before the twentieth day of May, next following, shall mail by registered mail to the county clerk of each county in the State, at least twenty-five of such printed sample forms of ballot, which form shall be strictly followed by the county clerks of the various counties in preparing and furnishing the sample and official ballots for the election herein provided for, except that the sample ballots in counties and municipali-

ties where voting machines are used shall be a facsimile of the face of the machine, of reduced size, as provided for in Title 19:49–4 of the Revised Statutes, with such additions as to numbering for each election district and other additions made necessary by the locality in which they are to be used, so as to conform to the provisions of Title 19 of the Revised Statutes, which shall, in all respects, be applicable, so far as not inconsistent with this act.

Ballots prepared by county clerks.

And it shall be the duty of the clerk of each county of this State, at least two weeks before the date fixed for the said special election, to prepare and have printed a sufficient number of official and sample ballots required for the purpose of this act, in the form herein provided, for the use of all voters of such county, which sample ballots shall be typographically a copy of the official ballot to be so furnished, with the exception of number and the endorsements hereinafter provided for.

Endorsement on ballot.

The official ballots so prepared shall have endorsed thereon the following: "Official Ballot for Special Election, June twentieth, one thousand nine hundred and thirty-nine, for the county of ____" (name of the county to be filled in).

Ballots numbered.

Then shall follow a facsimile of the signature of the Secretary of State, and each official ballot so to be used shall be numbered serially from one upward, as official ballots are required to be numbered for general elections, according to the provisions of Title 19 of the Revised Statutes, so that the same shall be properly numbered for each of the said election districts of his county.

Relation to constitution made clear.

4. (a) It shall be the duty of the Secretary of State, on or before the twentieth day of May, one thousand nine hundred and thirty-nine, to prepare and have printed such portion or portions of the Constitution or a summary statement thereof as shall be necessary to clearly disclose to the voter the relation of the amendment submitted to the existing Constitution, as shall have been designated by the Attorney-General in a writing filed with the

Secretary of State in compliance with the provisions of Title 19 of the Revised Statutes.

Distribution of printed matter.

The Secretary of State shall cause to be delivered on or before the first day of June, one thousand nine hundred and thirty-nine, to each county clerk a sufficient number of copies of the printed matter aforesaid, together with such poll books and blank statements of the result of election as shall be necessary to comply with the provisions of this act.

Supplies distributed by county clerks.

4. (b) It shall be the duty of the clerk of each county in this State, at least ten days before said election, to transmit to the several municipal clerks in his county a sufficient number of the official ballots (in sealed packages), sample ballots, printed statements, poll books, statements of the result of election and tally sheets, together with a sufficient number of stamped envelopes for the use of the voters and boards of election in each of the election districts in their respective municipalities; which said official ballots, sample ballots, printed statements, poll books, statements of the result of election, tally sheets and stamped envelopes shall, at least one week before said election, be delivered by said municipal clerks to the district boards of registry and election in each election district or precinct in his municipality. It shall be the duty of said boards of registry and election, at least five days before said special election, to mail a copy of said sample ballot and printed statement to each of the voters whose names appear upon the registry list in their respective election districts as hereinafter provided.

Voting.

4. (c) Each person entitled to vote shall receive one ballot, to be furnished by a member of the board of election, and shall retire with the same into one of the election booths, to prepare his ballot, and shall then deliver the same folded to a member of the election board, who shall immediately deposit the same in the ballot box in the presence of the voter; the manner of voting and the procedure of the election officers shall in all

respects, as far as practicable, conform to the requirements of Title 19 of the Revised Statutes respecting elections.

Counting ballots.

5. Said ballot deposited in the ballot box shall be counted as a vote in favor of such amendment with reference to which an × mark or plus + mark has been made in the square opposite the word "Yes" and as a vote against such amendment with reference to which an × mark or a plus + mark has been made opposite the word "No," as aforesaid; and shall not be counted for a vote for or against the amendment unless the voter shall have made the plus + mark or × mark opposite the word "Yes," or opposite the word "No" with reference to such amendment and shall not count as a vote for or against the amendment where the voter shall have made the plus + mark or × mark opposite the word "Yes" and the word "No," but the ballot shall be counted for or against the proposed amendment properly marked as aforesaid.

Those entitled to vote.

6. All persons entitled to vote in this State for members of the General Assembly at the time of the said special election shall be entitled to vote in their respective election districts, or precincts;

Proviso.

provided, they shall have been registered as herein provided.

Registry of voters.

7. The registry of voters used in the general election for election of members of the General Assembly in the year one thousand nine hundred and thirty-eight shall constitute the registry of voters eligible to vote at said special election.

Persons allowed to vote.

All persons whose names appear on the registry of voters shall be entitled to vote in their several districts, or voting precincts, on the day of said special election. A person registered in the manner required by Title 19 of the Revised Statutes relative to elections shall be permitted to vote in said special election.

Special registration.

In order to permit persons who are not registered, in any municipality not having permanent registration, to vote in said special election, it shall be the duty of all boards of regis-

try and election in such municipality to sit on Tuesday, the sixth day of June, one thousand nine hundred and thirty-nine, between the hours of twelve o'clock noon and eight o'clock P. M. eastern standard time, to register all voters who may appear for that purpose and who possess the qualifications which would entitle them to vote for members of the General Assembly.

Registering on day of election.

Any qualified elector whose name does not appear upon the registry book may, upon application to the district board, on the day of said special election, have his name placed upon such book by the district board. After his name has been so placed upon that book he shall be allowed to vote at the special election but he shall first have signed, sworn to or duly affirmed and filed an affidavit with the district board on a form to be supplied by the county clerk, which affidavit shall show that the affiant is eligible to register and vote in that district and shall set forth the place of his residence, the fact that he actually resides at that place, the length of time of such residence, and also all the facts necessary to qualify him as a voter under the Constitution of this State.

Entry in registry.

All names added to such registry shall be under a caption "Special Election—June 20, 1939" and opposite each name shall be inserted the date when such name was added.

Delivery of registry of voters and its return.

It shall be the duty of the county clerk of each county, prior to the registration day in this section provided, to transmit the registry of voters to the respective municipal clerks, who shall forthwith send such registry of voters to the respective district boards of registry and election for such registration and for use at the time of the special election, and on the day following such special election the said district boards shall return the registry of voters to the county clerks of their respective counties.

Permanent registration.

Nothing in this section contained with respect to registration shall apply to municipalities having

permanent registration and the commissioners of registration and municipal clerks in such municipalities shall accept registrations for said special election up to and including the fourth Tuesday preceding the holding of said special election.

Delivery of signature copy registers.

8. In all municipalities having permanent registration, the commissioners of registration shall, on or before the second Monday preceding the holding of such special election, deliver to the respective boards of registry and election the signature copy registers or registry binders and immediately after such special election, the said district boards shall forthwith return the said signature copy registers or registry binders to the respective commissioners of registration or county clerks as the case may be.

Use of voting machines.

9. Any county or municipality which has adopted or shall hereafter adopt voting machines shall vote by such machines in said special election and the procedure with respect to the submission of this amendment and the balloting, counting, canvassing and publication of the result thereof shall be in accordance with the procedure regulating voting machines as provided in Title 19 of the Revised Statutes in so far as said title is applicable to voting machines.

Canvass of ballots by district boards.

10. After finally closing the polls of such election, the respective boards of registry and election shall count and canvass the ballots given relative to the said proposed amendment to the Constitution, and thereupon shall set down in writing the whole number of votes given for the said proposed amendment in the words in which the said proposed amendment is hereinbefore given, and the whole number of votes given against the said proposed amendment as hereinbefore given, and shall certify and subscribe statements of the result of the same, and shall cause the same so certified to be delivered to the clerk of the municipality in which the election district or precinct is situated, and the municipal clerk shall forthwith transmit the same to the clerk of the county, who shall file the same in his office as an official paper.

Filing.

Meeting of County Board of Canvassers.

11. The county boards of election of the several counties of this State shall meet on Tuesday, the twenty-seventh day of June next, at the hour of eleven o'clock in the forenoon of that day, at the courthouses of their respective counties; the clerk of the county shall thereupon produce before said board the certificates filed in his office in pursuance of the preceding section of this act, and said board shall thereupon proceed to examine the same and make and certify duplicate statements of the result of said election as shown thereby, and cause one of such statements so certified to be delivered to the clerk of the county, who shall forthwith file the same in his office as an official paper; and said board shall cause the other such statement to be transmitted by mail to the Secretary of State on or before the third day of July next, who shall forthwith file such statement in his office as an official paper.

Result certified.

Filing.

Board of State Canvassers.

12. It shall be the duty of the Governor to summon to attend him, on the eleventh day of July next, at least four of the members of the Senate, who shall meet in the executive chamber, State House, in the city of Trenton, at the hour of two o'clock P. M., and they, with the Governor, shall constitute a Board of State Canvassers to canvass and estimate the votes given for and against the said amendment, and the said Board of State Canvassers shall proceed to organize and determine the result according to the provisions of Title 19 of the Revised Statutes, so far as they are applicable, and it shall be the duty of the Secretary of State to produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained pursuant to this act, or pursuant to the above stated Title 19 of the Revised Statutes; the said Board of State Canvassers shall determine and declare if said proposed amendment has been adopted, and shall forthwith deliver a statement of the result as to such amendment to the Secretary of State of this State, to be filed in his office as an official paper;

Duties.

Determination.

Declaration.

and the proposed amendment which by said certificate and determination of the Board of State Canvassers shall appear to have received in its favor a majority of all the votes cast in the State for and against said proposed amendment shall, from the time of filing of such certificate be and become an amendment to and part of the Constitution of this State; and it shall be the duty of the Governor of this State forthwith, after such determination, to issue a proclamation declaring if the said proposed amendment has been adopted by the people.

Proclamation.

Time, purpose and proposed amendment published.

13. Notice of the time and purpose of said special election, which notice shall contain such proposed amendment in full, shall be published in at least two newspapers printed and circulated in each county of this State for four weeks, once in each week, next preceding said twentieth day of June, said newspapers to be designated by the Secretary of State, and the Secretary of State shall furnish a copy of such notice to each of the newspapers so selected, but neglect or failure to make such publication shall not impair the validity of such special election.

Pay of district boards.

14. For all the services and all duties required and imposed upon them under and by virtue of this act, the members of the district boards of registry and election shall each receive the sum of ten dollars.

Payment of expenses.

15. All expenses in connection with the holding of the said special election shall be borne by the State of New Jersey, and the State Treasurer upon warrant of the Comptroller and certification of the Secretary of State shall pay the expenses incurred from funds appropriated by the Legislature for such purpose.

Appropriation

For the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of four hundred thousand dollars or so much thereof as may be necessary.

16. This act shall take effect immediately.

Approved December 22, 1938.

CHAPTER 423

A SUPPLEMENT to an act entitled "An act making appropriations for the support of the State government and for the several public purposes for the fiscal year ending June thirtieth, one thousand nine hundred thirty-nine, and regulating the disbursement thereof," approved June fourteenth, one thousand nine hundred and thirty-eight.

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

Appropriation to Special Assembly Committee.

1. The following sum of money or so much thereof as shall be necessary is hereby appropriated for the following purpose:

To the Assembly Special Committee created under Assembly Resolution passed January seventeenth, one thousand nine hundred and thirty-eight, the sum of seventeen thousand five hundred dollars ($17,500.00). All bills of the said Special Committee are to be approved by the chairman thereof.

Disbursement.

2. All sums to be disbursed in the same manner as is provided by the act to which this act is a supplement.

3. This act to take effect immediately.

Approved December 23, 1938.

CHAPTER 424

A SUPPLEMENT to an act entitled "An act concerning the care of crippled persons, and amending section 9:13–7 of the Revised Statutes," approved October twenty-first, one thousand nine hundred and thirty-eight.

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

Section supplemented.

1. The act to which this is a supplement be and the same is hereby supplemented by adding the following section:

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.

2. This act shall take effect immediately.

Approved December 23, 1938.

CHAPTER 425

AN ACT to authorize boards of chosen freeholders in any of the first class counties of this State to acquire lands and erect and maintain thereon buildings to be used as maternity hospitals, and amending section 30:9–24.

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

1. Section 30:9–24 of the Revised Statutes is hereby amended to read as follows: Section amended.

30:9–24. The board of chosen freeholders of a county of the first class, whenever in its judgment the public need requires, may acquire land by purchase, condemnation, gift or otherwise anywhere within the county and erect thereon suitable buildings to be used as and for a maternity hospital. May acquire land for maternity hospital.

For the purpose of obtaining moneys to acquire the necessary land and to erect thereon such hospital buildings, and the furnishing and equipping of the same, the board of chosen freeholders of any such county may issue and sell the bonds of such county to an amount not to exceed five-tenths of one per centum of the ratables of such county, which bonds shall be issued under the provisions of article one of chapter one of the title Municipalities and Counties. Authorized to issue bonds.

All necessary charges and expenses that may be incurred in conducting such hospital and in keeping the buildings in repair shall be paid by the board of chosen freeholders from funds raised or to be raised by taxation, as other county expenses are raised and paid. Expenses paid by taxes.

2. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved December 23, 1938.

CHAPTER 426

AN ACT authorizing the county of Cape May to construct, operate and maintain a ferry; providing for the creation of the Cape May County Commission and conferring powers and imposing duties on such commission; authorizing the issuance of ferry revenue bonds of the county, payable solely from earnings, to pay the cost of such ferry; making such bonds and the ferry exempt from taxation in the State and making such bonds eligible for certain investments; providing for the collection of ferry tolls for the payment of such bonds, and for the cost of maintenance, operation and repair of the ferry; prescribing conditions upon which such ferry shall become public property; providing that no debt of the county or of the State shall be incurred in the exercise of any of the powers granted by this act; providing for condemnation; and authorizing the issuance of ferry revenue refunding bonds.

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

Short title.

1. Short title. This act may be cited as the "Cape May County Ferry Act".

Bond issue authorized.

2. Issuance of ferry revenue bonds. The county of Cape May, acting by and through the Cape May County Ferry Commission hereinafter provided for, is hereby authorized and empowered to provide for the construction, operation and maintenance of a ferry from a point in said county to a point in Lewes, Delaware, and, to pay the cost of such ferry, to issue ferry revenue bonds of said county, payable solely from earnings.

3. Definitions: As used in this act, the following words and terms shall have the following meanings: Terms defined:

(a) The word "commission" shall mean the Cape May County Commission hereinafter provided for or, if said commission shall be abolished any board or officer succeeding to the principal functions thereof or upon whom the powers given by this act to said commission shall be given by law. Commission;

(b) The word "ferry" shall be deemed to include all property, rights, easements, and franchises relating thereto and deemed necessary or convenient for the operation thereof, and to include the approaches thereto. Ferry;

(c) The term "cost of ferry" shall embrace the cost of construction, including the amount to be paid under any contract for such construction which may therefore have been entered into by any person, firm or corporation whose property, rights, easements, choses in action and franchises shall be acquired by the commission or by the county, and shall also embrace the cost of all land, property, real and personal, rights, easements, choses in action, and franchises acquired which are deemed necessary for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for six months after completion of construction, cost of traffic estimates and of engineering and of legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses heretofore or hereafter incurred and necessary or incident to determining the feasibility or practicability of the enterprise, administrative and other expenses of the commission, and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the ferry and the placing of the same in operation. Cost of ferry;

Owner.

(d) The word "owner" shall include all individuals, incorporated companies, copartnerships, societies or associations having any title or interest in any property, rights, easements or franchises authorized to be acquired by this act.

Resolution of freeholders.

4. Resolution of convenience and necessity; ferry commission. If the board of chosen freeholders of the county of Cape May shall desire to take advantage of the provisions of this act, it shall first pass a resolution declaring that the construction of such ferry shall be a convenience, a necessity and a benefit to the county, and fixing the approximate location of such ferry. Upon the passage of such resolution, the board of chosen freeholders of the county shall appoint four persons who, together with the chairman of the board of chosen freeholders ex-officio, shall constitute the Cape May County Ferry Commission. The members of said commission shall immediately enter upon their duties and the appointed members shall hold office until the expiration of two, three, four and five years, respectively, from the date or dates of their appointment, and until their successors are appointed and qualify, the term of each appointed member to be designated by the board of chosen freeholders at the time of his appointment, but their successors shall be appointed for the term of five years, except that any person appointed to fill a vacancy shall serve only for the unexpired term, and any member of the commission shall be eligible for reappointment. Each appointed member of the commission, before entering upon his duties, shall take, subscribe and file an oath faithfully and impartially to perform the duties of his office. Before the issuance of any revenue bonds under the provisions of this act, each appointed member shall give bond to the county of Cape May in the State of New Jersey to be approved by the chairman of the board of chosen freeholders in the

Commission.

Terms.

Vacancy for unexpired term.

Oath.

Bond.

penalty of one thousand dollars ($1,000.00), conditioned upon the faithful and impartial performance of the duties of his office, which bond shall be filed in the office of the county clerk of said county of Cape May. The commission shall elect one of its members as chairman, and shall also elect a secretary and treasurer who may not be a member of the commission. The commission so appointed shall be known as the "Cape May County Ferry Commission" and by that name the commission may sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal. The commission shall make necessary rules and regulations for its own government, and shall have power and authority to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ engineering, architectural and construction experts and inspectors and attorneys, and such other employees as may be necessary in its judgment, and fix their compensation. The members of the commission shall receive no salary but shall be reimbursed for necessary expenses incurred in the performance of their duties. All salaries and compensation shall be paid solely from funds provided under the authority of this act, and the commission shall not proceed to exercise or carry out any authority or power herein given it to bind such commission beyond the extent to which money has been or may be provided under the authority of this act. The commission shall have power and authority to enter into such contracts and lease agreements as may be necessary to the complete utilization of every accessible and usable part or portion of the ferry to be constructed hereunder; *provided, however,* that nothing contained in this act shall be construed to permit the commission to delegate its authority either directly or indirectly over the management and operation of the traffic which will go on said ferry to any private interest or interests.

Organization.

Corporate title.

Powers and duties.

Commission nonsalaried.

Payment of expenses.

Make contracts and leases.

Proviso.

Construction of ferry.

5. Construction of ferry. The commission shall have power and authority, if it deems it expedient so to do, to provide for the construction of the ferry and to enter into contracts for such construction in such manner as it may deem expedient and to take assignments of any contracts theretofore entered into for such construction and to assume all obligations under such contracts. The cost of such construction shall be paid solely by means of or with the proceeds of ferry revenue bonds hereinafter authorized. The commission is hereby authorized to purchase within this State and within the State of Delaware solely from funds provided under the authority of this act, such lands, structures, rights-of-way, franchises, easements and other interests, including lands under water and riparian rights, of and from any person, copartnership, association, railroad or other corporation, or municipality, or the New Jersey State Board of Commerce and Navigation, or political subdivision deemed necessary for the construction and operation of ferry, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of said county of Cape May.

Payment of cost.

Acquisition of rights, etc.

May acquire property by condemnation or eminent domain.

6. Condemnation of property. If, for any of the purposes authorized by this act, the commission shall find it necessary or convenient to acquire any real property in the State of New Jersey, whether for immediate or future use the commission 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, such property shall be deemed to be required for a public use until otherwise determined by the commission. If the commission shall be 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, or if the owner or owners shall be legally in-

capacitated or be absent or be unable to convey valid title or are unknown, then the commission 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), approved March twentieth, one thousand nine hundred, and acts amendatory thereof and supplementary thereto, or under and pursuant to the provisions of the 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 supplemental thereto.

Continuing powers.

The power of commission 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.

Right of entry.

The commission and its duly authorized agents and employees may enter upon any land in the State of New Jersey in advance of the filing of a petition for the acquisition of the same by condemnation, for the purpose of making such surveys, maps or other examinations thereof as it may deem necessary or convenient for its authorized purposes.

Consent to take public property.

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 or port district shall be taken by the commission without the consent of such municipality or port district. All counties, cities, boroughs, villages, townships and

other municipalities and all public agencies and commissions of the State of New Jersey, notwithstanding any contrary provisions of law, are hereby authorized and empowered to grant and convey to the commission upon its request, but not otherwise, for an adequate consideration 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.

Term real property defined.

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.

Paying for condemned property.

Neither the commission nor the county shall be under any obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings, and shall, in no event, pay for the same except from the funds provided by this act; and in any condemnation proceedings, the court having jurisdiction of the suit, action or proceeding, may make such orders as may be just to the commission or to the county and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage to be sustained by reason of the failure of the commission to accept any pay for the property, but such undertaking or security shall impose no liability upon the county or upon the commission except such as may be paid from the funds provided under the authority of this act.

Revenue bonds.

7. Ferry revenue bonds. The commission hereby is authorized to provide by resolution at one time or from time to time, for the issuance of ferry revenue bonds of the county of Cape May for the purpose of paying the cost as hereinabove defined of the ferry, which resolution shall recite an estimate of such cost. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, payable semiannually, shall mature at such time or times not exceeding forty years from their date, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices, not exceeding the par value thereof and a premium of five per centum (5%) and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including the interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the State. The bonds shall be signed by the chairman of the board of chosen freeholders of the county and by the chairman of the commission, under the official seal of the commission, attested by the secretary and treasurer of the commission, and the coupons attached thereto shall bear the facsimile signature of the chairman of the commission. All bonds issued under this act shall contain a statement on their faces that the county shall not be obligated to pay the same or the interest thereon except from the revenues of the ferry. In case any officer whose signature shall appear upon the bonds and coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and suf-

Amortization.

Issuing details.

ficient for all purposes the same as if he had remained in office until such delivery. All ferry revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. Provision may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest. The commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the county, taking into consideration the financial responsibility of the purchaser and the terms and conditions of the purchase, and especially the availability of the proceeds of the bonds when required for payment of the cost of the ferry, but no such sale shall be made at a price so low as to require therefor at more than six per centum (6%) per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. The proceeds of such bonds shall be used solely for the payment of the cost of the ferry and shall be checked out by the chairman of the commission under such restrictions, if any, as the commission may provide. If the proceeds of such bonds, by error of calculation or otherwise shall be less than the cost of the ferry, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the trust indenture hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the ferry. If the proceeds of the bonds shall exceed the cost of the ferry, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for

Negotiable.

Sale of bonds.

Rate.

Use of proceeds.

Additional bonds in case of deficit.

Surplus.

Temporary bonds.

definitive bonds upon the issuance of the latter. The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such ferry revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this act, any other law to the contrary notwithstanding.

Replacement of bonds destroyed, et cetera.

8. Exemption from taxation. As the construction of the ferry 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 as the construction and operation of the ferry will constitute the performance of essential governmental functions, the commission or the county shall not be required to pay any taxes or assessments upon property acquired to be used for such purposes, and the ferry revenue bonds issued under the provisions of this act, 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.

Tax exempt.

9. Eligibility of bonds for investments. Ferry revenue bonds issued under the provisions of this act are hereby made securities in which all State and municipal officers and bodies of the State of New Jersey, all banks, bankers, savings banks, trust companies, savings 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 county, may properly and legally invest any funds, including capital belonging to them or within their control. And such ferry reve-

Legal investment.

nue bonds 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 for any purpose for which the deposit of bonds or other obligations of the county is now or may hereafter be authorized by law. Notwithstanding any provisions of this or any other act, ferry revenue bonds issued under the provisions of this act may be purchased by the sinking fund commission or the insurance or pension fund commissioners of any county or municipality or may be sold to any member, commission or officers of the State, authorized by law to purchase such bonds.

Credit of State or county not pledged.

10. Credit of State or of county not pledged. Notwithstanding any provision of this act, the commission shall have no power to pledge the credit of the State of New Jersey or of the county of Cape May or to create any debt of the State or of the county. The issuance of ferry revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the state of New Jersey or the county of Cape May to levy or to collect any form of taxation whatever therefor or to make any appropriation for their payment.

Lien upon bond proceeds.

11. Lien upon bond proceeds. All moneys received from bonds issued under the provisions of this act shall be applied solely to the payment of the cost of the ferry or to the sinking fund for such bonds and there shall be and there is hereby created and granted a lien upon such moneys until so applied, in favor of the holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Trust indenture.

12. Trust indenture. In the discretion of the commission, the bonds may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State, but such trust indenture shall not convey or mortgage the ferry or

any part thereof. Either the resolution providing for the issuance of ferry revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the construction, maintenance, operation, repair and insurance of the ferry, and the custody, safeguarding and application of all moneys, and may also provide that the ferry shall be constructed and paid for under the supervision and approval of consulting engineers employed or designated by the commission and satisfactory to the original purchasers of the bonds issued therefor, who may be given the right to require that the security given by contractors and by any depository of the proceeds of the bonds or revenues of the ferry or other moneys pertaining thereto be satisfactory to such purchasers. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. Except as in this act otherwise provided, the commission may provide by resolution or by such trust indenture for the payment of the proceeds of the sale of the bonds and the revenues of the ferry to such officer, board, thereof, and for the method of disbursement thereof, with such safeguards and restriction as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repairs of the ferry.

Depository.

Proceeds.

13. Ferry revenues. The commission shall fix, charge and collect tolls for transit on the ferry, and

Tolls.

such tolls shall be so fixed and adjusted as to provide a fund sufficient to pay the bonds and the interest thereon and to provide an additional fund to pay the cost of maintaining, repairing and operating the ferry. Such tolls shall not be subject to supervision or regulation by any State commission, board, bureau or agency. The tolls from the ferry, except such part thereof as may be necessary to pay such cost of maintaining, repairing and operating, shall be set aside each month in a sinking fund, which is hereby pledged to, and charged with the payment of, (a) the interest upon such bonds as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, and (c) the payment of the bonds as they fall due, or, if all bonds mature at one time, the proper maintenance of a sinking fund sufficient for the payment thereof at such time, and (d) a margin for the payment of premiums upon bonds retired by call or purchase as herein provided. Such sinking fund shall be a fund for all such bonds without distinction or priority of one over another. Prior to the issuance of the bonds, the commission may provide, by resolution or by such trust indenture, for the use of the sinking fund, or any part thereof, in the purchase of any of the outstanding bonds, payable therefrom, at the market price thereof, but not exceeding the price, if any, at which the same shall at the next interest date be payable or redeemable, and all bonds so redeemed or purchased shall forthwith be canceled and shall not again be issued. The moneys in the sinking fund, less a reserve for payment of not exceeding one year's interest on the bonds, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds by lot at the redemption price then applicable.

Sinking fund.

States' ownership.

14. Ultimate ownership by the State of New Jersey and the State of Delaware. At the expiration of forty years from the date of the completion of the ferry or at any time prior thereto when the cost of the ferry and interest on bonds issued to meet

and pay the cost thereof shall have been paid plus fifteen per centum (15%) the title of the ferry and its appurtenance shall vest jointly in the State of New Jersey and the State of Delaware.

Remedies of bondholders.

15. Remedies of bondholders and trustee. Any holder of any of such bonds, or any of the coupons attached thereto, and the trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act, or by such resolution or trust indenture, to be performed by the county or by the commission, or any officer thereof, including the fixing, charging, and collecting of tolls for the use of the ferry.

Federal Aid and contributions.

16. Contributions. The commission, in addition to the funds which may be received from the sale of ferry revenue bonds and from the collection of tolls and other ferry revenues derived under the provisions of this act, shall have authority to receive and accept contributions of either money or property or other things of value, to be held, used and applied for the purposes in this act provided, and shall also have authority to receive and accept any grant which may be made by the Federal Emergency Administrator of Public Works or other Federal agency.

Limiting competing bridges, et cetera.

17. Competing bridges, tunnels and ferries. No bridge or ferry for the use of the traveling public shall hereafter be constructed or operated by any county, municipal corporation, or political subdivision of the State of New Jersey and no franchise shall hereafter be granted for the operation of a ferry, within ten miles of ferry constructed under the authority of this act, measured along the boundary line between the State of New Jersey and the State of Delaware, so long as any bond or

bonds, or the interest thereon be outstanding and unpaid; *provided, however,* that nothing in this act shall be construed to prevent the construction of any bridge or ferry by treaties between the State of New Jersey and the State of Delaware with the approval of the Congress of the United States of America at any point connecting the State of New Jersey and the State of Delaware.

Proviso.

Refunding bonds:

18. Ferry revenue refunding bonds. The commission is hereby authorized to provide by resolution for the issuance of ferry revenue refunding bonds of the county for the purpose of refunding any ferry revenue bonds issued under the provisions of this act and then outstanding. The issuance of such ferry revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the county and the commission in respect to the same, shall be governed by the foregoing provisions of this act in so far as the same may be applicable, and by the following provisions:

Limits purpose;

(a) No ferry revenue refunding bonds shall be delivered, unless delivered in exchange for ferry revenue bonds to be refunded thereby, except in the amount necessary to provide for the payment of matured or redeemable ferry revenue bonds or ferry revenue bonds maturing or redeemable within three months, including any redemption premium thereon.

Limits amount of interest.

(b) No ferry revenue refunding bonds shall be issued, unless issued to refund tunnel revenue bonds which have matured or will mature within three months, or unless the interest rate of the ferry revenue refunding bonds shall be at least one-fourth of one per centum (¼ of 1%) less than the interest rate borne by the ferry revenue bonds to be refunded.

Construing.

19. Act liberally construed. This act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes hereof.

20. Constitutional construction. If any proviso, clause or section of this act shall be attacked in any court, and any such proviso, clause or section shall be declared unconstitutional or invalid, such proviso, clause or section shall be exscinded from this act but the remainder of this act shall stand. Constitutionality.

21. Act provides additional method. Nothing contained in this act shall be deemed to supersede, abrogate or repeal in any way any powers heretofore granted to any county in this State. This act shall be deemed to provide an additional method for the doing of the things authorized hereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. Act provides additional method.

22. This act shall take effect immediately.

Approved December 23, 1938.

CHAPTER 427

AN ACT concerning State aid to municipalities for roads, and amending sections 27:15–1, 27:15–2 and 27:15–4 of the Revised Statutes.

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

1. Section 27:15–1 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

27:15–1. Amount available; use of funds; distribution. There shall be set aside annually on October first or as soon thereafter as available from the net receipts of the motor vehicle fund the sum of two million six hundred and twenty-five thousand dollars which shall be used to meet the State's share of the cost of the work hereinafter in this chapter prescribed. Payments from this Funds reserved for road purposes. Payments.

fund shall be made in the same way as other payments from the motor vehicle fund.

County aid.

The State Highway Commissioner shall reserve each year the sum of one hundred and twenty-five thousand dollars to meet the State's share in each county until January first.

Unimproved roads.

Seventy-five thousand dollars of the sum so reserved for each county shall be available in the manner set forth in this chapter for the construction in each county of unimproved town, township, village and borough roads and unimproved roads in cities having a population of not more than fourteen thousand inhabitants, and fifty thousand dollars thereof shall be available in the manner set forth in this chapter for the maintenance and repair in each county of such unimproved roads.

Use of unexpended balance for unimproved roads.

Any part of such fifty thousand dollars which shall not be applied for by requisition of the board of chosen freeholders of the county as hereinafter provided by October first shall be added to the seventy-five thousand dollars available for the construction in such county of unimproved town, township, village and borough roads and unimproved roads in cities having a population of not more than fourteen thousand inhabitants, and shall be available for such construction in the manner set forth in this chapter.

Use of unexpended county aid.

Any part of such seventy-five thousand dollars, together with any part of such fifty thousand dollars added thereto as hereinbefore provided, which shall not be applied for by January first shall be paid by the commissioner to the board of chosen freeholders of such county and shall be by it distributed in its discretion to, and expended under its supervision by, the towns, townships, villages, boroughs and cities having a population of not more than fifteen thousand inhabitants of such county, for the construction, grading, drainage, maintenance and repair of town, township, village and borough roads and roads in cities having a population of not more than fourteen thousand inhabitants, of such county.

2. Section 27:15–2 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

27:15–2. Applications for aid for maintenance and repair; procedure. Any town, township, village, borough and any city having a population of not more than fourteen thousand inhabitants, may on its own motion apply to the board of chosen freeholders of the county in which it is located for aid under this chapter in the maintenance and repair of an unimproved road in such township, village, borough or city. The application may be made by resolution of the governing body of the municipality at any meeting. It shall set forth the road or roads as to which State aid for maintenance or repair is desired, the nature of the work to be done and the estimated cost thereof. The board of chosen freeholders shall determine which of such applications received by it will best serve the public interest and shall, by January first, forward to the commissioner a requisition for such sums as it approves. The requisition shall set forth the roads for the maintenance and repair of which State aid is desired, the nature of the work to be done on each and the amount desired for each. Application for aid for unimproved roads.

3. Section 27:15–4 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

27:15–4. Applications for aid in construction; approval; procedure. Any town, township, village, borough and any city having a population of not more than fourteen thousand inhabitants, may on its own motion apply to the commissioner for aid in construction work under this chapter. The application may be passed by resolution of the governing body of the municipality at any meeting. It shall set forth the road or roads on which it is proposed that the work shall be done and the beginning and ending points of such work, and the amount of money the governing body may be authorized to spend on the work, including contributions thereto. Application for construction aid.

The commissioner shall decide which of such applications in any county will best serve the interest Commissioner to decide upon application.

of the municipality, county and State. He shall notify the governing bodies of the municipalities of his approval of the applications and shall thereupon enter into a written agreement with them for the necessary planning and surveying and for doing the actual work and the inspection thereof. The work may be performed, in whole or in part, by the labor of prisoners or by contract, either with or without advertisement, except that advertisement shall be made upon demand of the commissioner.

4. This act shall take effect immediately.

Approved December 23, 1938.

CHAPTER 428

AN ACT appropriating to the State Water Policy Commission from the Water Supply Fund the sum of five thousand dollars ($5,000.00) for a study of the possibilities of interconnection of water supply systems.

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

Appropriation to study water supply systems.

1. There is hereby appropriated to the State Water Policy Commission from the Water Supply Fund the sum of five thousand dollars ($5,000.00) to supplement a grant of approximately fourteen thousand dollars ($14,000.00) by the Federal Works Progress Administration with which to make a study of the possibilities of interconnecting water supply systems in the North Jersey Water Supply District.

2. This act shall take effect immediately.

Approved December 23, 1938.

CHAPTER 429

AN ACT concerning alcoholic beverages, and amending section 33:1–10 of the Revised Statutes.

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

1. Section 33:1–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

33:1–10. Class A licenses shall be subdivided and classified as follows: Class A licenses:

Plenary brewery license. (1) a. 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 chapter, 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. Plenary brewery license; Fee;

Limited brewery license. (1) b. 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 barrels of thirty-one 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 chapter, 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 barrels of thirty-one fluid gallons capacity per annum, five hundred dollars; to so brew not more than one hundred thousand barrels of thirty- Limited brewery license; Schedule of fees;

one fluid gallons capacity per annum, one thousand dollars; to so brew not more than two hundred thousand barrels of thirty-one fluid gallons capacity per annum, two thousand dollars; to so brew not more than three hundred thousand barrels of thirty-one fluid gallons capacity per annum, three thousand dollars.

Plenary winery license;

Plenary winery license. (2) a. 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 chapter, 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.

Fee;

The fee for this license shall be five hundred dollars.

Limited winery license;

Limited winery license. (2) b. 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 chapter 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.

Schedule of fees;

The fee for this license shall be graduated as follows: To so manufacture between twenty-five hundred and five thousand gallons per annum, two hundred dollars; to so manufacture between one thousand and twenty-five hundred gallons per annum, one hundred dollars; to so manufacture between two hundred and one thousand gallons per annum, twenty-five dollars; to so manufacture less than two hundred gallons per annum, one dollar.

Plenary distillery license. (3) a. 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 chapter, 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.

Plenary distillery license;

Fee;

Limited distillery license. (3) b. The holder of this license shall be entitled, subject to the rules and regulations, to manufacture, to bottle and to sell any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to distribute 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 warehouse these products. The fee for this license shall be one thousand dollars.

Limited distillery license;

Fee;

Supplementary limited distillery license. (3) c. 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 chapter, 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 wine gallons per annum, one hundred dollars; to so bottle and rebottle not more than ten thousand wine gallons

Supplementary limited distillery license;

Schedule of fees;

per annum, two hundred and fifty dollars; to so bottle and rebottle without limit as to amount, five hundred dollars.

Rectifier and blenders license;

Rectifier and blender license. (4). 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 chapter, 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.

Fee;

Bonded warehouse bottling license;

Bonded warehouse bottling license. 5. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by Federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be five hundred dollars. This license shall be issued only to persons holding permits to operate Internal Revenue bonded warehouses pursuant to the laws of the United States.

Fee;

Limits issuance.

2. This act shall take effect immediately.

Approved December 23, 1938.

CHAPTER 430

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-nine, and regulating the disbursement thereof," approved June fourteenth, one thousand nine hundred and thirty-eight.

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

Appropriation for serum.

1. The sum of ten thousand dollars ($10,000.00) is hereby appropriated from the general funds of the State of New Jersey and shall be credited to the State Department of Health for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-nine, to be expended by the State Department of Health for the purchase and distribution free of antipneumococcic serum for the treatment of pneumococci from persons suspected or known to have the disease; said appropriation to be disbursed in the same manner and subject to the provisions of the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved December 23, 1938.

CHAPTER 431

AN ACT concerning corporations and institutions for finance and insurance, and amending sections 17:4–62 and 17:4–71 and repealing sections 17:4–63, 17:4–64, 17:4–65, 17:4–66 and 17:4–67 of the Revised Statutes.

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

Section amended.

1. Section 17:4–62 of the Revised Statutes is hereby amended to read as follows:

Purchase of bank stock by corporations.

17:4–62. Any corporation, other than one specifically exempted from the provisions of this article, which owns more than ten per centum of the number of shares of the capital stock of any bank, trust company or national bank, doing business in this State, at any time issued and outstanding, shall not purchase more than ten per centum of the number of shares of capital stock at any time issued and outstanding of any other bank, trust company or national bank doing business in this State; *provided, however,* that as to any such bank, trust company or national bank which has heretofore increased or hereafter increases its capital stock, that acquisition, heretofore or hereafter, by any such corporation of additional shares of the capital stock of such bank, trust company or national bank by exercise by such corporation of rights issued to it to subscribe to such additional shares by virtue of ownership of shares of the capital stock of such bank, trust company or national bank not purchased in violation of this article, shall not be deemed a prohibited purchase within the meaning of this article.

Proviso.

Sections repealed.

2. Sections 17:4–63, 17:4–64, 17:4–65, 17:4–66 and 17:4–67 of the Revised Statutes are hereby repealed.

3. Section 17:4–71 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:4–71. Any corporation guilty of violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. Penalty for violation.

Any violation by any corporation of any of the provisions of this article shall be deemed to be also the violation of the individual officer or officers, director or directors, ordering, or doing, or permitting such violation, and he or they shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. Violation both corporate and personal.

In addition to the penalties otherwise provided in this article for such violation or violations, the charter of any corporation violating any of the provisions of this article, shall be revoked in appropriate proceedings by the Attorney-General; and in case of a foreign corporation authorized to do business in this State its permission granted to do business in this State shall be revoked in appropriate proceedings by the Attorney-General. Revocation of charter. In case of foreign corporations

4. This act shall take effect immediately.

Approved January 16, 1939.

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LAWS
1939

ACTS

OF THE

One Hundred and Sixty-third Legislature

OF THE

STATE OF NEW JERSEY

AND

Ninety-fifth Under the New Constitution



1939

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The following laws, passed by the One Hundred and Sixty-third 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.

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LAWS

ACTS

PASSED BY THE

One Hundred and Sixty-third Legislature

CHAPTER 1

AN ACT concerning municipal and county finances, and amending section 40:2–12 of the Revised Statutes.

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

1. Section 40:2–12 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:2–12. The governing body of any county or municipality may, and, if any contracts, commitments or payments are to be made prior to the adoption of the budget of any fiscal year, shall, not later than the thirtieth but not prior to the first day of such year, by resolution make appropriations to provide for the period between the beginning of the budget year and the adoption of the budget herein provided. The total of the appropriations so made, exclusive of the amount so appropriated for interest and debt redemption charges and for relief of the poor, shall not exceed one-quarter of the total of the appropriations made for all purposes other than interest and debt redemption charges and for relief of the poor in the budget for the preceding fiscal year. The amounts of all such temporary appropriations shall be included under the correct headings in the amounts appropriated Temporary appropriations. Limits amount of appropriation. Included in final budget.

Year's budget.

in the budget as finally adopted. Nothing herein contained, however, shall prevent or relieve the governing body of a county or municipality at any time before the budget is adopted, but not earlier than the tenth day preceding the beginning of the budget year, from making appropriations for all interest and debt redemption charges maturing during the budget year.

2. This act shall take effect immediately.

Approved January 19, 1939.

A. HARRY MOORE,
Governor.

CHAPTER 2

AN ACT to amend an act entitled "An act relating to the public schools of this State, and supplementing chapter five of Title 18 of the Revised Statutes," approved May seventh, one thousand nine hundred and thirty-eight.

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

Section amended.

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

Membership apportioned.

1. When two or more school districts shall have voted or shall hereafter vote to consolidate, the membership of the board of education of the consolidated district shall be apportioned among the several districts constituting the consolidated district as nearly as may be according to the number of their inhabitants as shown by the last published census report; *provided,* that each district shall have at least one member on such board of education.

Proviso.

Act not applicable.

Nothing in this act contained shall apply to any school district having within its territorial limits

more than one municipality, and having a population of more than ten thousand inhabitants and in which there is constituted and organized a board of school estimate.

2. This act shall take effect immediately.

Approved January 24, 1939.

CHAPTER 3

AN ACT relating to public schools, and amending section 18:5–16 of the Revised Statutes.

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

1. Section 18:5–16 of the Revised Statutes is hereby amended to read as follows: Section amended.

18:5–16. When more than two districts vote to consolidate, or when two districts having voted to consolidate shall have determined at the ensuing annual school meeting that the board of education shall consist of nine members, the county superintendent shall select nine members from among the members of the boards of education of such districts joining in the consolidation to constitute the board of education of the consolidated district. The membership shall be apportioned by the county superintendent among the several districts comprising the consolidated district as nearly as may be according to the number of their inhabitants as shown by the last published census report. This apportionment shall continue to represent the respective municipal sections of the consolidated school district until changed by reapportionment, which shall be made immediately succeeding the published report of each subsequent census. Board of education in consolidated districts. Membership apportioned.

The boards of education of each of the consolidating districts shall continue to conduct the schools of the respective districts until June Terms to cease.

thirtieth next following the election to consolidate when their terms of office shall cease.

Term of appointed boards.

The appointed board of education shall serve until the next annual meeting for the election of members of boards of education when the terms of office of the members so appointed shall end.

Method of electing board.

At such annual meeting a board of education shall be elected in the following manner: The board of education of the consolidated district shall provide for the election of members of the board of education within the territorial limits of each of the former districts and each such district shall elect members to replace the members appointed from that district by the county superintendent.

Terms.

The members so elected shall hold office for the following terms: The three members receiving the highest number of votes in any of the districts shall be declared elected for three years, the three members receiving the next highest number of votes shall be declared elected for the two-year term, and the next three members shall be declared elected for the term of one year. Thereafter vacancies shall be filled in the respective districts as they occur by elections provided for by the consolidated board of education in the same manner as elections are conducted in districts of but one municipality except that such elections shall be provided for only in the districts where vacancies occur.

Vacancies.

Act not to apply.

Nothing in this act contained shall apply to any school district having within its territorial limits more than one municipality, and having a population of more than ten thousand inhabitants and in which there is constituted and organized a board of school estimate.

2. This act shall take effect immediately.

Approved January 24, 1939.

CHAPTER 4

AN ACT concerning the issuance of bonds and other obligations and the incurring of indebtedness by counties, cities, boroughs, towns, townships, villages and other municipalities other than school districts, and amending section 40:1–57 of the Revised Statutes.

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

1. Section 40:1–57 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:1–57. Reissuance and conversion. Obligations which may be issued pursuant to this article 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: Conditions for reissuing obligations:

(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 Conversion;

again be reconverted into a fully registered bond from time to time in the manner herein provided.

Exchange confirmed by resolution;

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.

Loss;

(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.

Form changed;

(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 article 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 changed from registered form.

(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 obliga-

tions and of the obligations issued in exchange therefor are identical.

2. This act shall take effect immediately.

Approved January 24, 1939.

CHAPTER 5

AN ACT concerning county detectives, and supplementing section 2:181–10 of the Revised Statutes.

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

County detective or investigator.

1. In all counties of the fourth class now or hereafter having a population of between twenty thousand and forty thousand inhabitants, it shall be lawful for the prosecutor of the pleas of such county to appoint a county detective or county investigator, whose duties shall be determined by the prosecutor of the pleas.

Salary.

2. Such officer, when so appointed, shall receive a salary of not less than seventeen hundred dollars ($1,700.00) nor more than three thousand dollars ($3,000.00) per annum, payable in semimonthly installments by the county treasurer upon the certification of the prosecutor of the pleas and judge of the court of common pleas. Such officer shall be subject to removal by the prosecutor of the pleas with the consent of the judge of the quarter sessions of any such county.

Removal.

3. This act shall take effect immediately.

Approved January 25, 1939.

CHAPTER 6

A SUPPLEMENT to an act entitled "An act providing for the establishment and maintenance of a turkey breeding and feeding research farm in the vicinity of Millville and making an appropriation therefor," approved May fourteenth, one thousand nine hundred and thirty-eight.

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

Authorizes freeholders to make appropriations.

1. The board of chosen freeholders are authorized and empowered to include in any project such amount as they shall determine for the erection of buildings on lands of this State and for the purpose of co-operating with the State in the establishment and maintenance of any farm or farms under the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved January 31, 1939.

CHAPTER 7

AN ACT concerning county and municipal budgets, and amending section 40:2–25 of the Revised Statutes and supplementing chapter two of Title 40 of the Revised Statutes.

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

Section amended.

1. Section 40:2–25 is hereby amended to read as follows:

Delinquent taxes included in anticipated revenues.

40:2–25. In the budget for the first fiscal year in which a county or municipality is required to adopt a budget on a full cash basis and in each budget thereafter, there shall be included among the an-

ticipated revenues, under the caption "receipts from delinquent taxes," a proportion of all taxes levied for prior fiscal years, including the lien value of tax titles to real estate standing in the name of the municipality, unpaid and owing to the county or municipality, as the case may be, at the beginning of the budget year, not in excess of the proportion of all such taxes so unpaid and owing at the beginning of the next preceding fiscal year and not subsequently abated, canceled, or remitted, which was collected or realized in cash during such next preceding fiscal year.

Shown as additional revenue.

2. Notwithstanding the provisions of sections 40:2–25 and 40:2–28, items of anticipated revenues may be shown in a budget as additional amounts to be received from such anticipated revenues or as amounts to be received from other than regular sources; *provided,* the commissioner of local government shall determine upon application by the governing body that the facts clearly warrant the expectation that such item or items will actually be realized in cash during the budget year; *and provided, further,* that the commissioner of local government shall have certified such determination in writing to the county or municipality, as the case may be.

Proviso.

Proviso.

3. This act shall take effect immediately.

Approved January 31, 1939.

CHAPTER 8

AN ACT providing for an actuarial investigation of the Teachers' Pension and Annuity Fund.

Preamble.

WHEREAS, It is deemed advisable to have made an actuarial study of the Teachers' Pension and Annuity Fund by compenent actuaries other than the one now employed by the board of trustees of such fund to determine the amount necessary to be certified to the State by said board of trustees to meet actuarial requirements; therefore,

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

Appointment of actuaries.

1. There shall be appointed within ten days from the date upon which this act becomes effective three actuaries to be chosen in the following manner: One representing the Legislature, to be appointed jointly by the President of the Senate and the Speaker of the House of Assembly; one by the board of trustees of the Teachers' Pension and Annuity Fund; and a third to be selected by the two actuaries so chosen. All actuaries shall be selected within the ten-day period. The three actuaries shall co-operatively make a study forthwith of the condition of the various accounts and funds of the Teachers' Pension and Annuity Fund and shall certify to the Legislature not later than sixty days after their appointment the amount necessary to be appropriated for the fiscal year 1939-1940, in order to preserve the actuarial soundness of said fund. The cost of this investigation shall be paid from the expense fund of the Teachers' Pension and Annuity Fund.

To study condition of fund.

Expenses paid by fund.

2. This act shall take effect immediately.

Approved February 6, 1939.

CHAPTER 9

AN ACT concerning emergency relief and providing for the withholding of payments for emergency relief purposes to any municipality which may be indebted to the State by contract for highway or road work or improvement.

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

Indebtedness offset against claim of municipality for emergency relief.

1. When any municipality of this State shall be indebted to the State, on contract, for highway or road work or improvement, including the cost of right-of-way and including cost of land acquired pursuant to chapter one hundred ninety-one of the laws of one thousand nine hundred and thirty, such indebtedness shall be treated as a temporary offset against any claim that the said municipality may have against the State arising out of emergency relief expenditures and the said municipality shall only be paid that sum which the said emergency relief expenditures exceeds the said indebtedness, pending liquidation, adjustment or settlement of the claim. In the event that in the future any adjustment shall be made by the State, or any of its departments, of the amount chargeable against any such municipality, the difference between the amount now alleged to be due and, as adjusted, shall be credited to the municipality. In order that the treasurer of this State may be apprised of the amount due from the municipalities of this State on account of road work or improvement, the State Highway Commissioner shall forthwith certify to the State Treasurer the amount due the State from each municipality for any such work or improvement.

Adjustments.

Amount due State.

2. This act shall take effect immediately.

Approved February 13, 1939.

CHAPTER 10

AN ACT to amend an act entitled "An act authorizing the settlement of certain claims of the State of New Jersey arising by reason of the obligation of a county, municipality or corporation to contribute toward the laying out, construction, maintenance or repair of a State highway," approved May twenty-fifth, one thousand nine hundred and thirty-eight.

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

Section amended.

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

Settlement of claims.

2. When the State House Commission shall direct the State Highway Commissioner to settle, compromise and adjust any such claim or claims, the settlement shall be evidenced by an agreement executed by the State Highway Commissioner and such county, municipality or corporation, and such agreement shall be binding upon all of the parties thereto upon its execution, delivery and the making of the payment or payments required; *provided, however,* that such settlement and agreement shall be void unless the terms thereof are complied with within eighteen months after the delivery of such agreement.

Proviso.

2. This act shall take effect immediately.

Approved February 13, 1939.

CHAPTER 11

AN ACT concerning the board of education budget and the board of school estimate.

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

Time for adopting budget extended.

1. The dates for the approval, hearing and the final adoption of the budget and the certification by the board of school estimate and the issuing of the certificates by the board of school estimate to the board of education of said school districts and to the common council, board of finance or other body in the city having the power to make appropriations of money raised by taxes in such city, and all other procedure and requirements pertaining to the board of education budget of such districts for the year one thousand nine hundred and thirty-nine, shall be extended for one month.

May submit revised budget.

2. In the event that any district board of education shall have adopted its budget, and the board of school estimate have issued the certificates required by law, it shall be lawful for such board of education to rescind such action and substitute therefor a new amended or revised budget or certificates to the common council, board of finance or other body in the city having the power to make appropriations of money raised by taxes in said city.

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 Title 18 of the Revised Statutes.

Approved February 13, 1939.

CHAPTER 12

AN ACT concerning education, and supplementing Title 18, chapter eight, of the Revised Statutes.

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

Instruction of pupils to continue under local boards.

1. When any regional board of education heretofore created under the provisions of chapter eight of Title 18 of the Revised Statutes and chargeable with the education of high school pupils has not, on January first, one thousand nine hundred and thirty-nine, received approval of the Federal Government of a grant for the erection of a high school building, and has not taken charge and control of the high school pupils of such regional district, the instruction of such pupils shall continue under the respective local boards of education, now chargeable with their instruction, until a high school building is erected by such regional board of education at which time the board of education of the regional district shall assume the responsibilities of instruction.

2. This act shall take effect immediately.

Approved February 13, 1939.

CHAPTER 13

AN ACT providing for the purchase and free distribution of anti-pneumococcic serum and making an appropriation therefor.

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

1. The sum of twenty-five thousand dollars ($25,000.00) is hereby appropriated from the general funds of the State, and shall be credited to the State Department of Health, and expended by said department for the purchase and free distribution of anti-pneumococcic serum for the treatment of persons affected with pneumonia and financially unable to purchase the serum and for determining the type of pneumococci from persons suspected or known to have said disease. Appropriation for serum.

2. The appropriation hereby authorized shall be paid by the State Treasurer on warrant of the Comptroller, and a certification of the Director of Health of the State of New Jersey. Payment.

3. This act shall take effect immediately.

Approved February 16, 1939.

CHAPTER 14

A FURTHER 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-nine, and regulating the disbursement thereof," approved June fourteenth, one thousand nine hundred and thirty-eight.

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

Appropriation for riparian rights.

1. Board of Commerce and Navigation. There is hereby appropriated the sum of three thousand and five hundred dollars ($3,500.00) which shall be paid to Samuel Engle, of the county of Cumberland, for the purchase of certain riparian rights for which a deed has been delivered to the State of New Jersey.

Expenditure.

2. The appropriation herein authorized shall be expended in the same manner and subject to the same conditions as appropriations authorized in the act to which this act is a further supplement.

3. This act shall take effect immediately.

Approved February 16, 1939.

CHAPTER 15

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-nine, 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 subject to alteration or

Time for completing railroads extended.

Proviso.

Proviso.

Waiver of exemption filed.

Proviso. 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 hereinabove provided, without filing another such agreement under this act;

Proviso. *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.

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

Approved February 16, 1939.

CHAPTER 16

AN ACT to amend an act entitled "An act concerning municipal and county finances, and supplementing chapter two of Title 40 of the Revised Statutes," approved December thirteenth, one thousand nine hundred and thirty-eight, being Pamphlet Laws of one thousand nine hundred and thirty-eight, chapter four hundred seventeen.

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

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

Time extended for adopting budgets. 1. The dates for the approval, hearing and final adoption of the budget and appropriate resolutions in connection with county and municipal budgets shall, for the year one thousand nine hundred and thirty-nine, be extended two months 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 budgets for the year one thousand nine hundred and thirty-nine shall be extended for two months.

2. This act shall take effect immediately.

Approved March 2, 1939.

CHAPTER 17

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-nine, and regulating the disbursements thereof," approved June fourteenth, nineteen hundred and thirty-eight.

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 for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-eight: Appropriation.

B. LEGISLATIVE

B 1. LEGISLATURE

Balance of salaries of officers and employees of the Senate and House of Assembly, Index, Record and News Service, postage, telephone, stationery and miscellaneous supplies..... $40,000.00

2. This act shall take effect immediately.

Approved March 2, 1939.

CHAPTER 18

AN ACT concerning county and municipal budgets, and supplementing chapter two of Title 40 of the Revised Statutes.

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

May amend temporary budget.

1. It shall be lawful for the governing body of any county or municipality to alter, modify or amend the temporary budget heretofore adopted;

Proviso.

provided, that the said temporary budget shall not be in excess of forty per centum (40%) of the total of the appropriations made for all purposes, other than interest and debt redemption charges and for relief of the poor, in the budget for the preceding fiscal year;

Proviso.

and provided, further, that such action shall be taken by resolution adopted by the governing body not later than March thirty-first, one thousand nine hundred and thirty-nine.

Limits time for making appropriations.

Power is hereby expressly conferred upon the said governing body to make such temporary appropriations, not later than March thirty-first, one thousand nine hundred and thirty-nine, for interest and debt redemption charges maturing during the fiscal year one thousand nine hundred and thirty-nine and for the relief of the poor during the fiscal year one thousand nine hundred and thirty-nine, in such amounts as may be needed, and to alter, modify or amend such temporary appropriations heretofore made to the end that the appropriations shall be such as may be required for said purposes.

Amounts shown in final budget.

The amounts of all such temporary appropriations as altered, modified or amended shall be included under the correct headings in the amounts

appropriated in the budget as finally adopted for the fiscal year one thousand nine hundred and thirty-nine.

2. This act shall take effect immediately.

Approved March 7, 1939.

CHAPTER 19

AN ACT concerning common pleas, oyer and terminer, and quarter sessions judges, and supplementing Title 2, chapter six, of the Revised Statutes.

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

Substitute judge to complete trial.

1. If a justice or judge holding any court of common pleas, oyer and terminer or quarter sessions during a trial, be prevented from continuing to preside therein, another justice of the Supreme Court or judge, authorized to sit in such court in such county, may take his place and complete such trial, as if such other justice or judge had been present and presiding from the commencement of such trial; *provided, however,* that from the beginning of the taking of testimony at such trial, stenographic minutes of such trial shall have been kept, so that the justice or judge so continuing may familiarize himself with the previous proceedings at such trial.

Proviso.

2. This act shall take effect immediately.

Approved March 15, 1939.

CHAPTER 20

AN ACT concerning petit juries, and supplementing Title 2, chapter eighty-eight, of the Revised Statutes.

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

May extend term of petit jurors.

1. Whenever it shall be made to appear to any justice or judge holding any court of common pleas, oyer and terminer or quarter sessions in any county of this State that a petit jury serving in said county may not complete its service in any trial for which it has been chosen during the term for which its members have been drawn to serve as jurors, any such justice or judge may order that the term of the members of such petit jury shall be extended beyond the end of the term for which they were drawn, and until the completion of the trial in which they are serving, even though such trial may extend into a new term or terms of court. Thereupon all acts by said jurors in said trial shall have the same force and effect, as if performed during the original term for which they were drawn.

Not to affect further petit juries.

2. The continuance of such petit jury as aforesaid shall in no wise affect the usual drawing, selecting and serving of further petit juries as provided by law.

3. This act shall take effect immediately.

Approved March 15, 1939.

CHAPTER 21

AN ACT concerning municipal and county finances, and supplementing chapter two of Title 40 of the Revised Statutes.

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

Approval of certain item in municipal budget.

1. In the budget of any municipality for the year one thousand nine hundred and thirty-nine, the Commissioner of Local Government shall be authorized and it shall be his duty to approve any item of anticipated miscellaneous revenue appearing in such budget under the caption of "State Aid for Relief, 1938", in an amount not in excess of any amount which may be certified to him by the State Financial Assistance Commission as being due and owing by the State of New Jersey to said municipality on account of any claim of the said municipality against the State arising out of emergency relief expenditures for the year one thousand nine hundred and thirty-eight; *provided,* the said municipality shall have made proper provision for the payment of any and all expenditures, claims or commitments which may have been incurred for the relief of the poor during the year one thousand nine hundred and thirty-eight whether by way of budget appropriation, emergency appropriation or otherwise. Where any municipality shall anticipate such State aid in the budget of the year one thousand nine hundred and thirty-nine, then and in that event an appropriation shall be provided in said budget for any unpaid relief commitments, claims or expenditures heretofore made in the absence of an appropriation and previously unprovided for. In every case where such anticipation shall appear in the budget, a statement shall accompany the budget filed with the Commissioner of Local Government setting forth the total cost of relief for the year one thousand nine hundred and

Proviso.

Appropriation for unpaid relief commitments.

Statement of total cost of relief.

thirty-eight and the means or methods by which such costs were financed. The said statement shall be made in such form as may be prescribed by the Commissioner of Local Government.

Amounts owing certified to commissioner.

2. The State Financial Assistance Commission shall forthwith after the adoption of this act certify to the Commissioner of Local Government the amounts which, according to the records of the State Financial Assistance Commission, shall be owing to the municipalities in this State on account of emergency relief expenditures whether represented by payments or commitments made or to be made for the relief of the poor for the year one thousand nine hundred and thirty-eight.

Calculating amounts due.

3. In calculating the amounts to be certified to the Commissioner of Local Government the State Financial Assistance Commission shall fix the municipalities' collective share or contribution at twenty-five per centum (25%) of the total one thousand nine hundred and thirty-eight relief costs exclusive of the cost of local administration; *provided, however,* that in no event shall the balance to be paid by the State of New Jersey for one thousand nine hundred and thirty-eight relief costs exceed seven million one hundred sixty-seven thousand and four hundred ninety dollars and twenty-five cents ($7,167,490.25).

Proviso.

Act not to affect.

4. This act shall take effect immediately and shall not in any way affect any statute heretofore or hereafter enacted concerning emergency relief and providing for the withholding of payments for emergency relief purposes to any municipality which may be indebted to the State by contract for highway or road work or improvement.

Approved March 22, 1939.

CHAPTER 22

AN ACT concerning taxation, and extending the time for computing the average rate of taxation in this State for the year one thousand nine hundred and thirty-nine.

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

Time extended for computing average rate of taxation, etc.

1. The time of the State Tax Commissioner to compute the average rate of taxation of this State, under provisions of chapter twenty-four of Title 54 of the Revised Statutes, and to certify valuations and taxes on the railroad property to the State Comptroller, pursuant to the provisions of chapter twenty-seven, Title 54, of the Revised Statutes, and to perform any other acts based upon said average rate of taxation for the year one thousand nine hundred and thirty-nine, is hereby extended to July thirtieth, one thousand nine hundred and thirty-nine, and the time for appeals therefrom, and other acts relating thereto, shall be likewise extended fourteen days thereafter.

2. This act shall take effect immediately.

Approved March 22, 1939.

CHAPTER 23

AN ACT concerning municipal and county finances, and amending section 40:2–31 of the Revised Statutes.

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

Section amended.

1. Section 40:2–31 of the Revised Statutes is hereby amended to read as follows:

Emergency appropriation.

40:2–31. A county or municipality may, in accordance with this section, make emergency appropriations after the adoption of a budget for a fiscal year for a purpose which was not foreseen at the time of the adoption of the budget or for which adequate provision was not made in the budget. Such an appropriation shall be made only to meet a pressing need for public expenditure, to protect or promote the public health, safety, morals or welfare or to provide for relief of the poor prior to the ensuing budget year. An emergency appropriation shall be made only in accordance with subdivisions (1) or (2) of this section, as the case may be. The total amount of all emergency appropriations shall be provided in full by the local governing body as a deferred charge in the budget of the next succeeding fiscal year.

Limits amount of appropriation.

(1) An emergency appropriation other than an appropriation to provide for relief of the poor which together with all prior emergency appropriations other than appropriations for relief of the poor made during the same year, does not exceed three per centum of the total of current operating appropriations made in the budget adopted for that year or an emergency appropriation for the relief of the poor shall be made as follows: The governing body shall, by resolution adopted by two-thirds vote of all the members, declare that an emergency exists requiring a supplementary appropriation. The resolution

shall be in the form and content prescribed by the State Board, and shall set out the nature of the emergency in full. A copy of the resolution shall be filed forthwith with the commissioner.

(2) An emergency appropriation other than an appropriation for the relief of the poor which together with all prior emergency appropriations other than appropriations for relief of the poor made during the same year exceeds three per centum of the total current operating appropriations in the budget for that year shall be made as follows: The governing body shall, by resolution adopted by two-thirds vote of all the members, petition the commissioner for permission to exceed the limitation of three per centum. The petition shall be in the form and content prescribed by the State Board, and shall set out the nature of the emergency in full. The commissioner shall consider the petition and, if requested by local taxpayers or by the local governing body, hold a hearing. The commissioner shall, within five days after receipt of the petition, or if a hearing is held, after the hearing, determine whether an emergency exists which requires an excess appropriation, and the amount of expenditure reasonably required. If the commissioner approves an excess appropriation he shall fix the maximum amount for the emergency appropriation. The governing body shall not exceed the maximum amount fixed by the commissioner.

Any county or municipality may borrow money and issue its negotiable notes to meet any such emergency appropriation. Each such note shall be authorized by resolution of the governing body, shall be designated an "emergency note," and may be renewed from time to time, but all such notes and any renewals thereof shall mature not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made to meet which such notes were

issued. The provisions of sections 40:2–40 and 40:2–41 and 40:2–43 to 40:2–46 of this Title shall apply to such notes as fully as though such notes were mentioned therein.

For the purposes of this section, an affidavit of a financial officer of the county or municipality shall be a conclusive determination of the total amount of any such emergency appropriations made in any fiscal year and of the amount of all budget appropriations for such year. If any resolution providing for the issuance of notes to meet any such emergency appropriation shall recite or determine that such appropriation was required to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare or to provide for relief of the poor, such recital or determination shall be deemed to be true for the purpose of determining the validity of such notes and the county or municipality issuing such notes and all others interested shall forever thereafter be estopped from denying the same.

2. This act shall take effect immediately.

Approved March 22, 1939.

CHAPTER 24

AN ACT concerning the burial of certain deceased soldiers, sailors, marines and nurses, and amending sections 38:17–7 and 38:17–8 of the Revised Statutes.

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

Section amended.

1. Section 38:17–7 of the Revised Statutes is hereby amended so as to read as follows:

May issue bonds.

38:17–7. If in the judgment of any board of chosen freeholders the amount required for the purposes mentioned in section 38:17–6 of this Title,

if placed in the tax levy for one fiscal year, would be too burdensome on the taxpayers of such county, such board may issue bonds to raise the funds to accomplish the purposes aforesaid.

Section amended.

2. Section 38:17–8 of the Revised Statutes be and the same is hereby amended so as to read as follows:

Limits issue.

38:17–8. The bonds mentioned in section 38:17–7 of this Title shall be issued and sold in accordance with Title 40, chapter one, of the Revised Statutes. No board shall issue bonds in excess of one hundred thousand dollars, for the purposes aforesaid.

Repealer.

3. 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 March 25, 1939.

CHAPTER 25

AN ACT concerning savings banks, and supplementing chapter six of Title 17 of the Revised Statutes.

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

May relieve institution of compliance with certain provisions.

1. Whenever a certificate shall have been filed under the provisions of sections 17:6–69 and 17:6–70 of the Revised Statutes, to extend the period of existence of any savings bank created under or by virtue of any law of this State, and it shall be made to appear to the commissioner that the application of all of the provisions of this chapter would endanger the stability of the said institution, and adversely affect the public interest, the commissioner may relieve any such institution from compliance with such provisions of this chapter as

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he may deem necessary in the public interest for a period not to exceed twenty years; *provided, however,* that in no event shall the commissioner dispense with the operation of the following sections, or any part thereof: 17:6–14, 17:6–25, 17:6–26, 17:6–34, 17:6–35, 17:6–36, 17:6–37, 17:6–38, 17:6–39, 17:6–41, 17:6–42, 17:6–43, 17:6–78, 17:6–79, 17:6–80, 17:6–81 and 17:6–82.

2. This act shall take effect immediately.

Approved March 28, 1939.

CHAPTER 26

AN ACT amending section 17:6–14 of the Revised Statutes and making certain other provisions of chapter six of Title 17 of the Revised Statutes applicable to savings banks organized under special charter as stock companies prior to March eighth, one thousand eight hundred and seventy-seven.

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

Section amended.

1. Section 17:6–14 of the Revised Statutes is hereby amended to read as follows:

Application of act.

17:6–14. This chapter shall apply to all savings banks and institutions for savings, howsoever chartered or incorporated; but shall not apply to any savings bank organized under a special charter as a stock company previous to March eighth, one thousand eight hundred and seventy-seven, except as to sections 17:6–25, 17:6–26, 17:6–34, 17:6–35, 17:6–36, 17:6–37, 17:6–38, 17:6–39, 17:6–41, 17:6–42, 17:6–43, 17:6–69, 17:6–70, 17:6–78, 17:6–79, 17:6–80, 17:6–81, 17:6–82, 17:9–3, 17:9–4 and 17:9–5.1 of this Title. Section 17:6–25 of this Title shall not apply to savings banks chartered or

incorporated by special acts, so far as said section may alter the method of electing managers or officers or in the method of perpetuating the corporation, as provided in the special acts or by-laws adopted in accordance therewith, or in the laws of this State now in force. Section 17:6–70 of this Title shall not apply to any savings bank organized under a special charter as a stock company previous to March eighth, one thousand eight hundred and seventy-seven, so far as the said section may subject such savings bank to any of the provisions of this chapter not set forth in this section.

2. This act shall take effect immediately.

Approved March 28, 1939.

CHAPTER 27

AN ACT concerning savings banks, and amending section 17:6–70 of the Revised Statutes.

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

1. Section 17:6–70 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:6–70. Upon making, proving and filing the certificate, the period of existence and the corporate powers of the savings bank shall be extended as declared in the certificate, as fully as if the period had been named in the original charter or certificate of organization of the savings bank. The certificate or a copy duly certified by the commissioner shall be evidence in all courts and places. All savings banks whose charters are extended or renewed, as provided herein, shall, except as otherwise provided in this chapter, be subject to all the provisions of this chapter, and to all general laws on the subject of taxation which shall apply to other savings banks, and shall also be entitled to Corporate powers extended.

all the rights and privileges which it may have acquired and be liable for all the acts which it may have exercised or performed after the date of the expiration of its charter or of the period named in its certificate of organization or any renewal thereof, to the same extent as if the charter or the period had not expired.

2. This act shall take effect immediately.

Approved March 28, 1939.

CHAPTER 28

AN ACT concerning county and municipal finances, and amending section 40:2–22 of the Revised Statutes, as amended by section three of chapter one hundred twenty-eight of the laws of one thousand nine hundred and thirty-eight.

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

Section amended.

1. Section 40:2–22 of the Revised Statutes, as amended by section three of chapter one hundred twenty-eight of the laws of one thousand nine hundred and thirty-eight is hereby amended to read as follows:

Cash basis.

40:2–22. A county or municipality shall be upon a full cash basis when, after the year one thousand nine hundred and forty, all obligations and disbursements representing lawful expenditures under a budget for the current fiscal year, together with all current obligations and deficits remaining unpaid from all preceding fiscal years are paid or provided for in full from cash reserves and revenues actually collected during such current fiscal year.

Beginning.

A county or municipality shall begin operations upon a full cash basis as provided by sections 40:2–25 to 40:2–28, inclusive, in accordance with the provisions of this section.

Operation of budget.

Sections 40:2–25 to 40:2–28, inclusive, shall be in operation with respect to the budget of a county or municipality beginning with the first year, after the year one thousand nine hundred and forty and prior to one thousand nine hundred and forty-four, in which an appropriation is not required by subsection "d" of section 40:2–21 or subsection "b" of section 40:2–23, and, in any case beginning with the year one thousand nine hundred and forty-four.

May postpone operation.

If in any year, after one thousand nine hundred and forty and prior to one thousand nine hundred and forty-four, the initial operation in a municipality of sections 40:2–25 to 40:2–28, inclusive, would necessitate a burdensome increase in local taxation, the governing body may apply to the State Board for permission to postpone operation under such sections. If the State Board finds that such operation would be unduly burdensome, it may approve a plan providing for a more gradual transition to the cash basis extending over as many years, prior to one thousand nine hundred and forty-four, as may be necessary to avoid an undue burden. The plan may provide for the appropriation of a "reserve for uncollected taxes" of less than the full amount required by section 40:2–26 and such other methods of transition as the board may find sound and appropriate. Compliance with an approved plan shall be mandatory upon the municipality.

Gradual change to cash basis.

Reserve for uncollected taxes.

Compliance mandatory.

Amended budget.

In the event that, prior to the taking effect of this amending act, any municipality or county shall have adopted its budget for the fiscal year one thousand nine hundred and thirty-nine and/or any resolutions approving the same, it shall be lawful for such municipality or county to rescind such action and substitute therefor a new, amended or revised budget for said year, with appropriate resolutions, in conformity with the local budget law as hereby amended; *provided,* that such new, amended or revised budget and appropriate resolutions be finally approved and/or adopted and the

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resolutions supporting the same be passed within the extended time allowed therefor under the provisions of chapter sixteen of the laws of one thousand nine hundred and thirty-nine.

2. This act shall take effect immediately.

Approved March 28, 1939.

CHAPTER 29

AN ACT authorizing the State Treasurer to designate one of his assistants to act as deputy State Treasurer during the illness or absence of the latter official.

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

Authorized to appoint deputy.

1. Whenever the deputy State Treasurer shall be ill or absent from his office the State Treasurer is hereby authorized to designate one of his assistants to act as deputy State Treasurer, during the illness or absence of the latter official; and such person so designated shall have all the powers and perform all the duties cast by law upon the deputy State Treasurer. Such person so designated shall take the same oath of office and give the same official bond as is required of the deputy State Treasurer.

Bond.

2. This act shall take effect immediately.

Approved March 28, 1939.

CHAPTER 30

AN ACT concerning the Board of Commerce and Navigation, and supplementing Title 12, chapter five, of the Revised Statutes.

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

Provides for harbor in Sandy Hook Bay.

1. In addition to the powers conferred by the provisions of the act to which this act is a supplement, the Board of Commerce and Navigation is hereby authorized and empowered to provide for a harbor of refuge in Sandy Hook bay near the borough of Atlantic Highlands and to do all things necessary therewith for effectuating the purposes of this act.

Appropriation.

2. There is hereby appropriated to the Board of Commerce and Navigation from the State highway fund, and directed to be paid by the State Treasurer, the sum of eighty-one thousand two hundred and fifty dollars ($81,250.00) for carrying into effect the provisions of this act; *provided, however,* that the sum hereby appropriated and to be paid by the State Treasurer shall be the total limit of appropriation on the part of the State of New Jersey.

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Expenditure of fund conditioned.

3. The specific appropriation herein made shall not be expended, however, until there shall have been made available by the Federal Government seven hundred sixty-eight thousand seven hundred fifty dollars ($768,750.00), by the county of Monmouth twenty-five thousand dollars ($25,000.00), and by the borough of Atlantic Highlands forty-four thousand dollars ($44,000.00), which shall be used in conjunction with this appropriation.

Expenditure.

4. All moneys so appropriated by the State, the county of Monmouth and the borough of Atlantic Highlands shall be used by the Board of Commerce and Navigation and expended under its direction in co-operation with the Federal Government, and

Title vested in State.

the title to all such lands shall be vested in the State of New Jersey by appropriate deed therefor.

5. This act shall take effect immediately.

Approved March 30, 1939.

CHAPTER 31

AN ACT concerning municipal and county finances.

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

May include relief for poor in budget.

1. Notwithstanding anything contained in section 40:2–12 of the Revised Statutes, the governing body of any municipality may, with the approval of the Local Government Board of New Jersey, include in the budget of the fiscal year beginning on the first day of January, one thousand nine hundred and thirty-nine, such part of the amount appropriated by any temporary appropriation for relief of the poor made during such fiscal year in accordance with said section 40:2–12 of the Revised Statutes as shall be determined by the Local Government Board. The amount of any such temporary appropriation not so included in such budget shall be deemed to have been appropriated as an emergency appropriation pursuant to and in accordance with section 40:2–31 of the Revised Statutes, and such amount not so included in such budget shall be provided in full in the budget of the fiscal year beginning on the first day of January, one thousand nine hundred and forty, in accordance with said section 40:2–31 of the Revised Statutes.

Deemed an emergency appropriation.

2. This act shall take effect immediately.

Approved April 3, 1939.

CHAPTER 32

AN ACT concerning county and municipal budgets, and supplementing chapter two of Title 40 of the Revised Statutes.

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

Debt service added to school budget.

1. In transmitting the certified copy of the budget to the county board of taxation, municipalities in which schools are administered under chapter six of Title 18 of the Revised Statutes (Article VI, Districts) shall deduct the amount of debt service for school indebtedness from the amount of its municipal budget and add same to the school budget.

2. This act shall take effect immediately.

Approved April 3, 1939.

CHAPTER 33

AN ACT concerning county and municipal finances, amending section 40:2–22 and supplementing chapter two of Title 40 of the Revised Statutes.

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

Section amended.

1. Section 40:2–22 of the Revised Statutes is hereby amended to read as follows:

Cash basis.

40:2–22. A county or municipality shall be upon a full cash basis when all obligations and disbursements representing lawful expenditures under a budget for the current fiscal year, together with all current obligations and deficits remaining unpaid from all preceding fiscal years are paid or provided for in full from cash reserves and revenues actually collected during such current fiscal year.

To operate upon a full cash basis.

A county or municipality shall begin operations upon a full cash basis as provided by sections 40:2–25 to 40:2–28, inclusive, in accordance with the provisions of this section.

Sections 40:2-25 to 40:2-28 to be in operation.

Sections 40:2–25 to 40:2–28, inclusive, shall be in operation with respect to the budget of a county or municipality beginning with the first year, prior to one thousand nine hundred and forty-four, in which an appropriation is not required by subsection "d" of section 40:2–21 or subsection "b" of section 40:2–23, and, in any case beginning with the year one thousand nine hundred and forty-four.

Postpone operation.

If in any year prior to one thousand nine hundred and forty-four, the initial operation in a municipality of sections 40:2–25 to 40:2–28, inclusive, would necessitate a burdensome increase in local taxation, the governing body may apply to the State Board for permission to postpone operation under such sections. If the State Board finds that such operation would be unduly burdensome, it may approve a plan providing for a more gradual transition to the cash basis extending over as many years, prior to one thousand nine hundred and forty-four, as may be necessary to avoid an undue burden. The plan may provide for the appropriation of a "reserve for uncollected taxes" of less than the full amount required by section 40:2–26 and such other methods of transition as the board may find sound and appropriate. Compliance with an approved plan shall be mandatory upon the municipality.

Resolution to postpone operation.

2. The governing body of a municipality or a county, which is required by section 40:2–22 to begin operations on a full cash basis with respect to the budget for either the fiscal year one thousand nine hundred and thirty-nine or one thousand nine hundred and forty, may, by resolution, elect to postpone such cash basis operation until the budget for the fiscal year one thousand nine hundred and forty or one thousand nine hundred and forty-one, as the case may be; *provided, however,* that this option shall not apply in the year one thousand nine

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hundred and forty to any municipality or county which elected to begin operations on a cash basis budget for the year one thousand nine hundred and thirty-nine.

In the event that, prior to the taking effect of this act, any municipality or county shall have adopted its budget for the fiscal year one thousand nine hundred and thirty-nine or any resolutions approving the same, it shall be lawful for such municipality or county to rescind such action and substitute therefor a new, amended or revised budget for said year, with appropriate resolutions, in conformity with the local budget law as hereby amended; *provided,* that such new, amended or revised budget and appropriate resolutions be finally approved and adopted and the resolutions supporting the same be passed within ten days after the expiration of the extended time allowed therefor under the provisions of chapter 417 of the laws of one thousand nine hundred and thirty-eight as amended.

May substitute revised budget.

Proviso.

3. This act shall take effect immediately.

Approved April 4, 1939.

CHAPTER 34

AN ACT concerning county detectives, and supplementing section 2:181–10 of the Revised Statutes.

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

1. Section 2:181–10 of the Revised Statutes is hereby supplemented by the addition of a section to be known as section 2:181–11 which shall read as follows:

Section added.

2:181–11. In all counties of this State now or hereafter having a population of between fifty thousand and seventy thousand inhabitants, as as-

Prosecutor may appoint detectives, or investigators.

certained by the preceding Federal census, it shall be lawful for the prosecutor of the pleas of said county to appoint county detectives or special county investigators, not to exceed two in number, whose duties shall be determined by the prosecutor of the pleas. Such officers, when so appointed or now holding office, shall receive annual compensation of not less than fifteen hundred dollars nor more than three thousand dollars, payable in semi-monthly installments by the county treasurer, upon the certification of the prosecutor of the pleas and the judge of the court of quarter sessions; *provided, however,* that the provisions of this act shall not operate to reduce the compensation of any person now performing such duties. The amount of the salaries herein provided shall be fixed and the expenses of the person so appointed shall be approved by the prosecutor of the pleas and the judge of the court of quarter sessions.

Salary.

Proviso.

2. This act shall take effect immediately.

Approved April 5, 1939.

CHAPTER 35

AN ACT setting forth the procedure to be followed whenever The Port of New York Authority sells any real property, and ratifying any conveyances heretofore made.

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

Procedure to sell property:

1. Whenever The Port of New York Authority (hereinafter called the Port Authority) shall determine to sell any real property which may have been acquired by the Port Authority by purchase, condemnation or otherwise, pursuant to any of its powers and authorities, but which real property is no longer required for such purposes, the following procedure shall be followed:

(a) A map shall be made of such real property so determined as no longer required, which map shall be filed in the office of the Port Authority. Map made and filed;

(b) There shall be annexed to such map a certificate executed by the chief engineer of the Port Authority stating that such real property is no longer required for such purposes. Statement by chief engineer;

(c) All or any portion of said real property may be sold at either private or public sale, and all deeds of conveyance therefor shall be by bargain and sale and shall be executed by the chairman, or the vice-chairman, or the general manager, or an assistant general manager of the Port Authority and attested by the secretary thereof. Deed.

2. The validity of all conveyances heretofore made by The Port of New York Authority is hereby ratified and confirmed. Previous conveyances validated.

3. 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 shall have already enacted such legislation this act shall take effect immediately. Act effective.

Approved April 5, 1939.

CHAPTER 36

AN ACT concerning municipal and county finances, and amending section 40:2–30 of the Revised Statutes.

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

1. Section 40:2–30 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:2–30. During the last two months of the fiscal year or during the first three months of the follow- May transfer appropriations.

ing fiscal year, if it shall become necessary to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor, and there shall be an excess in one or more appropriations (excepting the appropriations for contingent expenses, deferred charges, payment of floating debt, reserve for uncollectible taxes, cash deficit of preceding year, reserve for uncollected taxes, or interest and debt redemption charges), over and above the amount deemed to be necessary to fulfill the purpose of such appropriations, the governing body of any municipality or county, by proper resolution setting forth the facts, may, by a two-thirds vote thereof, transfer the amount of such appropriation as may be deemed to be in excess, to such appropriations (excepting the appropriation for contingent expenses or deferred charges) as are deemed to be insufficient to fulfill the purposes of such appropriations.

Unexpended balances to lapse.

All unexpended balances of appropriations which prior to the end of the fiscal year are canceled by proper resolution of the governing body or which at the end of the third month after the close of the fiscal year have not been specifically reserved by proper resolution of the governing body to meet specific claims, commitments and contracts incurred pursuant to the budget of the fiscal year, shall forthwith lapse and no disbursement shall thereafter be made thereunder.

2. This act shall take effect immediately.

Approved April 12, 1939.

CHAPTER 37

AN ACT to supplement "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, appearing as App. A:4–19 et seq. of the Revised Statutes.

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

Refunding school debt.

1. Notwithstanding the provisions of the act to which this act is a supplement, it shall be lawful for the governing body of any municipality in this State which has refunded its debt in whole or in part under the provisions of the act to which this act is a supplement to postpone the payment of any sum or sums due to a school district from the municipality where said sum was due and payable December thirty-first, one thousand nine hundred and thirty-six, and to allow payment of any sum or sums due to be spread over a period of not more than ten years; *provided,* the board of education of such school district is willing to accept payment from the municipality in said yearly installments and has adopted, or shall adopt, a resolution consenting thereto. In the event that the board of education of the schoool district has adopted, or shall adopt, such a resolution and the terms of such resolution shall be accepted by resolution of the governing body, then the sum determined by the board of education in such resolution to be due shall be included in the budgets of the municipality for the years and in such amount as shall be set forth in said resolution, and the total of such amounts shall not be charged against "current

Proviso.

Amount included in budget.

New Jersey State Library

account-cash'' or considered as a cash liability of the municipality.

2. This act shall take effect immediately.

Approved April 12, 1939.

CHAPTER 38

AN ACT concerning the creation and regulation of a separate fund for the operation of radio stations or municipal convention halls, or both, in municipalities bordering on the Atlantic ocean, and amending sections 40:62–33 and 40:62–34 of the Revised Statutes.

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

Section amended.

1. Section 40:62–33 of the Revised Statutes is hereby amended to read as follows:

Expenditures set out.

40:62–33. The expenditures shall include the cost of maintenance, upkeep and operation of the station or hall, or both, salaries, heat, light and power, advertising, cost of procuring conventions, employment of performers, attractions, shows, entertainment of every nature and description, amusements, or any other kind of expenditure incident to the maintenance, upkeep and operation of such station or hall, or both. The authority is hereby granted to the municipality to enter into a contract with any person or corporation to whom a debt is owing for any such expenditure and to provide for the payment of such debt in equal instalments for a period not to exceed five (5) years; after the execution of such contract, it shall be necessary for the municipality to appropriate for such debt in any year, only sufficient money for each instalment.

Debt settlement by contract.

Annual instalment.

Said contract may provide that the amount of such instalment may, when due according to the terms of the contract, be applied by any such person or corporation to the payment of taxes due the municipality by or on the property of such person or corporation, in lieu of payment by the municipality of such instalment. Amount applicable to taxes.

2. Section 40:62–34 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:62–34. The income herein referred to shall not be deposited in the municipal treasury and shall not become a part of the general finances of the municipality and shall not be required to be withdrawn by ordinance. The ordinance herein provided or any amendment thereto shall provide for all necessary regulations safeguarding the collection and expenditure of such funds. Income not deemed finances of municipality. Regulations.

It is the intention of sections 40:62–27 to 40:62–34 of this Title to enable the municipality to operate such station or hall in the businesslike manner similar to the methods that would be employed if the station or hall was operated by a private and not a municipal corporation, and that the provisions of chapter two of Title 40 of the Revised Statutes, the "local budget law," Revised Statutes 40:2, and any amendments or supplements thereto, shall not be deemed to apply to such station or hall. Municipal operation of plant. Exception.

3. This act shall take effect immediately.

Approved April 13, 1939.

CHAPTER 39

AN ACT concerning the board of education budget and the board of school estimate.

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

Date of approval and adoption of budget extended ten days.

1. The dates for the approval, hearing and the final adoption of the budget and the certification by the board of school estimate and the issuing of the certificates by the board of school estimate to the board of education of said school districts and to the common council, board of finance or other body in the city having the power to make appropriations of money raised by taxes in such city, and all other procedure and requirements pertaining to the board of education budget of such districts for the year one thousand nine hundred and thirty-nine, shall be extended until April twenty-fourth, one thousand nine hundred and thirty-nine.

Rescinding action and revising budget.

2. In the event that any district board of education shall have adopted its budget, and the board of school estimate have issued the certificates required by law, it shall be lawful for such board of education to rescind such action and substitute therefor a new amended or revised budget or certificates to the common council, board of finance or other body in the city having the power to make appropriations of money raised by taxes in said city.

Final action.

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 Title 18 of the Revised Statutes.

Approved April 20, 1939.

CHAPTER 40

AN ACT to permit the board and the Secretary of Agriculture to appoint an assistant secretary of agriculture who need not necessarily be the chief of the Bureau of Animal Industry, and to amend sections 4:1–10 and 4:1–13 of the Revised Statutes.

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

1. Section 4:1–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

4:1–10. The Secretary of Agriculture shall serve as secretary of the Board. The assistant secretary of the board, in the absence of the secretary, shall exercise all his powers and perform all his duties. Secretary of Board of Agriculture.

2. Section 4:1–13 of the Revised Statutes is hereby amended to read as follows: Section amended.

4:1–13. The board shall appoint the Secretary of Agriculture, and in conjunction with him may appoint an assistant secretary of agriculture and shall appoint the chiefs of the various bureaus, the inspectors, veterinarians, experts and all other officers, agents and employees of the department, except the clerks and stenographers attached thereto. The board, upon the advice and recommendation of the secretary, shall fix the compensation of all officers and employees subject to the provisions of Title 11, Civil Service, except where otherwise provided by statute. Secretary of Agriculture and subordinates. Compensation

3. This act shall take effect immediately.

Approved April 22, 1939.

CHAPTER 41

AN ACT regulating the sale and delivery of solid fuel, and amending section 51:8–5 of the Revised Statutes.

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

Section amended.

1. Section 51:8–5 of the Revised Statutes is hereby amended to read as follows:

Dealers in solid fuel licensed.

51:8–5. It shall be unlawful for any person to engage in the business of selling, delivering or selling and delivering solid fuel in this State unless he shall have obtained from the department a license to engage in said business and a license plate for each vehicle owned and used by him for the delivery of solid fuel; *provided, however,* where any person engages in the business of selling, delivering, or selling and delivering solid fuel in this State at more than one place of business or establishment, it shall be necessary for said person to obtain a separate license for each such place of business or establishment where said solid fuel is so sold, delivered, or sold and delivered; *provided, further,* that it shall not be necessary for any person who sells or delivers solid fuel at retail in quantities of not more than one hundred pounds, and does not sell or deliver more than one hundred pounds to the same person on the same day, to obtain such license. Application for said license and license plate or plates shall be made upon a form to be supplied by the superintendent of the department and it shall be the duty of said superintendent to issue such license to such applicant for each calendar year or fraction thereof in which said business is conducted, upon the payment of a fee of ten dollars for any one year or fraction thereof, and to issue, for such calendar year or

Proviso.

Each place licensed.

Proviso.

Small dealers exempt.

Application.

Fee.

fraction thereof, a license plate for each vehicle so owned and used by the applicant, together with a certificate of the issuance of such license plate, upon the payment of one dollar for each vehicle so owned and used, in excess of one vehicle, and said certificate shall contain the name and address of the owner of the vehicle, together with a description of the character of the vehicle and the motor number. The holder of such certificate or the operator of such vehicle, when requested to do so by any weights and measures officer, shall exhibit such certificate, in order that such weights and measures officer may determine the correctness of said certificate.

Each vehicle licensed.

Fee.

Certificate shown officer.

It shall be unlawful for any person to engage in the business aforesaid without having on display in his place of business a certificate of such license, which shall be issued by said superintendent, and no person shall use any vehicle to deliver solid fuel without such license plate being securely and conspicuously attached to said vehicle and no such license plate shall be transferable or interchangeable.

Certificate displayed in office.

Plates plainly shown.

No license plate shall be issued to any person for any vehicle not owned by him; *provided, however,* that liens or encumbrances on any vehicle shall not be deemed to deprive the owner of a right to a license plate for such vehicle; *and provided, further,* that in emergencies growing out of extreme weather conditions, upon application to the department by any person regularly licensed under the provisions of this section, additional vehicle plates shall be issued forthwith upon the payment of one dollar for each plate, and any such plate may be attached to any vehicle leased or otherwise employed by any licensee. Such emergency plates must be removed and returned to the department when the emergency has passed.

Ownership.

Proviso.

Proviso; Emergencies.

Every license and license plate issued under the provisions of this section shall expire, and the certificates thereof become void on the thirty-first

Expiration of licenses and plates.

day of December of each year, and the superintendent of the department shall issue licenses, license plates and certificates for the following year on and after November first of each year, such licenses, license plates and certificates so issued not to be used until the fifteenth day of December of the year preceding the year for which they are issued.

Renewals.

Issuing agents.

The superintendent of the department shall designate county and municipal superintendents of weights and measures as issuing agents through whom the licenses, license plates and certificates herein provided may be issued to applicants in their respective counties or municipalities. All moneys collected by said county or municipal superintendents shall be transmitted to the State superintendent on or before the twenty-fifth day of the month following date of issue.

Fees transmitted to State superintendent.

Revocation.

The superintendent may revoke the license of or refuse to issue a license to any person, after a hearing, upon due notice, which may be served personally upon or sent by registered mail to such person, for any dishonest, deceptive or fraudulent practice.

Name and location of owner on motor vehicle.

No motor vehicle shall be used for transportation of solid fuel in this State unless the name of the owner thereof and the municipality in which his place of business is located is conspicuously displayed on the vehicle in letters at least six inches high. Any person violating this provision shall pay a penalty of not more than ten dollars and for failure to forthwith pay such penalty, shall be imprisoned in the county jail for a period not exceeding five days.

Penalty.

2. This act shall take effect immediately.

Approved April 22, 1939.

CHAPTER 42

AN ACT for the protection of game birds and animals by prohibiting the possession or liberation of coyotes.

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

Penalty for liberating coyote.

1. No person shall liberate a coyote within this State, under a penalty of one hundred dollars ($100.00) for each offense.

Penalty for possession.

2. No person shall have a live coyote in possession in this State except by permission of the board, under a penalty of one hundred dollars ($100.00) for each live coyote so had in possession.

3. This act shall take effect immediately.

Approved April 22, 1939.

CHAPTER 43

AN ACT supplementing an act entitled "An act concerning the supervision, by the State Department of Local Government, over certain municipalities in the State," approved May fifth, one thousand nine hundred and thirty-eight.

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

Permission to adopt annual budget.

1. The governing body of a municipality subject to the act to which this act is a supplement may, with the consent in writing of the State Board, make written application for permission to adopt an annual budget for the fiscal year one thousand

nine hundred and thirty-nine without regard to any or all of the requirements of such act and to those of chapter two, Title 40, of the Revised Statutes.

Review by State Board.

Upon the effective date of this act, such application shall, forthwith, be made to the State Board which shall proceed at once to review the same.

Approval.

A budget shall not be adopted pursuant to this act unless and until it shall have been approved in writing by the State Board. The board is hereby authorized and empowered to grant or deny such application in whole or in part, and if granted to grant same upon such terms, conditions and limitations as it may prescribe. The board shall grant an application only in order to prevent or lighten an excessive tax levy, and only in the case of a municipality whose cash deficit as of December thirty-first, one thousand nine hundred thirty-eight, was in excess of twenty-five per centum (25%) of its 1938 tax levy for all purposes, or whose estimated 1939 tax levy for all purposes under the requirements of existing law would exceed by twenty-five per centum (25%) its 1938 tax levy for all purposes.

Action on application.

Reason for adoption.

Full amount required.

Nothing in this act shall be construed to authorize the inclusion in a budget of less than the full amount required for the payment of the principal of or interest on any bonds or notes or for the payment of any judgment, or with respect to any item required to be provided for by virtue of covenant, agreement or promise, express or implied, made pursuant to law by or on behalf of the municipality.

Dates.

The dates for the approval, hearing and adoption of a budget authorized by this act shall be fixed by the Commissioner of Local Government.

Object.

2. This act is to meet a pressing fiscal emergency.

3. This act shall take effect immediately.

Approved April 22, 1939.

CHAPTER 44

AN ACT concerning members and officers of certain county park police departments, and amending and supplementing section 40:37 of the Revised Statutes.

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

1. Title 40, chapter thirty-seven, of the Revised Statutes is hereby amended and supplemented by the addition of a new section, to be known as 156a, and reading as follows: Section 156a added.

40:37–156a. Any member or officer of any such police force or police department not operating under the provisions of subtitle 3 of the Title Civil Service (11:19–1 et seq.) who has been convicted of any violation of any of the rules or regulations of such departments by the official or board empowered to try members of such police department may appeal such conviction to the court of common pleas of the county in which such county park is situated. Such appeal shall be taken by giving written notice thereof to the officer or board convicting the member of such department within ten days after notice of such conviction is given to the member convicted. Within ten days after giving notice of appeal, the appellant shall file with the court of common pleas a petition setting forth that such appeal has been taken and the grounds upon which it is based. The court of common pleas shall thereupon by order direct the officer or board making such conviction to send a copy of the record of such conviction, including the rule or regulation violated and the charge or charges upon which the appellant was tried, to such court by a day to be fixed and on such day, or thereafter, such court of common pleas shall retry such charge or charges

Appealing conviction to common pleas.

Procedure on appeal.

Petition.

Record of conviction furnished.

de novo and shall either affirm or reverse such conviction. The court may order the appellant to be returned to any office or position from which he may have been removed under such conviction and that he be restored to all things he may have lost thereby, and may make such other order as the court shall deem proper under the circumstances. Each party to the appeal shall have the usual right to subpœna witnesses and the procedure for such trial shall be the same as in other trials in the court of common pleas.

Appellant may be restored to duty.

Other orders.

Witnesses.

2. This act shall take effect immediately.

Approved April 22, 1939.

CHAPTER 45

AN ACT relating to the public schools of this State, and supplementing chapter seven of Title 18 of the Revised Statutes.

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

1. Whenever the board of education of any school district organized under the provisions of chapter seven of Title 18 of the Revised Statutes shall have submitted at the annual school election held February fourteenth, one thousand nine hundred and thirty-nine, items of expenditure for adoption by the legal voters, which items were approved by the voters at such annual school election, and subsequent thereto the board of education concludes that a less amount will be sufficient for any of the items approved by the voters, it shall be lawful for the board of education to submit to the voters a reduction in the items heretofore submitted in the election of February fourteenth, one thousand nine hundred and thirty-nine; *provided,*

May submit amended budget to voters.

Proviso.

that the total reduction in the sum of all items resubmitted shall not exceed an amount equal to six per centum (6%) of the sum of such items previously submitted. Should the voters approve the substitute amounts, the county board of taxation shall accept a substitute certification; *provided,* it is filed with said county board of taxation prior to May fifteenth, one thousand nine hundred and thirty-nine.

Substitute.

Proviso.

2. This act shall take effect immediately.

Approved April 24, 1939.

CHAPTER 46

AN ACT concerning municipalities, and supplementing article five of chapter forty-three of Title 40 of the Revised Statutes.

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

1. Article five of chapter forty-three of Title 40 of the Revised Statutes is hereby supplemented so that the same shall read as follows:

Article supplemented.

1. When a public road or street lying wholly within a municipality adjoins the boundary line of another municipality, said public road or street to the middle thereof may be annexed to and become part of the adjoining municipality by consent of both municipalities. The governing bodies of each municipality may by ordinance provide that the portion of said public road or street to the middle thereof bordering on the adjoining municipality shall be annexed to and become part of the municipality it adjoins. Upon the passage of such an ordinance by each municipality and upon the ordinances becoming effective, that part of said public road or street described in said ordinances shall be

Annexing portion of road.

Municipal ordinance to govern.

When effective.

and become a part of such municipality to which it is annexed.

Notice of annexation filed.

2. Upon such annexation of part of any such public road or street as aforesaid the clerk of the municipality to which such land is annexed shall immediately thereafter file in the office of the clerk of the county in which such land is situated and also in the office of the Secretary of State a certified copy of said ordinances.

3. This act shall take effect immediately.

Approved April 26, 1939.

CHAPTER 47

AN ACT in relation to the powers and duties of the Municipal Finance Commission and of municipalities and school districts in which it may be functioning, and amending sections 52:27–23.1 and 52:27–51 of the Revised Statutes.

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

Section amended.

1. Section 52:27–23.1 of the Revised Statutes is hereby amended to read as follows:

Provisions part of contract:

52:27–23.1. 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:

Amount;

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 sink-

ing funds, which amount may be expressed in dollars, percentage of total assessed valuations or both, or otherwise;

Sinking fund;

b. The setting aside of reserve or sinking funds, and the amount, securing, regulation, investment, application and disposition thereof;

Securing deposits;

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;

Pledging revenues;

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;

Surplus revenue;

e. The use and application of unanticipated income or surplus revenue or both of the municipality;

Limitations;

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;

Tax sales;

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 respect to tax titles theretofore or thereafter purchased by the municipality;

Reserves;

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;

Provisions of law;

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;

Fiscal agent;

j. Appointment of a fiscal agent by the municipality and the powers and duties thereof;

Functionings;

k. The approval and continuance of financial and legal practices and policies theretofore established in the municipality, including the functioning of a board established pursuant to section 52:27–29.1;

Special tax;

l. The levying of a special tax, in such amount as said resolution may provide, for the payment of the principal of and interest on the notes or bonds, which special tax shall be levied upon all the real and personal property in the municipality subject to taxation in addition to the taxes levied for all other purposes, and shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are now or shall hereafter be assessed, levied and collected, and, when collected, shall be deemed trust funds and shall be applied and paid over by the collector or other officer having the custody of the collected taxes solely to the agreed payment of the principal of and interest on the notes or bonds, or if such agreed payment shall have been made, then in such manner and for such purposes as said resolution may provide;

Altering conditions;

m. The terms and conditions upon which any such resolution or any contract entered into thereby may be amended, rescinded or repealed;

Other proceedings.

n. Any other or further course of conduct on the part of the municipality which may tend to improve its credit standing.

Powers of performance.

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

Enforceability.

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 his own behalf, or on behalf of all the holders of such notes or bonds, in either case in any court of competent jurisdiction whether or not there shall have been any default in the payment of the principal of or interest on any such notes or bonds.

Section amended.

2. Section 52:27–51 of the Revised Statutes is hereby amended to read as follows:

Provisions as part of contract;

52:27–51. 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 raised by taxation in the school district 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, source, 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 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) appointment of a fiscal agent by the school district and the powers and duties thereof; (g) the levying of a special tax, in such amount as said resolution may provide, for the payment of the principal of and interest on the notes or bonds, which special tax shall be levied upon all the real and personal property in the school district subject to taxation in

Amount of tax;

Sinking fund;

Payment of principal and interest;

Provision for principal and interest;

Limited borrowing;

Fiscal agent;

Special tax;

addition to the taxes levied for all other purposes, and shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are now or shall hereafter be assessed, levied and collected, and, when collected, shall be deemed trust funds and shall be applied and paid over by the collector or other officer having the custody of the collected taxes solely to the agreed payment of the principal of and interest on the notes or bonds, or if such agreed payment shall have been made, then in such manner and for such purposes as said resolution may provide; (h) the terms and conditions upon which such resolution or resolutions or any contract entered into thereby may be amended, rescinded or repealed; (i) 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 his own behalf, or on behalf of all the holders of such notes or bonds, in either case in any court of competent jurisdiction whether or not there shall have been any default in the payment of the principal of or interest on any such notes or bonds.

Trust funds;

Contract alterable;

Credit.

Performance.

Enforceability.

3. This act shall take effect immediately.

Approved April 26, 1939.

CHAPTER 48

AN ACT to validate and confirm the proceedings taken at regional school district meetings heretofore held and bonds voted at such meetings.

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

Validating proceedings taken by regional school districts.

1. All proceedings taken at any regional school district meeting heretofore held in any regional school district of this State to authorize the board of education of such school district to purchase, take or condemn land to be used as a site for any school building and to construct such building on such land and to purchase and provide for the installation of necessary furnishings, furniture and equipment and to issue bonds for such purposes in the corporate name of the district, and any proposal adopted or bonds voted at such meeting for such purpose, are hereby validated and confirmed, notwithstanding that such proposal submitted to the voters at such meeting shall not have described or otherwise identified or designated the particular land to be purchased, taken or condemned in pursuance of such proposal, and notwithstanding that the board of education of such regional school district did not establish polling places in such regional school district and did not establish the boundaries of such polling districts, and notwithstanding that the notice or notices of such regional school district meeting did not contain the boundaries of such polling districts and did not state the location of the polling place in each such polling district; *provided,* such proposal was adopted at said meeting by a majority of the legal voters present and voting at said meeting, and such meeting was held at each of the polling places used as such at the last annual school district meeting in each of the school districts uniting to form such regional

Proviso.

Adoption of proposals.

school district, and a notice of such meeting specifying the day and time of such meeting and location of such polling place was posted on each schoolhouse within the polling district for which such polling place was established at least ten days before the date of such meeting, and a notice of such meeting specifying the day and time of such meeting was published at least one week before the holding of such meeting in a newspaper circulating in the district.

Notices posted.

Notices advertised.

2. This act shall take effect immediately.

Approved April 26, 1939.

CHAPTER 49

AN ACT concerning the dissolution of railroad corporations, and amending section 48:12–150 of the Revised Statutes.

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

Section amended.

1. Section 48:12–150 of the Revised Statutes is hereby amended to read as follows:

Dissolution of railroad not operating.

48:12–150. When the holders of a majority of the capital stock of a railroad company which has no bonded indebtedness and does not receive for the operation of its road money sufficient to pay expenses or has not commenced or fully completed the construction of its railroad, or when two-thirds in interest of all the stockholders, whether with or without voting powers and without regard to class, of a railroad company of this State which has, with the consent or approval of the Board of Public Utility Commissioners of this State, ceased the operation of the whole of its railroad, shall determine to dissolve the company, such company may be dissolved by filing with the Secretary of State a certificate of such determination under its corporate seal attested by its president and secretary

How dissolution effected.

with the consent in writing signed by said majority or two-thirds of stockholders or their respective proxies, verified by the secretary of such company.

Upon the filing of such certificate the corporation shall be dissolved and all its rights and franchises shall be ended. Thereupon the directors shall, as trustees for the creditors and stockholders, sell and convert into cash all its property and assets and apply the proceeds thereof to the debts of the company and the necessary expenses of the trustees and distribute any balance among the shareholders. Certificate filed. Disposition of property.

The State Treasurer shall pay to the trustees any money of the company deposited with him when the certificate of incorporation or survey of route was filed, upon the production of a copy of the certificate of dissolution and the filing with him of an affidavit of the president, secretary and treasurer of the company that all its debts have been paid. Deposit returned by State Treasurer.

2. This act shall take effect immediately.

Approved May 2, 1939.

CHAPTER 50

AN ACT concerning the State Employees' Retirement System, and supplementing Title 43, chapter fourteen of the Revised Statutes.

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

1. Definitions. "Class A" shall include those members whose annuity shall be based on a per centum of salary, computed to be sufficient, with regular interest, to procure for the member on retirement for service, an annuity equal to one one hundred and fortieth (1/140) of his final compensation for each year of service as a member. Class A. Annuity.

2. "Class B" shall include those members who shall hereafter elect to contribute to the annuity Class B.

savings fund at a higher rate per centum, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal to one one hundred and twentieth (1/120) of his final compensation for each year of service as a member.

Annuity.

Classification.

3. On and after the date on which this supplement becomes effective each new member shall be placed in "Class A," unless he elects in writing that he wishes to contribute at a higher rate per centum, in order to be placed in "Class B." All members enrolled previous to the effective date of this supplement shall be in "Class A."

Transfer of class.

4. Any member who is in active service on the date when this supplement becomes effective may transfer from "Class A" to "Class B," provided that he completes the transfer within one year from the date of passage of this supplement; *provided,* also that in the event of such transfer the per centum of salary deduction applicable to such transferred member in "Class B" shall be based upon the same age of the member as was used in determining the per centum of salary deduction applicable while in "Class A."

Proviso

Arrearages in case of transfer.

5. Any member who elects to transfer as provided for in section four above may have the privilege of paying into the annuity savings fund, either in a single payment or in regular installments, which installments shall not extend beyond the service retirement age, by extra salary deductions, as determined by the board of trustees, an amount sufficient to pay his arrearages, in order to place his annuity savings fund account where it would have been had he contributed at the "Class B" rate from the date of his enrollment; and such transfer shall be deemed to have been completed upon the date when the first such extra deduction shall have been made.

Calculating allowance.

6. Method of calculating allowance. Where a member has transferred from "Class A" to "Class B" as provided in the previous section, his pension

shall be calculated as follows: (a) For service as a member prior to the time of transfer, at the "Class A" rate. (b) For service subsequent to the time of transfer, at the "Class B" rate. (c) For service prior to the date on which the retirement act became effective as regards his employer, whether State, county or municipality, as the time he contributed at the "Class A" rate bears to the total time of contributions; and as the time he contributed at the "Class B" rate bears to the total time of contributions. In the event that a transferred member elects to pay his arrearages as provided for in section five of this supplement, the amount of his pension shall be adjusted accordingly, as determined by the board of trustees.

Adjustment.

7. Should an employee who has withdrawn his accumulated deductions as provided for in sections 43:14–29, 43:14–43 or 43:14–44, of the Revised Statutes, be eligible to renew his membership, and has been or shall hereafter be re-enrolled as a member, and has paid or shall hereafter pay into the annuity savings fund the amount which he previously withdrew, there shall be restored his annuity credit, and in addition, upon the completion of five years thereafter, his pension credit shall be restored as it was at the time of his withdrawal.

Renewing membership.

Credit restored.

8. Should a member resign after having completed twenty-five years of service, before reaching service retirement age, he may elect to receive, in lieu of the payment provided for in section 43:14–29 of the Revised Statutes, an annuity which is the actuarial equivalent of his accumulated deductions, and in addition, a pension having a value equal to the present value of his pension beginning at service retirement age, calculated in accordance with section 43:14–36 of the Revised Statutes, or with section six of this supplement, and with the optional privileges provided for in section 43:14–38 of the Revised Statutes.

In case of resignation.

Annuity and pension.

Approved May 4, 1939.

CHAPTER 51

AN ACT concerning menhaden, and amending section 23:3–50 of the Revised Statutes.

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

Section amended.

1. Section 23:3–50 of the Revised Statutes is amended to read as follows:

Netting menhaden.

23:3–50. A person licensed under sections 23:3–50 to 23:3–53 of this Title may take menhaden with a purse or shirred net in accordance with the permission granted by the license, but no person shall use

Vessel tonnage.

or employ a vessel or more than fifty tons net tonnage for taking menhaden with purse or shirred nets in the waters of Sandy Hook bay, Raritan bay or Lower bay, within this State, or in the waters

Fishing waters.

of the Atlantic ocean within the jurisdiction of this State, north of the United States coast guard station located in the borough of Monmouth Beach, in the county of Monmouth, or in the waters of the Atlantic ocean, within the jurisdiction of this State, between Cape May Point in the county of Cape May and Absecon Inlet in the county of Atlantic.

Take processed in this State.

All menhaden taken with a purse or shirred net, pursuant to the provisions of this act, must be processed in the State of New Jersey.

2. This act shall take effect immediately.

Approved May 4, 1939.

CHAPTER 52

A SUPPLEMENT to an act entitled "An act relative to investments by fiduciaries, and amending section 3:16–1 of the Revised Statutes," approved May seventeenth, nineteen hundred and thirty-eight.

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

Legal investments in shares of building and loan associations.

1. Any executor, administrator, guardian or trustee whose duty it may be to loan or invest money intrusted to him in his fiduciary capacity, in addition to the securities in which he may invest the same under the provisions of the act to which this is a supplement, may invest the same, and the income derived therefrom, in shares of any building and loan association organized under the laws of this State, whose accounts are insured by the Federal Savings & Loan Insurance Corporation, pursuant to Title IV of an act of Congress entitled "National Housing Act," approved June twenty-seventh, nineteen hundred and thirty-four, as now enacted or as hereafter supplemented or amended, or by any other corporation hereafter created or organized under the laws of the United States, and which corporation is an instrumentality of the United States; *provided, however,* that such investment shall not exceed the aggregate amount for which any member or investor of any such association shall be insured.

Insurance necessary.

Proviso.

2. This act shall take effect immediately.

Approved May 4, 1939.

CHAPTER 53

AN ACT making the contributory negligence of the owner of the special property in goods or of his agents, servants or employees, a valid defense in suits for damages to said goods instituted by the owner of the general property in said goods as against negligent third parties.

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

Contributory negligence.

1. Whenever a conditional vendor, bailor, or owner of the general property in goods or chattels or the assignee or assignees of said conditional vendor, bailor or owner of the general property in goods or chattels, shall institute suit for damages to said goods or chattels, while the same are in the custody, control or possession of the conditional vendee, bailee, or owner of the special property in said goods or chattels or the agents, servants, or employees of said conditional vendee, bailee, or owner of the special property in said goods and chattels, against a third party or parties, or against the agents, servants, or employees of said third party or parties, or both, based on the negligence of the said third party or parties, or the agents, servants, or employees of said third party or parties, the contributory negligence of the conditional vendee, bailee, or owner of the special property in said goods or chattels, or of the agents, servants, or employees of said conditional vendee, bailee or owner of the said special property in said goods or chattels, shall constitute a proper and valid defense to said action and be a complete bar to recovery in the same manner as though suit were brought by the conditional vendee, bailee, or owner of the special property in said goods or chattels or by the

Liability.

Defense.

agents, servants or employees of the conditional vendee, bailee, or owner of the special property in said goods and chattels.

2. This act shall take effect immediately.

Approved May 4, 1939.

CHAPTER 54

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 any execution or other process issued thereon.

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

Validating certain sales of real estate.

1. No sale of any lands, tenements, hereditaments or real estate heretofore made by virtue of any decree, order or judgment of any court of competent jurisdiction of this State, or any execution or other process issued thereon, shall be invalidated by reason of any delay in mailing, postage prepaid, notice of an order of publication to nonresident or absent defendants, directed to such nonresident or absent defendants at the post office nearest his or her residence, or the post office at which he or she usually receives his or her letters, but the purchaser or purchasers of such lands, tenements, hereditaments or real estate 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 notice of order of publication directed to nonresident or absent defendants had been mailed within the time fixed by law.

Title in deed deemed complete.

2. This act shall take effect immediately.

Approved May 4, 1939.

CHAPTER 55

AN ACT to regulate the sale of used or second-hand watches, and to fix a penalty for the violation thereof.

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

"Second-hand" watches for sale so tagged.

1. Any person or persons, firm or firms, partnership or partnerships, association or associations, corporation or corporations, engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell or exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any second-hand watch, shall affix and keep affixed to the same a tag with the words "second-hand" clearly and legibly written or printed thereon, and the said tag shall be so placed that the words "second-hand" shall be in plain sight at all times.

Invoice accompanying sale.

2. Any person or persons, firm or firms, partnership or partnerships, association or associations, corporation or corporations, engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a second-hand watch or in any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "second-hand watch" in bold letters, larger than any of the other written matter upon said invoice.

What shown.

Said invoice shall further set forth the name and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers (if any), and any other distinguishing numbers or identification marks upon its case and movement.

Alteration marks stated.

If the serial numbers or other distinguishing numbers or identification marks shall have been erased, defaced, removed, altered or covered, said invoice

shall so state. The vendor shall keep on file a duplicate of said invoice for at least five years from the date of the sale thereof, which shall be open to inspection during all business hours by the prosecutor of the pleas of the county, in which the vendor is engaged in business or his duly authorized representative. Duplicate invoice preserved. Inspection.

3. Any person or persons, firm or firms, partnership or partnerships, association or associations, corporation or corporations, or any agent or servant thereof, who may advertise or display in any manner a second-hand watch for sale or exchange shall state clearly in such advertisement or display that said watch is a second-hand watch. Exposure or advertisement, watch marked.

4. A watch shall be deemed to be second-hand if Second-hand explained:

(a) It as a whole or the case thereof or the movement thereof has been previously sold to or acquired by any person who bought or acquired the same for his use or the use of another, but not for resale; *provided, however,* that a watch which has been so sold or acquired and is thereafter returned either through an exchange or for credit to the original individual firm, partnership, association or corporation who sold or passed title to such watch, shall not be deemed to be a second-hand watch for the purposes of this act, if such vendor shall keep a written or printed record setting forth the name of the purchaser thereof, the date of the sale or transfer thereof, and the serial number (if any) on the case and the movement, and any other distinguishing numbers or identification marks, which said record shall be kept for at least five years from the date of such sale or transfer and shall be open for inspection during all business hours by the prosecutor of the pleas of the county in which such vendor is engaged in business or his duly authorized representative; or Previous sale or change; Proviso. Record.

(b) Its case serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered or covered; or Changes;

Repairs;

(c) If its movement is more than five years old and has been repaired by any person or persons, including the vendor, notwithstanding that it may have been returned either through an exchange or for credit to the said original vendor. Cleaning and oiling a watch movement or recasing the movement in a new case shall not be deemed a watch repair for the purposes of this section.

Cleaning excepted.

Penalty for violation.

5. Any person or persons, firm or firms, partnership or partnerships, association or associations, corporation or corporations, or any agent or servant thereof, who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed the sum of five hundred dollars ($500.00) or by imprisonment not to exceed one hundred days, or both.

Pawnbroker's auction excepted.

6. The provisions of this act shall not apply to pawnbroker's auction sales or unredeemed pledges.

Act effective.

7. This act shall take effect thirty days after the final passage and approval hereof.

Approved May 4, 1939.

CHAPTER 56

AN ACT in relation to the powers and duties of municipalities in which the Municipal Finance Commission may be functioning and supplementing chapter twenty-seven of Title 52 of the Revised Statutes.

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

Municipal finance commission empowered.

1. Any municipality in which the Municipal Finance Commission, continued by chapter twenty-seven of Title 52 of the Revised Statutes, as amended, may be functioning and which may have heretofore filed or shall hereafter file a petition

pursuant to section 52:27–40 of the Revised Statutes, as amended, with any United States court or court in bankruptcy for the purpose of effecting a plan of readjustment of its debts or for the composition of its debts, may, pursuant to express provisions in such plan or in such plan as changed or modified, have and exercise the powers hereinafter provided and shall thereupon be charged with the duties hereinafter provided. The term "judge" as used in this act shall mean the judge of the United States court or court in bankruptcy in which is or may be pending the proceeding begun by such petition of the municipality, or, if no such proceeding is pending in said court or if the judge of said court shall not assume to act pursuant to this act, the justice of the Supreme Court presiding in the courts of the county in which the municipality is located.

Term defined.

2. Any such municipality may provide in any such plan or plans for the issuance of warrants for the purpose of funding or refunding all or any part of the principal of and interest on the indebtedness of such municipality including the principal of and interest on the indebtedness of such municipality to any school district coterminous with said municipality. Such warrants may be authorized by and issued, sold or exchanged pursuant to ordinance or resolution, which ordinance or resolution shall provide for the creation of a special fund or funds for the payment thereof in the manner hereinafter provided, and such warrants shall be payable solely from said fund or funds. Such warrants shall be in such form and tenor and executed in such manner and shall be dated at such time or times and shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, as the council or other governing body of such municipality shall determine. Such warrants may contain a reservation of an option of redemption at such time or times upon such terms and conditions and with such premiums as the council or other

Funding and refunding indebtedness.

Authorized by resolution.

Form and issuing details.

governing body of such municipality may elect. Said warrants shall state upon their face that they are payable solely from such special fund, naming the same, and shall be issued in registered form only. Payment of interest on said warrants shall be by check or bank draft and suitable provisions for the registration of said warrants and the transfer of same and provisions regarding the payment of interest shall be endorsed thereon. The ordinance or resolution authorizing the issuance of any such warrants shall specify the source of revenue for the special fund therein created for the payment thereof, which shall consist of all or a specified part of the proceeds of the sale and other liquidation of real estate or rights or interests therein, acquired by the municipality by virtue of the levy, collection and enforcement of taxes and special assessments theretofore levied or confirmed and the certificates of tax sale or tax and assessment title liens standing in the name of the municipality, theretofore acquired and subsequent taxes and assessments accruing thereto (sometimes hereinafter referred to collectively as "assets"). Such ordinance or resolution shall pledge the assets to such special fund.

Sources.

Security.

Board of Liquidation created.

3. The ordinance or resolution authorizing the issuance of any such warrants shall provide for the creation of a board for the liquidation of such assets to be known as the "Board of Liquidation for the ..... of ....." (hereinafter referred to as the "board"), and shall set forth the number of members of the board, and the members thereof shall be appointed pursuant to such ordinance or resolution upon nominations to be made in such manner as the ordinance or resolution establishing said board may provide, subject to the approval of the judge to which said plan or plans has been or will be submitted for approval. The ordinance or resolution establishing said board shall fix the terms of office of the members thereof, and shall provide for the appointment of the suc-

Terms.

cessors to such members in the same manner. The members of said board need not be residents of the State of New Jersey. The compensation and expenses of the members of such board and the expenses of its operation shall be paid in such amounts as may from time to time be fixed and approved by the judge, and such expenses and compensation shall be payable solely from the special fund created and established by said ordinance or resolution authorizing the issuance of warrants thereunder. The ordinance or resolution establishing said board may provide that for all the purposes of the local budget law (R. S. 40:2–1 et seq.) said board shall constitute and be governed as a publicly owned or operated utility or enterprise, or may provide that compensation and expenses of the members of the board and the expenses of its operations and all its other disbursements may be paid from the special fund created and established by said ordinance or resolution without further budget or other appropriation or tax levy therefor.

Compensation and expenses.

Resolution may provide for regulation and expenses of board.

4. It shall be the duty of any board created and established pursuant to this act and any such ordinance or resolution, to effect, manage and control the liquidation of the assets pledged to the special fund or funds pursuant to such ordinance or resolution in a speedy, efficient and economical manner. Any such board is hereby authorized to compromise, adjust or otherwise settle any certificates of tax sale, or tax and assessment title liens, or other receivables included in such assets, and may, in its discretion for and in the name of such municipality, foreclose certificates of tax sale or tax and assessment title liens in the manner provided by law for the foreclosure of such liens by the municipality and shall liquidate such properties and assets pledged to said fund or funds by sale, exchange, lease or other disposition thereof, but this act, or any action taken pursuant thereto, shall not be deemed to relieve the municipality from liability on any contract with respect to such foreclosures

Duties of board:

Manage assets;

Compromise and adjust liens.

existing at the time of adoption of such ordinance or resolution. The proceeds of such liquidation shall be paid into such special fund or funds and shall be withdrawn therefrom solely for the purpose of paying the compensation and expenses of the board and paying or otherwise discharging in accordance with such ordinance or resolution the principal of and interest on the warrants payable therefrom until all such warrants and the interest thereon have been paid, redeemed or otherwise satisfied. Any balance remaining in said fund or funds after the expenditures for the purposes above specified may be expended as is provided in the ordinance or resolution authorizing the issuance of any such warrants. If any warrants remain outstanding and unpaid after all of the properties and assets pledged to said fund or funds have been liquidated in the manner hereinabove provided, such warrants shall be void and of no force or effect, and shall be surrendered to the municipality upon demand, for cancellation.

Use of proceeds.

Expending balance.

Warrants void.

5. The ordinance or resolution authorizing warrants hereunder and establishing any such board shall provide for periodic accountings as trustee to the judge. The council or other governing body of any municipality in which any such board has been established and created, and the corporate authorities thereof, shall do and perform all acts, deeds and things as may be required by said board in order for said board to compromise, adjust or otherwise settle any certificates of tax sale or tax and assessment title liens or other receivables pledged to any special fund or funds created hereunder, and in order to foreclose any such certificates of tax sale and tax or assessment title liens pledged to said fund or funds or in order to effectuate the sale, exchange, lease or other disposition of any of the real estate or rights or interest therein under the control and disposition of said board and pledged to said fund or funds; *provided, however,* that if the governing body of such mu-

Accountings.

Requirements.

Proviso: Necessity determined.

nicipality shall adopt a resolution questioning the necessity or advisability of any such act, deed or thing, and such resolution shall have been certified to the judge, the performance of such act, deed or thing shall be suspended unless and until said judge shall have entered an order determining the necessity or advisability for the performance thereof in order for said board to perform its duties under section four of this act. Upon the filing of such order, the resolution of the council or other governing body shall be of no further force and effect and the said governing body and corporate authorities of said municipality shall proceed to do and perform such act, deed or thing. Any such determination by said court shall be final and binding, and the board and the governing body and the corporate authorities of such municipality shall not appeal therefrom.

Determination final.

6. Any ordinance or resolution authorizing the issuance of warrants hereunder may contain covenants of any such municipality to protect and safeguard the security and rights of the holders of any such warrants, and without limiting the generality of the foregoing, such ordinance or resolution may contain covenants as to

Covenants:

(1) the manner in which warrants issued thereunder may be issued or be exchanged for outstanding claims or evidences of indebtedness funded or refunded thereby and the terms and conditions upon which such warrants may become a charge upon the special fund or funds created by any such ordinance or resolution;

As to warrants;

(2) the collection, depositing, custody and disbursement of moneys or other assets coming into any special fund or funds created hereunder for the payment of warrants, including a specification of the depositaries to be designated to hold such deposits and granting to such depositaries or other banks or trust com-

Collecting, etc., moneys;

panies authority to act as fiscal agent of any such municipality for the custody of the moneys or other assets held in any special fund or funds created hereunder, and to represent holders of such warrants in the event of a default on same or in the event of a default in the performance of any duty or obligation of any such board, municipality or the corporate authorities thereof in connection therewith, with such powers and duties for the enforcement of such warrants as such ordinance or resolution may provide;

If default;

Security by bonds;

(3) the deposit of collateral security or indemnity bonds to secure the proceeds of the liquidation of all moneys and assets under the control of the board, and limitations on the amount, if any, of additional warrants or other claims or obligations of whatsoever kind or nature which may be issued and payable from the special fund or funds established in the ordinance or resolution authorizing issuance of warrants hereunder;

Limitation of obligations;

(4) limitations upon the creation of additional liens or encumbrances on the real estate or other assets to be liquidated by said board, the terms and conditions upon which the real estate and other assets under the control of the board for liquidation may be sold, exchanged, leased or otherwise disposed of, and the use or other disposition of all funds received in the process of liquidation;

Validity of tax sales;

(5) the validity and enforceability of the certificates of tax sale, or tax and assessment title liens, and the title of the municipality to real estate or rights or interests therein standing in the name of the municipality which shall have been pledged to any special fund or funds created hereunder, and the obligation of any such municipality to replace in said fund or funds additional assets of at least equal book value in lieu of any such assets which

have been declared by any court of competent jurisdiction to be illegal or unenforceable;

Other necessary covenants.

(6) such other covenants as may be deemed necessary or desirable to insure the speedy, efficient and economical liquidation of the assets pledged to such special fund or funds and the application of the proceeds thereof to the payment of the principal of and interest on the warrants issued pursuant to such ordinance or resolution within a reasonable time and at reasonable expense.

Act and ordinances deemed contract.

The provisions of this act and of any such ordinance or resolution shall constitute a contract with the holders of such warrants, and the provisions thereof shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction by the commission or by any owner or holder of such warrants on behalf of himself individually or all other owners or holders of said warrants.

Powers of board:

7. Any board created and established pursuant to this act shall have power to:

Procedure, assistants, etc.;

(a) adopt its own by-laws and rules of procedure; appoint and remove at pleasure such assistants or assistance, agents and employees, practical, technical or otherwise, at such terms and at such expense as the judge may authorize or approve;

Employ real estate brokers;

(b) employ real estate brokers to assist in the disposing of the assets to be liquidated by the board and to pay commissions for the services of such brokers;

Liquidation of assets;

(c) generally to control and manage the liquidation of the assets pledged to such special fund or funds in accordance with the provisions of this act and any covenants contained in any ordinance or resolution enacted or adopted pursuant hereto in connection with the issuance of warrants pursuant to this act;

Other duties.

(d) perform such other duties not inconsistent with the provisions of this act as may be prescribed

by the ordinance or resolution establishing such board.

When board ceases.

8. Upon the payment of all warrants issued under any ordinance or resolution adopted or enacted pursuant to the provisions of this act, together with all expenses and claims whatsoever incurred or contracted by any such board, or upon the liquidation of all of the assets pledged to any special fund or funds created by any such ordinance or resolution adopted or enacted pursuant hereto, any such board established pursuant to this act shall cease to exist upon being discharged by order of the judge; *provided, however,* that any ordinance or resolution establishing such a board may extend the existence of any such board in such manner and upon such terms and conditions as any such ordinance or resolution shall provide. Any such ordinance or resolution may also provide for the collection, deposit and disbursement of the proceeds of the liquidation of assets pledged to any special fund or funds created hereunder after the payment of warrants issued pursuant thereto in such manner and upon such terms and conditions and for such purposes as any such ordinance or resolution shall provide.

Proviso.

Ordinances governing liquidation.

If procedure illegal.

9. Should any ordinance or resolution establishing or creating any board hereunder be declared to be invalid or illegal by any court of competent jurisdiction, or should said board be prevented for any reason from performing the powers and duties herein prescribed for the collection, enforcement and liquidation of the assets and properties pledged to any such special fund or funds, all warrants payable from said fund or funds shall nevertheless remain and be a lien against the assets and properties so pledged, and shall be and remain payable from the proceeds of such assets when and as collected by such municipality, and such municipality and the corporate authorities thereof are hereby directed in such case to proceed with the liquidation of such assets as in this act and as in the ordinance or reso-

Warrants a lien.

Governing body in authority.

lution authorizing the issuance of said warrants provided, and all powers, duties and liabilities imposed on the board shall be assumed and performed by the governing body of such municipality.

10. This act shall take effect immediately.

Approved May 16, 1939.

CHAPTER 57

AN ACT to amend an act entitled "An act in relation to the abatement, revision, alteration, adjustment and settlement of past due transfer inheritance taxes and interest," approved April sixth, one thousand nine hundred and thirty-seven, being Appendix A:5–5 of the Revised Statutes, as amended by chapter one hundred and thirty-six of the laws of one thousand nine hundred thirty-eight.

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

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

5. This act shall be deemed a public act. It shall be inoperative and of no effect after June thirtieth, nineteen hundred and forty. When act expires.

2. This act shall take effect immediately.

Approved May 17, 1939.

CHAPTER 58

AN ACT relating to the public schools of this State, and supplementing Title 18 of the Revised Statutes.

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

Basis of apportioning school moneys in regional districts.

1. In all counties wherein a regional school district has been established or shall hereafter be established, it shall be lawful for the county superintendent of schools to apportion State school moneys for the initial year of the functioning of such schools on the basis of the estimated number of teachers to be employed the same as if such teachers had been employed in the district during the preceding year.

2. This act shall take effect immediately.

Approved May 17, 1939.

CHAPTER 59

AN ACT concerning district courts, and amending section 2:8–46 of the Revised Statutes.

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

Section amended.

1. Section 2:8–46 of the Revised Statutes is amended to read as follows:

Limiting jurisdiction of justices of the peace.

2:8–46. Except as otherwise specifically provided by law, no justice of the peace or small cause court shall have jurisdiction over any cause or proceedings cognizable before a district court where the defendant or defendants reside within any city

or judicial district where a district court is established, nor shall any justice of the peace, resident within the limits of any city or judicial district where a district court is or may be established, exercise any civil jurisdiction whatever.

Further limitation.

No justice of the peace or small cause court shall have jurisdiction over any cause or proceeding cognizable before a district court, where any defendant resides within a county of the first class wherein a district court is established.

2. This act shall take effect immediately.

Approved May 17, 1939.

CHAPTER 60

AN ACT to incorporate the borough of Medford Lakes in the county of Burlington.

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

Borough of Medford Lakes incorporated.

1. The inhabitants of that portion of the township of Medford in the county of Burlington hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of "Borough of Medford Lakes" and as such shall be governed by the general laws of this State relating to boroughs.

Boundaries of Medford Lakes.

2. The boundaries of the said borough shall be as follows: Beginning at the intersection of the middle line of the road leading from Medford to Indian Mills, commonly known as the Stokes road, with the middle line of the road leading from Medford to Tabernacle, commonly known as the Tabernacle road, and extends thence (1) south, seventy-five degrees, twenty-one minutes, east, the distance of seven hundred twenty-four and sixty-

eight one-hundredths feet (724.68′) to a point in the center of the creek known as the Ballinger Saw Mill Race, and extends thence (2) north sixty degrees, fifteen minutes west along the center line of said creek, the distance of one hundred forty-six and fifty-two one-hundredths feet (146.52′) to a stone in the said Saw Mill Race, and extends thence (3) north, thirteen degrees, thirty-seven minutes. east, along lands now or late of Bass and Little, the distance of thirteen hundred forty-nine and seven tenths feet (1349.7′) to a stone, and extends thence (4) south forty-nine degrees, forty-five minutes east, the distance of twenty-nine hundred seventy-six and seven tenths feet (2976.7′) to a point in the southeasterly side of Oak drive, and extends thence (5) south thirty-one degrees, twenty minutes west, along the said southeasterly line of Oak drive, the distance of four hundred fourteen and forty-eight one-hundredths feet (414.48′) to the intersection of the said southeasterly line of Oak drive with the center line of Tabernacle road, and extends thence (6) south sixty-three degrees, fifteen minutes, twenty seconds east, along the center line of Tabernacle road, the distance of six hundred five and thirty-four one-hundredths feet (605.34′) to a stone monument set in the division line between lands of Medford Lakes Golf Club and lands of Philip Schrider, and extends thence (7) south thirty-six degrees, four minutes, fifty seconds west along Schrider's line, the distance of four hundred seventy-nine and ninety-nine one-hundredths feet (479.99′) to a stone at a corner to Schrider's lands, and extends thence (8) south forty-eight degrees, three minutes east, still along Schrider's land, the distance of seven hundred forty-three and fifty-three one-hundredths feet (743.53′) to a stone at another corner to Schrider's land, and extends thence (9) north thirty-nine degrees, forty-four minutes east, still along Schrider's land, the distance of six hundred eighty-six and fifteen one-hundredths feet (686.15′) to a point in the center line of Tabernacle road, and

extends thence (10) north sixty-three degrees, fifteen minutes, twenty seconds west along the center line of Tabernacle road, the distance of three hundred seventy-eight and fifty-five one-hundredths feet (378.55′) to a stone in the line of lands of Medford Lakes Golf Club, and extends thence (11) north forty-five degrees, forty minutes east along the line of lands of said Medford Lakes Golf Club, the distance of fourteen hundred eighty-four and eight tenths feet (1484.8′) to a stone corner to lands of Medford Lakes Golf Club, and extends thence (12) south forty-two degrees, fifty-one minutes, fifty seconds east, along the Medford Lakes Golf Club lands, the distance of ten hundred forty-two and twenty-four one-hundredths feet (1042.24′) to a stone corner to same, and extends thence (13) still along same, south forty-four degrees, thirty-six minutes, thirty seconds west, the distance of six hundred twenty-six and sixty-three one-hundredths feet (626.63′) to a stone in the center line of Dixontown road, so-called, and extends thence (14) south forty degrees, forty-seven minutes, ten seconds east, along the center line of Dixontown road, the distance of six hundred thirty-nine and two tenths feet (639.2′) to a stone being corner to lands of Medford Lakes Golf Club, and extends thence (15) south forty-six degrees, twenty-four minutes west along the line of lands of Medford Lakes Golf Club, the distance of nineteen hundred sixty-eight and eighteen one-hundredths feet (1968.18′) to a stone in the center line of McKendimen road, and extends thence (16) north forty-four degrees, forty-two minutes west, along the center line of McKendimen road, the distance of eleven hundred ninety-eight and six tenths feet (1198.6′) to a point where the center line of McKendimen road intersects the southerly line of Baessler road, and extends thence (17) south forty-five degrees, thirteen minutes, fifteen seconds east along the southerly line of Baessler road (fifty feet wide), the distance of five hundred seventy feet (570′) to a point where said line intersects the easterly line of Chippewa trail,

and extends thence (18) south twenty-nine degrees, fifteen minutes, ten seconds east along the easterly line of Chippewa trail, the distance of four hundred sixty and fifty-one one-hundredths feet (460.51′) to an angle in same, and extends thence (19) still along same south forty-nine degrees, forty minutes, thirty seconds east, the distance of seven hundred sixty-three and twenty-five one-hundredths feet (763.25′) to a point where said line is intersected by the boundary line between lands formerly of Medford Lakes Corporation and lands of Y. M. C. A. Camp Ockanickon, and extends thence (20) south forty-six degrees, seven minutes, twenty seconds west along the boundary line last mentioned, the distance of eighteen hundred ninety and four tenths feet (1890.4′) to a point in the center line of Stokes road aforesaid, and extends thence (21) north eighteen degrees, thirty-one minutes, thirty seconds west along the center line of Stokes road aforesaid, the distance of twenty-five hundred eighty-two and seven tenths feet (2582.7′) to a point where said center line is intersected by the center line of Bowker road, said point being corner to lands now or late of Herbert S. Bowker, and extends thence (22) north eighty degrees, fifty-seven minutes west along the center line of said Bowker road, the distance of five hundred forty feet (540′) to an angle in the same, and extends thence (23) north sixty-four degrees, ten minutes west still along the center line of Bowker road, the distance of six hundred eighty feet (680′) to the intersection of the center line of Bowker road and the center line of Mohawk trail, and extends thence (24) south forty-six degrees, thirty-six minutes, thirty seconds west along the center line of Mohawk trail, the distance of six hundred sixteen and eighty-eight one-hundredths feet (616.88′) to a point of curvature in same, and extends thence (25) still along the center line of said Mohawk trail, being a curve concave to the southward with a radius of seven hundred and seventy feet (770′) the arc distance of one hundred seventy-one and thirty-

three one-hundredths feet (171.33′) to a point in the center of Sewasset Circle, and extends thence (26) south, twenty-eight degrees, fifty-eight minutes, thirty seconds east along the center line of Hiawatha trail, the distance of two thousand sixty-four feet (2064′) to a stone monument, and extends thence (27) south forty-seven degrees, one minute, forty seconds west along the boundary line of lands formerly of Medford Lakes Corporation, the distance of two hundred ninety-five and sixty-five one-hundredths feet (295.65′) to a stone at a corner in same, and extends thence (28) south forty-two degrees, fifty-eight minutes, forty seconds east, still along the said boundary line, the distance of two hundred eighty-six and four tenths feet (286.4′) to a stone at a corner in same, and extends thence (29) south forty-eight degrees, nine minutes, five seconds east, still along said boundary line, the distance of twenty-two hundred fifty-two and five tenths feet (2252.5′) to a point in the center line of the Tuckerton road, and extends thence (30) north forty-two degrees, forty-eight minutes, twenty seconds west, along the center line of the Tuckerton road, aforesaid, the distance of six hundred and forty-five feet (645′) to a point in the boundary line of lands formerly of Medford Lakes Corporation, and extends thence (31) south sixty-eight degrees, fifty-two minutes, forty seconds west along said boundary line, the distance of twelve hundred twenty-four and eighteen one-hundredths feet (1224.18′) to a point in the center line of the Atsion road, and extends thence (32) north twenty-one degrees, eight minutes east along the center line of the Atsion road aforesaid, the distance of fourteen hundred ninety-two and nine tenths feet (1492.9′) to a stone monument, and extends thence (33) north seventy-four degrees, ten minutes east along the boundary line of lands formerly of Medford Lakes Corporation, the distance of six hundred feet and six tenths of a foot (600.6′) to a stone in the center line of the Tuckerton road, and extends thence (34) north forty-two degrees, forty-eight minutes,

twenty seconds west, along the center line of the Tuckerton road aforesaid, the distance of ten hundred and seventy feet (1070′) to a stone corner to lands now or formerly of George Haines, and extends thence (35) by the same north sixty-six degrees, fifteen minutes east, the distance of three hundred fifty-six and four tenths feet (356.4′) to a stone corner to the same, and extends thence (36) partly by the same, partly by lands now or formerly of Andrew Conley and partly by lands now or formerly of Alfred E. Allen, north fifteen degrees, fourteen minutes east, the distance of three thousand eight hundred forty-five and sixteen one-hundredths feet (3845.16′) to a stake in the line of the latter and corner to Lot No. 1 sold to said Allen, and extends thence (37) by the latter, south forty-six degrees east, five hundred fifty-five and seventy-two one-hundredths feet (555.72′) to a stake corner to the same, and extends thence (38) by the same east, the distance of eight hundred fifty-nine and thirty-two one-hundredths feet (859.32′) to a stake corner to the same and in the line of Ballinger's Mill Tract now belonging to the Medford Lakes Company, and extends thence (39) north eight degrees, forty-five minutes east, the distance of four hundred twelve and five tenths feet (412.5′) to a stone corner, and extends thence (40) north eighty-two degrees, thirty-seven minutes east, the distance of eight hundred eighty-three and eight one-hundredths feet (883.08′) to a stone in the center line of the Stokes road, and extends thence (41) south seventeen degrees, forty-five minutes east along the center line of Stokes road aforesaid, the distance of one hundred sixty-two and thirty-six one-hundredths feet (162.36′) to a point in the middle of the bridge over the stream which forms the boundary of Lower Aetna Lake, and extends thence (42) south fourteen degrees, eight minutes east, the distance of five hundred fifty-six and thirty-eight one-hundredths feet (556.38′) to an angle in the same, and extends thence (43) still along said center line of Stokes road, south forty degrees, ten

minutes east, the distance of seventy-three and ninety-two one-hundredths feet (73.92′) to the point of beginning.

3. This act shall take effect immediately.

Approved May 17, 1939.

CHAPTER 61

AN ACT concerning the limitation of the number of licenses permitting the sale of alcoholic beverages at retail which may be issued in municipalities situated in counties of the sixth class of the State of New Jersey, and supplementing chapter one of Title 33 of the Revised Statutes.

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

Ratio of retail consumption licenses.

1. No new plenary retail consumption license shall be issued within any municipality situate within a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within a municipality shall be less than one such license to every five hundred persons resident within said municipality as determined by the last preceding Federal census.

Ratio of retail distribution licenses.

2. No new plenary retail distribution licenses shall be issued within any municipality situate within a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within a municipality shall be less than one such license to every three thousand five hundred persons resident within said municipality as determined by the last preceding Federal census.

Seasonal retail consumption licenses.

3. No new seasonal retail consumption license shall be issued during any future summer season within any municipality situate in a county of the sixth class unless and until the ratio of such licenses

issued and outstanding to the population within said municipality during a summer season shall be less than one such license to every five hundred persons resident within said municipality as determined by the last preceding Federal census; no new seasonal retail consumption license shall be issued during any future winter season within any municipality situate in a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within said municipality during a winter season shall be less than one such license to every five hundred persons resident within said municipality as determined by the last preceding Federal census. No seasonal retail consumption license shall be hereafter issued in any municipality situate in a county of the sixth class in which no seasonal retail consumption license was issued during the year one thousand nine hundred and thirty-eight. Irrespective of the provisions herein contained the number of seasonal retail consumption licenses which may be hereafter issued in any municipality situate within a county of the sixth class during any future summer season shall not be in excess of the greatest number of such licenses issued and outstanding during the summer season which commenced on May first, one thousand nine hundred and thirty-eight, and the number of seasonal retail consumption licenses which may be hereafter issued in any municipality situate within a county of the sixth class during any future winter season shall not be in excess of the greatest number of such licenses issued and outstanding during the winter season which commenced on November fifteenth, one thousand nine hundred and thirty-eight.

Winter season issues.

Limitation.

Number of licenses.

New limited retail distribution licenses not issued.

4. No new limited retail distribution licenses shall be issued within any municipality situate in a county of the sixth class.

Club licenses.

5. No new club licenses shall be issued within any municipality situate in a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within a

municipality shall be less than one such license to every three thousand persons resident within said municipality as determined by the last preceding Federal census.

One license permitted.

6. Nothing contained in this act shall prevent the issuance of one plenary retail consumption license and one plenary retail distribution license in any municipality situate in any county of the sixth class.

Limitations.

7. In all counties of the sixth class the judge of the court of common pleas of such county may, as regards each respective municipality situate in such county, limit the number of plenary retail consumption licenses, plenary retail distribution licenses, limited retail distribution licenses, and club licenses which shall be issued to a lesser number than the number permitted by this act.

Certain hotels excepted.

8. The provisions of sections one and three of this act shall not apply to hotels having at least thirty rooms and beds for the accommodation of guests, boarders, transients, and travelers.

When act not applicable.

9. The provisions of this act shall not apply to any licenses issued and outstanding on the date that this act becomes effective nor to any future renewals thereof unless the holder thereof fails to renew same within the period prescribed by this act. The provisions of this act shall not apply to any seasonal retail consumption license issued and outstanding on the last day of the summer season which commenced May first, one thousand nine hundred and thirty-eight, or to any such license issued and outstanding on the last day of the winter season which commenced on November fifteenth, one thousand nine hundred and thirty-eight, nor to any future renewals thereof unless the holder thereof fails to renew the same within the period prescribed by this act. The provisions of this act shall apply to all licenses which are, subsequent to the effective date hereof, revoked, surrendered, or not renewed within the period prescribed by this act.

Application of act.

Explaining renewals.

10. Any license which is issued for a new license term for a premises licensed on the last day of the license term which expires immediately previous to

the commencement of said new license term shall be considered a renewal of the expired or expiring license provided that said license for said new term is issued to the same person who held the expired or expiring license and is of the same class and type as the expired or expiring license. Applications for renewals of licenses must be filed with the issuing authority not later than thirty days after the commencement of a new license term. Applications filed subsequent to said thirty-day period shall be considered applications for new licenses and shall be subject to the provisions of this act. Nothing herein contained shall be construed to prevent the filing of an application for the renewal of a license and the issuance of said license previous to the commencement of the term for which the renewal is sought.

Transfers.

11. Nothing in this act shall prevent the transfer of licenses from person to person or place to place.

Extension of license after death of licensee.

12. In the event of the death of a licensee the license held by him may be extended to his executor, administrator, or trustee and renewed or transferred by said executor, administrator, or trustee.

Census applicable.

13. The term "last preceding Federal census" where used in this act shall be deemed to mean the Federal census which is taken immediately previous to the date on which an application for a license is filed.

14. This act shall take effect immediately.

Approved May 22, 1939.

CHAPTER 62

AN ACT to amend an act entitled "An act to regulate the retail sale of motor fuels, and providing penalties for violations," approved May twelfth, one thousand nine hundred and thirty-eight, being Pamphlet Laws of one thousand nine hundred and thirty-eight, chapter one hundred sixty-three.

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

1. Section two hundred one of the act of which this act is amendatory, is hereby amended to read as follows: Section 201 amended.

201. (a) Every retail dealer shall publicly display and maintain on each pump or other dispensing equipment from which motor fuel is sold, in the manner regulated by the State Tax Commissioner, a sign stating the price per gallon of the motor fuel sold by said dealer from such pump or other dispensing equipment. All taxes, State and Federal, imposed with respect to the manufacture or sale of motor fuel shall be included in the price shown on said sign, but said sign shall contain a statement of the amount of taxes included in said price, or, without specifying the amount thereof, said sign shall state that taxes are included in said price. A retail dealer shall not sell at any other price than the price, including tax, so posted. Any such price when posted shall remain posted and in effect for a period of not less than twenty-four (24) hours. Selling price posted. Taxes included in price. Effective period.

(b) No retail dealer shall sell motor fuel at a price which is below the net cost of such motor fuel to the retail dealer plus all selling expenses. Minimum price.

(c) No other price signs of motor fuel so dispensed, or signs relating to the price of such fuel shall be used or displayed on or about the premises where motor fuel is sold at retail, other than the Display of signs.

signs provided herein by section two hundred one (a).

Signs.

(d) No advertising or sign other than that provided for in section two hundred one (a), which directly or indirectly contains a statement of, or an implied reference to the price of motor fuel shall be displayed at any place where motor fuel is dispensed at retail. Any advertising of the retail price of motor fuel through any other medium which contains a reference to the per gallon price thereof, shall include all taxes in the price stated, and there shall be included in such advertising a statement that such price includes taxes, or a statement of the amount of taxes which are included in such price. Such advertising shall be identified by the name of the product, and the letters of the name shall be not less than one-half the size of the figures used in the price.

Advertising retail price.

No rebates.

(e) No rebates, allowances, concessions or benefits shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of the sale.

Chancing prohibited.

(f) It shall be unlawful for any retail dealer to use lotteries, prizes, wheels of fortune, punchboards or other games of chance, in connection with the sale of motor fuels.

Product stated.

(g) All above-ground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear, in a conspicuous place, the name or trade-mark of the product stored therein or dispensed therefrom, and no retail dealer shall permit delivery into underground or above-ground containers, tanks or equipment of any motor fuel other than the brand represented or designated by the name or trade-mark appearing on such container or dispensing equipment attached thereto. No retail dealer shall be a party to the substitution of one grade of motor fuel for another.

Brand.

No substitution.

No brand.

(h) If the motor fuel stored in or dispensed from any above-ground equipment by a retail dealer shall

not have a brand name or trade-mark, such container or dispensing equipment shall have conspicuously displayed thereon the words "No Brand."

Section 301 amended.

2. Section three hundred one of the act of which this act is amendatory is hereby amended to read as follows:

Penalties for not observing law.

301. Every retail dealer who shall fail to post and publicly display, in the manner herein required, a sign stating the price per gallon of all motor fuel sold by said retail dealer, or who shall sell motor fuel at a price other than the per gallon price, as provided in article II hereof, or who shall violate any other provisions of article II of this act, shall, upon conviction, be subject to a penalty of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) for each such offense, and his license shall be suspended for a period of not less than five (5) days nor more than thirty (30) days, and in default of the payment of such penalty shall be imprisoned for a period not to exceed thirty days. If there shall be a conviction upon a second or subsequent offense, the license of the convicted retail dealer, issued under the provisions and procedure in chapter thirty-nine of Title 54 of the Revised Statutes, shall be revoked by the State Tax Commissioner.

Revocation of retailer's license.

3. This act shall take effect immediately.

Approved May 23, 1939.

CHAPTER 63

AN ACT to supplement "An act to regulate the retail sale of motor fuels, and providing penalties for violations," approved May twelfth, one thousand nine hundred and thirty-eight, being Pamphlet Laws, one thousand nine hundred and thirty-eight, chapter one hundred sixty-three.

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

Section 509 added.

1. Article V of the act to which this act is a supplement, is hereby supplemented by adding the following:

Suspension or revocation of license.

509. The commissioner may suspend or revoke the license held by any retail dealer for a violation of any of the provisions of this chapter, or on other reasonable ground or grounds, after five (5) days notice of such proposed revocation or suspension, and the ground or grounds thereof to such retail dealer. Said notice shall be served personally or by registered mail upon the retail dealer and shall set forth the date, time, and place of a hearing to be conducted by the commissioner, or his designated agent, for that purpose.

Service of notice.

2. This act shall take effect immediately.

Approved May 23, 1939.

CHAPTER 64

AN ACT to extend the territorial boundaries of the borough of Keyport, in the county of Monmouth, by the annexation of lands lying under the waters of Raritan bay, bordering on said borough in said county.

WHEREAS, The borough of Keyport is located on the shore of Raritan bay and its present boundary line extends only to the shore of Raritan bay and it is desirable that the borough should have jurisdiction for police, fire and taxation and other purposes over the territory adjacent to said borough in Raritan bay; therefore, Preamble.

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

1. That all that land and real estate situate, lying and being now or formerly in the township of Middletown, in the county of Monmouth aforesaid, adjoining said borough contained or included within the following described boundaries, to wit: Portion of Middletown township annexed to Keyport.

Beginning at the mouth of Chingarora creek, where the same is intersected by the high water line of Raritan bay; and from thence running north fifty-eight degrees west, be the distance what it may out to the center line of the channel shown on the charts of the United States Government as Keyport harbor; and running southerly and westerly, along the center line of the said channel of Keyport harbor as now established by the United States Government to the end of the said channel of Keyport harbor where the same meets the channel known as Matawan creek channel; thence in a westerly direction, along the center line of the said Matawan creek channel as now shown on the United States Government charts, to the present boundary line of the borough of Keyport; thence in an Boundaries of annexed portion.

easterly direction, following the high water line of Raritan bay, to the point or place of beginning; be and is hereby separated from the territory now or formerly the township of Middletown and be and the same is hereby annexed to the said borough of Keyport so that the same shall be hereafter a part of and within the territorial limits of the said borough of Keyport.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 65

AN ACT to provide punishment of any person, corporation, society or organization who or which shall influence or attempt to influence any school pupil of this State against the salute to the flag of the United States of America.

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

Influencing pupils against saluting U. S. flag.

1. Any person, corporation, society or organization who or which shall influence or attempt to influence any school pupil in this State against the salute to the flag of the United States of America by instruction printed or otherwise shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 66

AN ACT authorizing the governing body of any municipality of this State to sell or exchange lands and buildings when not needed for public use, and amending section 40:60–26 of the Revised Statutes.

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

1. Section 40:60–26 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:60–26. The governing body of any municipality may sell or exchange any lands or buildings or any right or interest therein not needed for public use. When any lands are exchanged, the lands conveyed to the municipality shall be located in the municipality and shall equal in value the lands conveyed by the municipality in such exchange. All such sales or disposition, except conveyances of lands in exchange for lands conveyed to the municipality, and except as provided in sections 40:60–27 and 40:60–29 of this Title shall be authorized to be made in the following manner: (a) By public sale to the highest bidder after public advertisement thereof in a newspaper circulating in a municipality in which the lands are situated by two insertions at least once a week during two consecutive weeks, the last publication to be not more than seven days prior to the sale. In the case of public sales the governing body of any municipality may by resolution fix a minimum price at which any such land may be sold at public sale, said minimum price to be included in the advertisement of sale of said lands and public notice thereof given at the time of sale. Such sales may be adjourned at the time advertised for not more than one week without readvertising. (b) Such governing body may from time to time by ordinance authorize the sale

Exchange of real estate by municipalities.

Values.

Manner of disposition.

Advertising public sale.

Minimum price.

Provision for private sale.

of any such properties at private sale for a period of time to be stated in said ordinance, which ordinance shall also fix the minimum sale price for each property so to be sold. A list of the properties so authorized to be sold, together with their minimum prices, as determined by the governing body, shall be published at least once in a newspaper circulating in the municipality, and shall be posted in the city hall, or in such other municipal building in which the governing body usually holds its regular meetings. Additional copies of said list shall be made available for distribution. Offers for any or all properties so listed may be made to the governing body, at not less than the minimum prices as published by any prospective purchaser or any real estate broker or other persons legally authorized to consummate the transaction. The commission to be paid to any such broker or person consummating a sale, other than the purchaser, shall be not more than five per centum (5%) of the sale price, and may be paid out of the down payment on account of the purchase price.

List of properties advertised.

Offers listed.

Commission on sales.

Any and all private sales made in the manner specified shall not become effective until ratified by the governing body of the municipality at a regular meeting.

Sales ratified.

All sales, either public or private, may be for cash or upon credit, subject to such conditions for payment of the purchase price as the governing body in its discretion may by resolution determine, and may also impose conditions and restrictions on the use to be made of such land in the same manner and to the same extent as any other vendor of land, whether such sale shall be made at public or private sale; *provided, however,* that any such conditions for payment in part for cash and part upon credit and/or conditions and restrictions on the use to be made of such land shall be set forth at length in the advertisement of sale.

Conditions for payment.

Proviso.

Whenever any sale, whether public or private, shall be made hereunder upon credit such sale shall operate to create a municipal lien on the land so

Credit sales create municipal lien.

sold to the extent of the unpaid balances due the municipality under the terms of sale and the municipality shall have the same rights as it has in the case of any other municipal lien on real property.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 67

AN ACT to validate exchanges of lands by the several municipalities of this State in certain cases.

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

Validating conveyances of lands to municipalities.

1. The acquisition of lands heretofore conveyed to any municipality of this State by way of exchange and all proceedings had in connection therewith are hereby validated and confirmed, and any conveyances of lands heretofore made by such municipality in such exchanges shall be construed in all the courts of this State to have conveyed all the right, title and interest of any such municipality of, in and to such lands so conveyed; *provided,* that such exchanges shall have been authorized, or shall have been or shall hereafter be confirmed, by resolution of the governing body of such municipality, and such governing body has determined or hereafter shall determine that the lands conveyed by such municipality in such exchanges were not needed for public use and that the lands conveyed to such municipality by way of exchange equal in value the lands conveyed by such municipality in such exchange.

Proviso.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 68

AN ACT concerning the liability of an employer to make compensation for injuries received by an employee in the course of employment, and amending section 34:15–87 of the Revised Statutes.

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

Section amended.

1. Section 34:15–87 of the Revised Statutes is hereby amended to read as follows:

Limitation of liability.

34:15–87. No policy of insurance against liability arising under this chapter shall contain any limitation of the liability of the insurer to an amount less than that payable by the assured on account of his entire liability under this chapter, and no provision of such policy shall be construed to restrict the liability of the insurer to any stated business, plant, location, or employment carried on by an assured unless the business, plant, location, or employment excluded by such restriction shall be concurrently separately insured or exempted as provided for in this article.

As to policy of insurance.

No such policy of insurance or any indorsement thereon shall insure against any liability whatsoever other than the liability of the employer for compensation under this chapter and for damages imposed by law because of personal injuries, including death at any time resulting therefrom, sustained by his employees.

Collecting premiums.

No action shall be maintained for the collection of premiums on any policy violating any provision of this article. Any policy issued contrary to the provisions of this section shall be construed as

Pleading.

incorporating the provisions herein contained. No insurer shall, in action brought upon such policy, plead in defense of such action any provision of

such policy which violates any provision of this section.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 69

AN ACT to permit the taking of skunk, under certain circumstances, and amending sections 23:4–37 and 23:4–39 of the Revised Statutes.

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

1. Section 23:4–37 of the Revised Statutes is hereby amended to read as follows: Section amended.

23:4–37. No person shall, by moonlight or with the aid or by use of any lamp, lantern or artificial light, shoot or kill with a rifle of any kind or description, or any firearm or shotgun, a mink, muskrat or otter in this State, or take or attempt to take the same except by means of a trap or disturb or destroy any muskrat lodge or nesting chamber. Taking or killing certain animals.

2. Section 23:4–39 of the Revised Statutes is hereby amended to read as follows: Section amended.

23:4–39. No person shall hunt, pursue, take or trap a mink, muskrat or otter in this State at any time, except from November fifteenth in each year to March fifteenth of the following year. This section shall not prevent the destruction at any time of muskrats which are damaging dams or canal banks by the owners or agents thereof. Season for taking certain animals.

3. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 70

AN ACT validating the organization of certain corporations of this State.

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

Validating formation of certain corporations.

1. Any corporation of this State formed in compliance with and for any of the purposes named in Title 14 of the Revised Statutes and organized on December twentieth, one thousand nine hundred and thirty-seven, or subsequent thereto, shall be deemed a valid corporation and to have been duly organized as such notwithstanding the certificate of incorporation filed by it in the office of the Secretary of State sets forth that said corporation is formed under the provisions of an act entitled "An act concerning corporations" (Revision of 1896), and the acts amendatory thereof and supplementary thereto.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 71

AN ACT concerning interest on tax moneys for school purposes.

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

No interest on certain advanced tax moneys for schools.

1. Whenever any municipality shall have, during the period of January first, one thousand nine hundred and thirty-two, to January first, one thousand nine hundred and thirty-nine, advanced tax moneys for school purposes directly to the school or schools

involved instead of to the State, as required by the statutes governing such payments, and shall satisfactorily disclose to the State Treasurer that such payments have actually been made, no interest shall be chargeable against such amounts as shall be shown to have been advanced, notwithstanding the provisions of any statute of this State requiring payment of such interest.

Cancellation of interest charges.

2. The State Treasurer is hereby authorized and directed to cancel of record any interest charge on the amounts of advances as herein set forth.

3. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 72

AN ACT to extend the territorial boundaries of the borough of Keansburg, in the county of Monmouth, by the annexation of lands from the township of Raritan.

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

Certain land in Raritan township added to Keansburg.

1. That all that land and real estate now situate, lying and being in the township of Raritan, county of Monmouth, adjoining said borough, contained or included in the following described boundaries, to wit:

Boundaries of annexed portion of land.

Beginning at the borough line of the borough of Keansburg at the intersection of Waycake creek and Laurel avenue, and running thence (1) southerly, along the easterly side of Laurel avenue to an unnamed street laid out on the map of West Keansburg Beach, running parallel with First street and distant two hundred feet (200′) therefrom; thence (2) westerly, along the southerly side of said unnamed street and parallel with the

northerly side of First street as shown on the West Keansburg Beach map and distant two hundred feet (200') therefrom in a straight line of Thorne's creek; thence (3) northerly along Thorne's creek to Waycake creek and the borough line of the borough of Keansburg; thence (4) easterly and southerly up Waycake creek and along the borough line of the borough of Keansburg to the point or place of beginning; be and is hereby separated from the territory now the township of Raritan and be and the same is hereby annexed to the said borough of Keansburg so that the same shall be hereafter a part of and within the territorial limits of the said borough of Keansburg.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 73

AN ACT to include in the organizations entitled to delegates to the annual State Agricultural Convention the Blueberry Co-operative Association of New Jersey, and amending section 4:1–6 of the Revised Statutes.

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

Section amended.

1. Section 4:1–6 of the Revised Statutes is hereby amended to read as follows:

Two delegates from certain organizations to agricultural convention.

4:1–6. Each of the following organizations shall be entitled to be represented in the annual convention by two delegates: each county board of agriculture, the New Jersey State Horticultural Society, the New Jersey State Poultry Association, Jersey Chick Association, the American Cranberry Growers' Association, the New Jersey State Grange, Patrons of Husbandry, the New Jersey Association of Nurserymen and the New Jersey Florists' Club.

One delegate from other organizations to agricultural convention.

Each of the following organizations shall be entitled to be represented in the annual convention by one delegate: the State Agricultural College, the State Experiment Station, each Pomona Grange, Patrons of Husbandry, North Jersey Society for Promotion of Agriculture, New Jersey Guernsey Breeders' Association, Incorporated, Holstein Friesian Co-operative Association of New Jersey, the E. B. Voorhees Agricultural Society, New Jersey Alfalfa Association, New Jersey State Potato Association, New Jersey Beekeepers' Association, the Co-operative Growers' Association of Beverly, New Jersey, and the Blueberry Co-operative Association of New Jersey.

Selection of delegates and credentials.

Prior to the time fixed for the holding of the annual convention each of the organizations named in this section shall choose from its members the authorized number of delegates and certify to the convention their qualification as such. The credentials shall be filed with the proper convention officer or committee, and upon the acceptance thereof by the convention such persons shall have all the rights and powers of delegates.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 74

AN ACT concerning the insurance of financed automobiles, and supplementing chapter twenty-eight of Title 17 of the Revised Statutes.

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

"Financed automobile." Explanation.

1. Definitions. As used in this act "financed automobile" shall include (a) an automobile or other motor vehicle sold at retail, the purchase price whereof is not paid in full at the time of its purchase, but all or part whereof is advanced by the seller to the purchaser by extension of credit

Part payment.

or otherwise, or is realized by the seller through the assignment, sale or pledge of the right to receive from the purchaser the unpaid balance of the purchase price whether or not title is retained by the seller until the purchase price is paid in full, or a mortgage or other lien is given or received to secure such payment, or (b) an automobile or other motor vehicle which is pledged as security for the repayment of a loan; an "other automobile" shall include any automobile or other motor vehicle which is not a "financed automobile"; a "master policy" shall include any policy of insurance covering financed automobiles not used, maintained or operated by the policyholder; an "individual contract" shall include any policy of insurance covering any financed automobile which is not a master policy; a "certificate of insurance" shall mean any certificate constituting evidence of the existence of a master policy; and a "policyholder" shall mean the holder of a master policy or an individual policy.

Pledged as security.

Policyholder.

Requirements: 2. Policy provisions. From and after the first day of September, nineteen hundred and thirty-nine, no master policy, individual contract or certificate of insurance upon or affecting any financed automobile shall be issued or delivered in this State unless the form of such policy, contract or certificate shall conform to all the requirements or restrictions appropriate thereto as hereinafter set forth.

Financed automobile; a. Any policy covering a financed automobile, whether issued as a master policy or as an individual contract, shall contain in substance the same provisions as those contained in policies insuring against similar perils otherwise generally issued in this State upon other automobiles by the company issuing such policy or contract;

Provisions of master policy; b. Any certificate of insurance issued in connection with a master policy shall contain such provisions of the master policy, to the extent and in such form, as the Commissioner of Banking and Insurance shall require;

c. Every master policy, individual contract or certificate of insurance covering any financed automobile shall be printed in type not less than eight point and shall state the perils insured against, the limits of coverage and the premiums applicable to each such peril; Style of type in policy;

d. Every master policy shall contain a provision that there shall be delivered by the insurer to the owner or purchaser of a financed automobile insured thereunder a certificate of insurance not later than twenty days after the effective date of the insurance represented thereby; Certificate of insurance;

e. Every master policy shall contain a provision that, in the event of the cancellation of the insurance represented by any certificate of insurance, evidence of the payment of the return premium to the purchaser or owner of the automobile covered by such insurance as his interest may appear must be presented to the insurance company before payment of the return premium is made to the policyholder; Cancellation of insurance;

f. Every master policy or individual contract issued by any mutual or other company issuing participating policies shall contain a provision that any dividend apportioned thereto shall be paid to the purchaser or owner and the policyholder as their respective interests may appear; Participating policies;

g. No master policy, individual contract or certificate of insurance shall contain any provision which is unfair, unjust, inequitable or contrary to public interest. Fair provisions.

3. Special provisions. No distinction shall be made in the premium rates or rates of dividends between policies covering financed automobiles and policies covering other automobiles. No certificate of insurance shall be issued or delivered in this State except in connection with a master policy issued or delivered in this State. Every certificate of insurance required to be issued under a master policy and every individual contract issued shall be delivered by the insurer to the purchaser or owner. The Commissioner of Banking and Insurance shall Rates of dividends. Regulations.

have authority to issue, amend, supplement and rescind such regulations as are in his judgment necessary to enforce the requirements of this act.

Revocation of policies.

4. Penalty. The Commissioner of Banking and Insurance shall have the power to revoke the authority to issue policies of insurance upon financed automobiles in this State of any insurance company violating any provision of this act.

5. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 75

AN ACT concerning the State Highway Department.

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

Appointment of general solicitor in road department.

1. The State Highway Commissioner shall appoint as general solicitor of the State Highway Department, with the approval of the Attorney-General, a qualified and competent counselor-at-law, who has had broad general experience in matters of law pertaining to State highways. Such

Term.

general solicitor shall not be removed from such office except for good cause shown after a fair and impartial trial, but shall hold his office during good behavior, and he shall not be removed for political

Attention to office.

reasons. The general solicitor shall devote his entire time and attention to the duties of his office and shall not engage in the private practice of the

Salary.

law at any time during his incumbency. His salary shall be fixed by the commissioner and he shall also receive reimbursement for his necessary expenses.

Duties.

It shall be the duty of the general solicitor to coordinate and centralize the legal work of the various divisions of the State Highway Department, to advise the commissioner and employees of the department when matters should be referred to the

Attorney-General, to prepare reports for opinions from the Attorney-General, to assist counsel and assistant counsel, appointed pursuant to section 52:17–9 of the Revised Statutes, in the preparation and conduct of matters referred to the Attorney-General and in general to maintain close contact with the various activities of the State Highway Department in so far as such activities involve legal problems. The general solicitor may, in addition to his prescribed duties, act for, in behalf of, and in the name of the Attorney-General in legal matters involving the affairs of the State Highway Department, when designated by the Attorney-General to do so. For such purpose the Attorney-General shall designate the general solicitor as special assistant Attorney-General but such designation as special assistant Attorney-General shall be at the will of the Attorney-General only and without additional compensation.

Assist Attorney-General.

Designated special assistant.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 76

AN ACT concerning beauty culture, and amending sections 45:4A–5, 45:4A–6, 45:4A–8, 45:4A–9, 45:4A–10, 45:4A–12, 45:4A–15, 45:4A–18 and 45:4A–21 of the Revised Statutes, and supplementing chapter four-A of Title 45 of the Revised Statutes.

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

1. Section 45:4A–5 of the Revised Statutes is hereby amended to read as follows:

Section amended.

45:4A–5. The practice of beauty culture as applied in this chapter shall be defined as follows:

Practice of beauty culture defined.

Any or all work performed or demonstrated by any person, which work is generally and usually performed by so-called hairdressers, cosmetologists,

Set out in detail.

cosmeticians, beauticians or beauty culturists and however denominated, in so-called hairdressing and beauty shops, which work is for the cleanliness and beautification of the hair, such as arranging, modeling, dressing, brushing, beautifying, curling, waving, straightening, dyeing, tinting, permanent waving, cleansing, cutting, styling, 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 of males or females, which enumerated practices shall be included in the term "beauty culture." "Mechanical or electrical appliances" as used in this chapter shall be interpreted to include 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.

Section amended.

2. Section 45:4A–6 of the Revised Statutes is hereby amended to read as follows:

Certificate of registration required.

45:4A–6. No person shall practice or teach beauty culture and no person, partnership or corporation shall use or maintain any place for the practice or teaching of beauty culture without first having obtained from the department a certificate of registration or license as provided in this chapter, except that manicuring only may be practiced in barber shops by licensed manicurists.

Section amended.

3. Section 45:4A–8 of the Revised Statutes is hereby amended to read as follows:

Requirements to take examination or receive certificate as operator.

45:4A–8. 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 a graduate of the eighth grade or the equivalent and has been registered as a student and has had a school term

of training as hereinafter provided in this chapter, in a licensed beauty school of this State or an approved beauty school of another State, territory, the District of Columbia, or foreign country, but 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 June twenty-ninth, one thousand nine hundred and thirty-five; but the department may permit any 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 practiced beauty culture for not less than three years in another State, territory, the District of Columbia, or foreign country. No person 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 shall have completed two years of high school or the equivalent and has had either at least two years' experience as a beauty culture operator in a beauty shop, or training of not less than a total of two thousand hours within a period of not less than twelve consecutive months in a licensed beauty school of this State or an approved beauty school of another State, territory, or the District of Columbia.

Examination without studentship.

Requirements to teach.

No person shall be permitted to take an examination or receive a certificate of registration or license to demonstrate appliances, methods or cosmetics used or to be used in the practice of beauty culture unless such person shall be at least eighteen years of age and shall have been duly licensed as a beauty culture operator in the State of New Jersey.

Requirements for demonstrator.

No person shall be permitted to receive a certificate of registration or license as a manager-operator of a beauty shop unless such person shall be at least eighteen years of age and a graduate

Requirements for manager-operator.

of the ninth grade or the equivalent and shall have been duly licensed as a beauty culture operator in the State of New Jersey and shall establish to the satisfaction of the department that he or she has thereafter been an operator in the active practice of beauty culture for at least one year; but the department may permit a person to take an examination for license as a manager-operator 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 a beauty shop for not less than three years in another State, territory, the District of Columbia, or foreign country, and one year in the State of New Jersey as a licensed operator.

Proof of enrollment in beauty school.

No person shall be permitted to receive a certificate of registration as a student without having first furnished the department with satisfactory proof of his or her enrollment in a duly registered or licensed beauty school of this State.

Shop certificate.

No person, partnership or corporation shall be permitted to receive a shop certificate of registration or license to use or maintain premises for the practice of beauty culture unless such person, partnership or corporation shall have first furnished the department with satisfactory proof that such shop or premises are to be used or maintained in compliance with the requirements of the rules and regulations prescribed by authority of sections 45:4A–13 and 45:4A–16 of this Title, and such shop or premises shall be in charge at all times of a duly licensed manager-operator.

Section amended.

4. Section 45:4A–9 of the Revised Statutes is hereby amended to read as follows:

Manicuring license.

45:4A–9. A limited certificate of registration or license as a manicurist to manicure the finger nails only, may be applied for and granted under all the terms and conditions of this chapter, except that the examination therefor shall be limited to such

Practice.

practice only and the required schooling shall be not less than one hundred fifty hours within a period of not less than two months.

5. Section 45:4A–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

45:4A–10. No school of beauty culture of this State shall be granted a certificate of registration or license, and no school of beauty culture of another State, territory, or the District of Columbia shall be approved by the department, unless it shall comply in all respects with the rules and regulations of the State board of beauty culture control and 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 of the practices of beauty culture as provided in this chapter 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. Requirements for schools for beauty culture.

6. Section 45:4A–12 of the Revised Statutes is hereby amended to read as follows: Section amended.

45:4A–12. 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 June twenty-ninth, one thousand nine hundred and thirty-five, and is thus engaged in this State on said June twenty-ninth, one thousand nine hundred and thirty-five, may secure the certificate of registration or license required by this Reciprocity granted.

chapter without 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 said June twenty-ninth, one thousand nine hundred and thirty-five. 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 chapter. Any person studying beauty culture in an accredited school of beauty culture as required by this chapter on said June twenty-ninth, one thousand nine hundred and thirty-five, shall receive credit for such time and studies without compliance with the requirements of this chapter as to age and preliminary education; *provided,* such persons shall make application to the department for registration as a student within ninety days after said June twenty-ninth, one thousand nine hundred and thirty-five.

Health certificate.

Proviso.

Section amended.

7. Section 45:4A–15 of the Revised Statutes is hereby amended to read as follows:

Revoking and suspending licenses.

45:4A–15. The department shall have power to revoke or suspend licenses or certificates of registration upon due hearing, on proof of violation of any provisions of this chapter, or the rules and regulations established by the department under this chapter, 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, but before the department may institute proceedings for suspension or revocation, it shall send notice in writing to the certificate or license holder, stating the alleged violation, together with a notice that if the violation is not abated within five 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 them, at least five days before the day set for the

Service of charge.

hearing, which hearing shall be before a duly authorized representative of the department, and at which hearing the person, partnership or corporation complained against shall have an opportunity to produce witnesses or other evidence in their behalf, and to confront witnesses against them.

Section amended.

8. Section 45:4A–18 of the Revised Statutes is hereby amended to read as follows:

Schedule of fees.

45:4A–18. The registration fee for the issuance of licenses or certificates of registration with or without examination shall be as follows: Three dollars a year for registration of beauty shops; fifty dollars a year for private schools of beauty culture; five dollars a year for manager-operators, demonstrators, or teachers; three dollars a year for operators or manicurists only; one dollar for students for the entire school term; and five dollars for examination fee for license. Annual renewal fee shall be the same as above. The above fees for registration and certificate shall be paid in advance to the department of beauty culture control and by it paid into the State treasury. Of the said revenues a sum not to exceed sixty-five per centum of the aggregate of revenue for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-eight, is hereby appropriated to pay expenses incurred by said department in the administration of this act for the period of one year commencing July first, one thousand nine hundred and thirty-eight, and for every year thereafter a sum not to exceed sixty-five per centum of the aggregate of revenue received during the preceding fiscal year shall be appropriated and shall be paid from the moneys so received as aforesaid. All such expenditures shall be made by the Treasurer on a warrant of the Comptroller after approval by said department. Any such expense of administration shall at no time exceed the moneys so received, to the end that the department at all times shall be self-sustaining. 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.

Paid in advance.

Appropriation.

Expenditures.

Surplus.

Section amended.

9. Section 45:4A–21 of the Revised Statutes is hereby amended to read as follows:

Act not to apply.

45:4A–21. Nothing in this chapter 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, nor services performed by registered students in the course of their required training in duly licensed or registered beauty schools of this State.

45:4A supplemented.

10. Chapter four-A of Title 45 of the Revised Statutes is hereby supplemented by adding the following section 45:4A–26.1, which shall read as follows:

Prosecutions of violations.

45:4A–26.1. In all prosecutions instituted under the provisions of this chapter a certificate, signed by the chairman or secretary of the board, to which certificate shall be affixed the seal of said board, certifying that the person charged with the alleged violation was not, at the time of the alleged violation, registered or licensed as required by the provisions of this chapter, shall be prima facie proof of the fact in any such prosecution in any court where suit is instituted.

11. Effective date. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 77

A SUPPLEMENT to an act entitled "An act fixing the compensation of members of the State Capitol police force," approved June sixteenth, one thousand nine hundred and thirty-eight.

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

Salary of chief of State House police.

1. The compensation of the chief of the State Capitol police force is hereby fixed at a minimum of twenty-five hundred dollars ($2,500.00) per annum and a maximum of three thousand dollars ($3,000.00) per annum. For each year of service as chief after appointment the minimum salary shall be increased at the rate of one hundred dollars ($100.00) per annum until the maximum salary is reached.

2. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 78

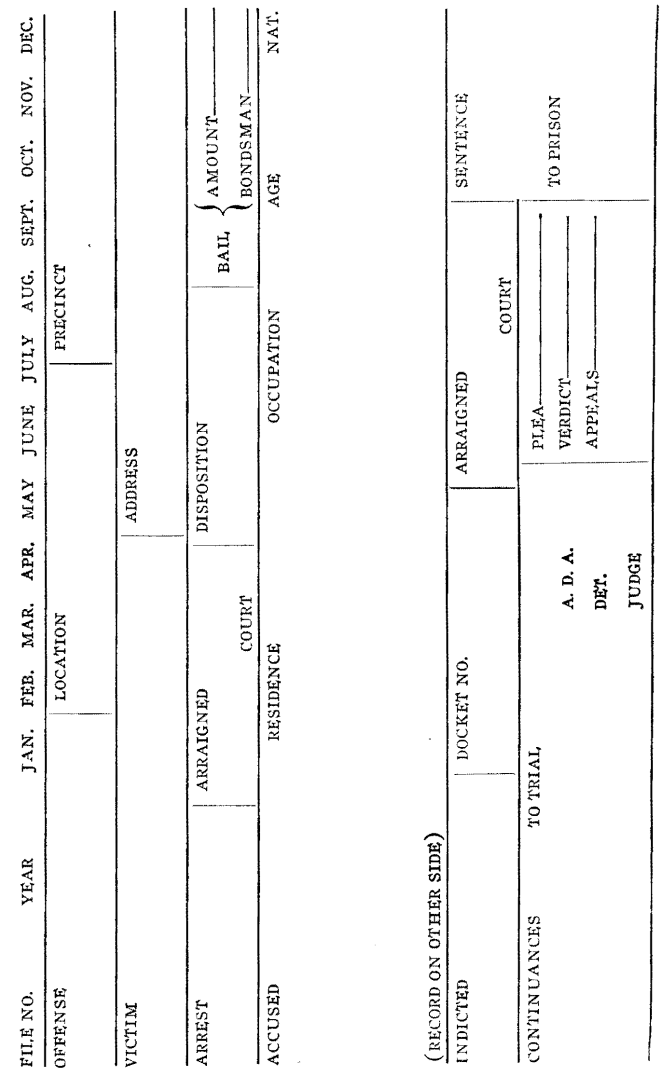
AN ACT providing for the identification of criminals, and supplementing Title 53 of the Revised Statutes.

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

File of criminal records kept.

1. To the end that there may be a centralization of information with regard to crime in this State, it shall be the duty of the county bureau of identification in each county and of the bureau of

identification in the Department of the State Police to obtain and to keep on file all facts pertaining to criminal records, on forms substantially as follows:



Information obtained by police authorities sent to bureaus of identification.

2. To the end that the county bureaus of identification in each of the counties of this State and the bureau of identification of the Department of the State Police may have available the requisite information for the keeping of such records, it shall be the duty of sheriffs, members of the State Police, county detectives, chiefs of police and other law enforcement officers, immediately upon the receipt of a complaint that an indictable offense has been committed, to forward to the county bureau of identification and the bureau of identification of the State Police Department all of such information which can at that time be obtained, on forms to be provided for that purpose by the head of the office in which such county bureau of identification is established.

Additional information supplied.

It shall also be the duty of such officers, from time to time, upon receipt of additional information, to forward the same to the county bureau of identification and to the bureau of identification of the State Police Department, on forms to be provided for that purpose by the head of the office in which such county bureau of identification is established.

County officials to furnish information.

It shall also be the duty of the prosecutor of the pleas, the county clerks, and the probation office in the various counties of this State to supply to the county bureau of identification and to the bureau of identification in the Department of State Police all information on record in their respective offices which may be necessary to complete the records in the prescribed form, as set forth in section one hereof.

Duties deemed additional.

The duties herein prescribed to be performed by the public officers and employees herein referred to shall be additional to the duties now prescribed by law to be performed by such public officers and employees.

Explanation.

The words "The County Bureau of Identification," as used in this act, shall be taken to mean the bureau of identification as now established in the office of the sheriff or in the office of the prosecutors of the pleas in the respective counties in this State.

Repealer.

3. All acts and parts of acts inconsistent herewith are repealed, and this act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 79

AN ACT concerning motor vehicles, and amending sections 39:3–15, 39:3–16 and 39:3–17 of the Revised Statutes.

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

Section amended.

1. Section 39:3–15 of the Revised Statutes is hereby amended to read as follows:

Reciprocal operation of certain motor vehicles.

39:3–15. Any passenger type motor car, omnibus, motor vehicle used for the transportation of goods, wares and merchandise, motor cycle, or motor-drawn vehicle belonging to a nonresident, and which has been registered in accordance with the laws respecting the registration of motor vehicles of the State, Territory, Federal district of the United States or province of the Dominion of Canada, or foreign country, in which the nonresident resides, and which has conspicuously displayed thereon the registration number thereof, may, without complying with the provisions of this subtitle with respect to registration, be operated in this State during such portion of the entire year as the free operation of a similar type of vehicle belonging to a resident of this State and registered in compliance with the laws of this State, and whose registration number is conspicuously displayed thereon, is permitted in the State, Territory, Federal district or province of the Dominion of Canada, or foreign country, of the nonresident.

Section amended.

2. Section 39:3–16 of the Revised Statutes is hereby amended to read as follows:

Enforcement and suspension of privilege.

39:3–16. The commissioner shall enforce the provisions of sections 39:3–12, 39:3–13 and 39:3–15 to

39:3–17 of this Title, and shall have the power to suspend the operating privilege of all, a class, or a part of any class of motor vehicles and motor-drawn vehicles registered in another State, Territory, Federal district of the United States or province of the Dominion of Canada, or foreign country, when, in his judgment, any such State, Territory, Federal district or foreign country prohibits the free operation therein of a class or part of any class of motor vehicles or motor-drawn vehicles belonging to residents of this State and which have been properly registered in accordance with the laws of this State. The commissioner shall also have power to suspend, for violation of any of the provisions of this subtitle, or on other reasonable grounds, the operating privilege of any motor vehicle or motor-drawn vehicle belonging to a nonresident. In suspending any such operating privilege, the commissioner shall notify the official or body performing the registration duty in the State, Territory, Federal district of the United States or province of the Dominion of Canada, or foreign country, in which the nonresident resides of such action, give public notice of the same and cause the police authorities to be notified. If any such motor vehicle or motor-drawn vehicle whose operating privilege has been suspended shall thereafter be driven in this State, such driving shall constitute a violation of section 39:3–4 of this Title, and the driver of any such vehicle shall be subject to the penalty prescribed in said section 39:3–4.

Suspending privilege of nonresident.

Notifying authorities of foreign registration.

Other violations.

3. Section 39:3–17 of the Revised Statutes is hereby amended to read as follows:

Section amended.

39:3–17. The touring privileges allowed by section 39:3–15 of this Title are also extended to any nonresident chauffeur or driver who has complied with the law of his resident State, or country, with respect to the licensing of drivers or chauffeurs. No such nonresident shall operate a motor vehicle registered under the laws of this State unless he is seventeen years of age or over. No nonresident shall be permitted to avail himself of the right of

Touring privileges.

Age.

Licensed.

driving a New Jersey registered vehicle under his reciprocity privilege unless he is a holder of a driver's license from the State, or country, in which he resides. A nonresident shall, at all times while operating a motor vehicle in this State under his reciprocity provision, have in his possession the registration certificate of the car which he shall be then operating and his driver's license, and shall exhibit them to any motor vehicle inspector, police officer or magistrate who, in the performance of the duties of his office, shall request the same. Any person violating the provisions of this section shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for not more than sixty days.

Registration and driver's license.

Penalty.

4. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 80

AN ACT concerning public utilities, and supplementing section 48:2–19 of the Revised Statutes.

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

Section supplemented.

1. Section 48:2–19 of the Revised Statutes is hereby supplemented to read as follows:

Future operation of Northern R. R.

48:2–19. The Board of Public Utility Commissioners is authorized and empowered to undertake and complete a survey and investigation of the Northern Railroad of New Jersey to determine a method for the future operation of said road.

Appropriation for survey.

2. For the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of five thousand dollars ($5,000.00), which shall be expended in the same manner as other State appropriations.

3. This act shall take effect immediately.

Approved May 24, 1939.

CHAPTER 81

AN ACT concerning elections, and amending section 19:6–10 of the Revised Statutes.

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

1. Section 19:6–10 of the Revised Statutes is amended to read as follows: Section amended.

19:6–10. Each district board shall, on or before the first day of June, and in presidential years on the third Tuesday next preceding the primary election for the election of delegates or alternates to the national convention, meet and organize by the election of one of its members as judge, who shall be chairman of the 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 the chairman and the inspector shall not be members or voters of the same political party. The other two members of the board shall be clerks of election, and shall perform all the duties required by law of the clerks of district boards.

Organization of district boards.

Politics.

Failure to select officers.

Proviso.

Clerks.

2. This act shall take effect immediately.

Approved May 26, 1939.

CHAPTER 82

AN ACT to declare an emergency affecting the production, distribution and sale of milk as defined herein; to invoke and exercise the police power of the State to deal with same; to regulate and control the production, distribution and sale of milk as defined herein; to create a State board of milk control for such purposes; to prescribe the jurisdiction, duties and powers of said board; to require licenses of and establish license fees to be paid by stores, milk dealers, processors and subdealers; and to provide methods for enforcement and penalties for violations.

Preamble. WHEREAS, Milk is a most necessary human food, vital for the promotion of the public health and for development of strength and vigor in the human race, and because it is a most fertile field for the growth of bacteria its production and distribution have been surrounded by costly sanitary requirements; and

Preamble. WHEREAS, For several years the milk producers of the United States, and particularly those of this State and neighboring States, have been confronted with conditions where the price paid to them for milk was below the actual cost of production and so low that there was danger of the quality of milk falling below the standards that insured the safety of milk for human consumption; farmers and producers engaged in the industry were unable to continue production and were becoming discontented; milk strikes were being projected in many parts of the country, including this State, and in many instances large sections of the country were actually deprived of a sufficient supply of fresh, wholesome, sanitary

milk; and the health and welfare of the citizens of this State had been actually threatened because the price being paid to milk producers was below the cost of production; and

Preamble.

WHEREAS, Several neighboring States, recognizing this danger, have adopted laws which would provide a reasonable return to the milk producer and thereby insure a sufficient supply of fresh, wholesome, sanitary milk, and 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 curtailment of an adequate and sufficient supply of fresh, wholesome, sanitary milk for its citizens, and has insured a fair price to producers and farmers and which by the terms of the present law will expire by its own limitation on June thirtieth, one thousand nine hundred and thirty-nine; and

Preamble.

WHEREAS, The conditions which prompted the passage of the milk control law in one thousand nine hundred and thirty-three are still present in many parts of the country, including neighboring States, and without the benefits of a milk control law will immediately become operative in New Jersey; therefore,

Statement.

It is found and declared that an emergency exists affecting the milk industry in this State; in the interest of the health and welfare of the citizens of this State, it is necessary to continue control of the milk industry in this State for a further period of two years; that this act is an emergency law, necessary for the immediate preservation of the public peace, to preserve, protect and promote the public welfare, health and safety, and enacted in the exercise of the police power reserved to the States to protect the citizens of this State in such respect;

that it is made necessary by the conditions heretofore cited of unfair, unjust, destructive and demoralizing practices, heretofore existing or threatened, and presently threatening, in the production, sale and distribution of milk 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 the public of this State as hereinbefore stated; that 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, sanitary milk for our citizens; and that it is necessary in order to assure an adequate supply of fresh, wholesome, sanitary milk and to protect the public health and welfare, to treat the production, sale and distribution of milk as a business affecting the public health and affected with a public interest; therefore,

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

Definitions of various words or terms:

1. 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;

"Board." The milk control board.

Person;

"Person." Any person, firm, association, or corporation.

Milk dealer;

"Milk dealer." Any person who produces milk and sells to any person other than a milk dealer and/or processor, or who purchases, distributes or handles milk, as herein defined, for storage, manufacture or sale, except for consumption on the premises of the producer. Any dairy co-operative association organized under any law of this State 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." Any person who handles, pasteurizes, bottles or otherwise prepares milk for sale through subdealers. Processor;

"Subdealer." Any person who purchases milk from a processor or milk dealer for resale to stores and/or consumers under the brand or name of the person from whom he purchased it and makes distribution of same in the containers in which he received it. Subdealer;

"Market." Any municipality, incorporated or unincorporated, of this State, other than a county, or any group of such, or any portions thereof, designated by the board as a marketing area. Market;

"Licensee." Any person licensed pursuant to this act. Licensee;

"Milk." The natural product of a dairy animal or animals and includes fluid milk and cream, fresh, sour or storage, skimmed milk, flavored milk, any milk drink, buttermilk, ice cream mix, and condensed or concentrated whole or skimmed milk, except when contained in hermetically sealed cans. In each instance where quantity is referred to, the intent is to include its whole milk equivalent. Milk;

"Producer." Any person producing milk for sale to a milk dealer or processor. Producer;

"Consumer." Any person, other than a milk dealer, store, subdealer, processor or producer, who purchases milk for consumption or use. Consumer;

"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 from a health basis. Sanitary regulations;

"Store." A grocery store, delicatessen, food market, hospital, institution, hotel, restaurant, soda fountain, dairy products store, any governmental agency, roadside stand and similar mercantile establishments. Store.

Membership of board.

2. Milk Control Board. Five citizens of the State of New Jersey, to be appointed by the Governor, at least one of whom shall represent the consumer interest, one the producer interest and one the distributor interest, 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.

Term.

Assistants.

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. All those employed by the preceding board at the time this act becomes effective shall be continued in their employment as employees in the classified service under the aforesaid civil service laws.

Continuance of present employees.

Organization.

3. Chairman and Secretary; Regulations; Meetings. 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.

Rules and meetings.

Compensation of board.

4. Per Diem and Expenses. 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 of act.

5. Enforcement by Appointees. 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.

Office.

6. Principal Office. 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.

7. Meetings Called by Chairman or Majority of Board. Meetings of the board shall be called by the chairman or by a majority of the members of the board. Meetings.

8. Quorum. Three members shall constitute a quorum. Quorum.

9. General Powers. 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. Powers.

10. Regulation of Milk Industry; Exceptions. The board may fix the price at which milk is to be bought, sold, or distributed; to regulate conditions and terms of sale; to establish and require observance of fair trade practices; to supervise, regulate and control the entire milk industry of the State of New Jersey, including the production, importation, classification, processing, transportation, disposal, sale or resale, storage or distribution of milk as defined in this act in the State of New Jersey in those matters and in every way necessary to carry out the purposes of this act and necessary to control or prevent unfair, unjust, destructive and/or demoralizing practices which are likely to result in the demoralization of agricultural interest in this State engaged in the production of milk and/or interfere with the maintenance of a fresh, wholesome supply of sanitary milk for the consumers of this State; *provided, however,* that nothing contained in this act shall be construed as authorizing the board to adopt, promulgate or enforce orders, rules or regulations containing provisions or sanitary regulations as defined in paragraph one of this act; and *provided, further,* that nothing contained in this act or orders, 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 Title 24 of the Revised Statutes and amendments thereof and supplements thereto. Regulations covering price, sale, practices. Proviso. Proviso.

Investigate production, sale.

11. Investigations. To investigate all matters pertaining to the production, distribution, importation, storage, disposal, classification, sale or resale, conditions and terms of sale or resale, costs of production, distribution, sale and resale, processing, sale for manufacture, 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 the secretary or by any member of the board.

Witnesses and records.

Serving process.

12. Service of Process. The process of subpœna authorized in the last preceding paragraph 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.

Ignoring subpœna deemed contempt.

13. Contempt; Disobedience of Subpœna or Refusal to Testify. In case any person so summoned by subpœna issued by said secretary 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 as required, the secretary 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 of the Supreme Court, 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 person, and, upon his being brought before him, to proceed to a hearing of the case; and the said justice shall have the power to enforce, by imprisonment in any county

Attachment.

Penalty.

jail, obedience to such subpœna, and require the answer of any questions 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 a fine and 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 the secretary, or any member of the board, or any person authorized by law, at any investigation, inquiry or hearing shall be guilty of perjury. Perjury.

14. Self-incrimination; Immunity from Prosecution. No person shall be excused from testifying or producing any book, paper, document or record when subpœnaed as aforesaid upon the ground that the testimony or documentary evidence required of him may incriminate him or subject him to any penalty or forfeiture, but no such person shall be prosecuted, punished or subjected to any penalty or forfeiture on account of any matter or thing concerning which he shall, under oath, have testified or produced documentary evidence, except that he shall not be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein shall give to any corporation immunity of any kind. Must testify.

15. Administering Oaths. Any member of the board, the secretary 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. Administering oath.

16. Arbitration of Controversies. The board may act as mediator and arbitrator in any controversy or issue that may arise among or between producers, milk dealers, processors, stores, subdealers and consumers as between themselves or that may arise between them as groups. Arbitration.

17. Agreements with Other Agencies. For the furtherance of the objects stated in this act the board shall have authority to enter into agreements 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.

Credit regulations.

18. Credit Regulations; Enforcement. To effectuate the orderly sale and distribution of milk between dealers, processors, subdealers and stores, and carry out the provisions of this act, the board is hereby empowered to promulgate and enforce conditions, terms and credit regulations governing such sales.

General powers.

19. Delegation of Specific Powers. 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, the secretary, or an employee or agent of the board by this act of a specific power or powers, not inconsistent with the proviso contained in paragraph ten of this act.

Orders.

20. Rules and Orders; Posting; Service. 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. Findings of fact on which every new order on prices is based, and 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, and the minutes of each meeting of the board shall be posted on the public bulletin board in the offices of the milk control board within twenty-four hours after the approval by the board at its next succeeding meeting. 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 section 2:26–43 of the Revised Statutes.

Posted.

Serving orders.

Hearings.

21. Hearings. Whenever any hearing is required by, or is to be held under, any of the provisions of this act, the board may sit for same or may designate any board member to take the testimony and other evidence in connection therewith, in which case the record so made shall be submitted to the board for consideration and upon which a determination may be made. Such proceedings may be held in any part of the State and shall be governed by rules and regulations adopted by the board. Neither the board nor such member shall be bound by technical rules of evidence.

Right of entry for inspection.

22. Inspection; Right of Entry. 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.

Dealers licensed.

23. Licenses; Milk Licenses Suspended by Suspension or Revocation of Health Department License. No milk dealer, processor, subdealer or store, as defined in this act, shall buy milk from producers or others for sale, disposal, importation, transportation, storage or manufacture, or sell, transport, import, dispose of, store or distribute milk or otherwise engage in the milk business 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 milk dealers, processors, 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 or any order, rule or regulation of the board promulgated pursuant thereto.

Purpose of act.

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 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 40:52–1 of the Revised Statutes. When the department of health of the State of New Jersey or any local board of health shall refuse 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.

Suspension of license.

Sustaining price.

24. Minimum Cost Price; Enforcement. No milk dealer, processor, subdealer or store shall distribute, sell or handle milk in this State which is obtained from any producer, other milk dealer, processor, subdealer or store where the milk has been purchased either directly or indirectly for a price less than the minimum price fixed by the board to be paid for such milk to be distributed in a given market.

Application for license.

25. Application for License; Display of License. An application for a license to operate as a milk dealer, processor, subdealer or store shall be made within five days after 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 tenth day of May 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

Details of license.

association, the full name of each member, and if a corporation the names and addresses of all officers and directors and the name or names of the municipality or municipalities in which the business is to be conducted; that he has complied with all the orders, rules and regulations 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 paragraphs twenty-three to twenty-nine, inclusive. 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.

License displayed.

26. Refusal or Suspension or Revocation of License; Grounds. The board, after hearing held in accordance with the provisions of paragraph twenty-one of this act, may decline to grant a license or may issue a license conditionally, or may suspend or revoke a license already granted when satisfied of the existence of any of the following:

Refusing, revoking license:

(1) That an applicant or a licensee has rejected, without reasonable cause, any milk from one of its regular producers.

Rejecting milk;

(2) That the applicant or licensee has failed to account and make payment, without reasonable cause, for any milk purchased from a producer.

Failure to pay;

(3) When it has been established by evidence submitted to the board by the State or local health authorities that the applicant or licensee has committed any act likely to undermine health regulations and standards as established by health laws and ordinances.

Demoralizing standards;

(4) That the applicant or 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.

Sustaining price;

Failure to conduct business properly;

(5) Where the applicant or 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.

Price fixing;

(6) Where the applicant or licensee has been a party to a combination to fix prices contrary to the provisions of this act.

Defrauding customers;

(7) Where the applicant or 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 applicant or licensee has failed either to keep records or to furnish the statements or information required by paragraph thirty-one of this act.

Falsifying;

(9) Where any applicant or licensee has made false statements to the board or has testified falsely in any hearing before the board.

Qualifications lacking;

(10) That the applicant or licensee is not qualified by character, experience, financial responsibility and equipment to properly conduct the proposed business.

Former actions;

(11) That the applicant or licensee is a partnership, corporation, firm or association and any individual holding any position or interest or power or control therein has previously been responsible in whole or in part for any act on account of which a license may be denied, suspended or revoked pursuant to the provisions of this section or law or the similar laws which preceded it.

Violations.

(12) That the applicant or licensee has violated any of the provisions of this act, or any of the rules, regulations or orders of the board or has violated any of the provisions of similar laws or of orders, rules and regulations issued thereunder which have preceded this act.

Continuance of rulings or orders.

The board may without hearing continue any ruling or order made as to license or any applicant or licensee which was made after hearing when any subsequent application for license is filed by said applicant or licensee.

Revocation for previous acts.

The issuance or renewal by the board of a license hereunder shall not preclude the board from suspending, conditioning or revoking such license for acts as set forth in this paragraph committed by the licensee prior to the license period unless the board or its predecessor board had proceeded against the applicant or licensee, and the order made thereupon had been complied with by the applicant or licensee.

Applicant notified.

27. Notice to Applicant or Licensee Before Refusal, Suspension or Revocation of License; Service of Order. 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 twenty of this act.

Hearing, etc.

Copy of order served.

Appeal.

28. Appeal. Any person, applicant or licensee aggrieved by any general or price order, rule or regulation made or any action of the board taken pursuant to this act may, within thirty days after the effective date of said general or price order, rule or regulation, or in case of an order applying to a person named, within thirty days after receipt of a copy of the order of the board, apply to a

Apply to court.

justice of the Supreme Court for a writ of certiorari, which court shall have jurisdiction to suspend, reverse or vacate 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

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 this writ.

Yearly fees:

29. License Fees; Deposits. Every person required by this act to be licensed shall pay a yearly license fee as follows:

Store;

Store—each and every store selling milk shall pay a license fee of one dollar ($1.00); *provided, however,*

Proviso.

that a store selling milk exclusively for consumption on the premises shall not be required

Proviso.

to obtain a license nor pay a license fee; *and provided, further,* that a store selling only milk which is evaporated or condensed in hermetically sealed cans shall not be required to obtain a license or pay a license fee.

Sales and license fees.

Milk dealers—where a milk dealer sold in the State of New Jersey during the twelve calendar months immediately preceding the period for which the license is applied or issued a monthly average quantity of milk

Quantities:

2,500 pounds;

(1) Not exceeding twenty-five hundred pounds, a license fee of two dollars ($2.00);

2,500 to 5,000 pounds;

(2) Exceeding twenty-five hundred pounds, but not exceeding five thousand pounds, a license fee of seven dollars fifty cents ($7.50);

5,000 to 25,000 pounds;

(3) Exceeding five thousand pounds, but not exceeding twenty-five thousand pounds, a license fee of twenty dollars ($20.00);

(4) Exceeding twenty-five thousand pounds, but not exceeding one hundred thousand pounds, a license fee of seventy dollars ($70.00); 25,000 to 100,000 pounds;

(5) Exceeding one hundred thousand pounds, but not exceeding two hundred thousand pounds, a license fee of one hundred twenty-five dollars ($125.00); 100,000 to 200,000 pounds;

(6) Exceeding two hundred thousand pounds, but not exceeding five hundred thousand pounds, a license fee of two hundred dollars ($200.00); 200,000 to 500,000 pounds;

(7) Exceeding five hundred thousand pounds, but not exceeding one million pounds, a license fee of three hundred dollars ($300.00); 500,000 to 1,000,000 pounds;

(8) Exceeding one million pounds, but not exceeding two million pounds, a license fee of five hundred dollars ($500.00); Between one and two million pounds;

(9) Exceeding two million pounds, but not exceeding five million pounds, a license fee of seven hundred dollars ($700.00); Two to five million pounds;

(10) Exceeding five million pounds, a license fee of eight hundred dollars ($800.00); Exceeding 5,000,000 pounds.

Where a milk dealer is engaged in handling milk in the State of New Jersey, but selling milk only in another State and/or engaged only in manufacturing; he shall not be subject to the foregoing schedule, but shall pay a license fee of twenty-five dollars ($25.00). When $25.00 fee applies.

Processors—every processor shall pay a license fee of two hundred fifty dollars ($250.00). Processor's fee.

Subdealers—every subdealer shall pay a license fee of ten dollars ($10.00) for each route owned or operated at the commencement of the license period. Subdealer's fee.

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 definition of milk in paragraph one of this act shall be used. Intent.

Deposit on application.

Any person applying for a license to engage in the business of a milk dealer or processor 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 a milk dealer or processor, deposit with the board one hundred dollars ($100.00) in cash. 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.

Ascertaining amount chargeable.

Fee to accompany license.

The license fee shall accompany the application for a license; said application shall not be received or acted upon if it is not accompanied by the proper fee. Where a license is applied for and the board declines to grant the license to the applicant, the license fee shall be charged and retained by the board only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license. There shall be no refund in such case where the applicant is a store, subdealer or milk dealer whose fee is not more than twenty-five dollars ($25.00).

Pro rata retention of fee.

Refunding.

Form of application.

30. Forms. The application for license shall be made on a form prepared by the board. The State Board of Milk Control may require an applicant for a license to show that he has secured all other State licenses and such other permits or licenses as may be necessary for said applicant to carry on the milk business in his territory, and upon his failure to do so refuse to issue to said applicant a license.

Records to be kept:

31. Records. The board may require the licensees to keep the following records:

Milk received, location, supplies, prices;

(1) 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.

(2) 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. Sale, grade, containers, prices;

(3) A record of quantities and prices of milk sold. Quantity and selling price;

(4) 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. Quantity manufactured;

(5) A record of wastage or loss of milk or butter fat. Wastage;

(6) A detailed record of the costs incurred in carrying on the business of the licensee. Cost of business;

(7) Such other records and information as the board may deem necessary for the proper enforcement of this act. Other records.

32. Reports by Licensees. 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. Reports by licensee.

33. Producer Co-operative Organizations Permitted. It is the intent of the Legislature that no provisions of this act shall prevent a producer co-operative association or producer 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 producer co-operative association or producer 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 producer co-operative association or producer co-operative corporation shall be Co-operative organizations. Proviso.

exempt from any other orders, rules or regulations promulgated by the board.

Minimum prices set.

34. Price Fixing. The board may ascertain, determine and may fix by investigation and proof, as the emergency permits, the minimum prices to be paid to the producer, the minimum prices to be charged by milk dealers to other milk dealers, processors, subdealers and stores, the minimum prices to be charged by processors to subdealers, the minimum prices to be charged by subdealers to 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 fresh, pure and wholesome milk to the inhabitants of this State.

Grades, fat contents, etc.

The board may 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, processor or subdealer.

Object of grading.

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.

Hearings.

It may, in its discretion, hold a public hearing or hearings in this State and invite producers, consumers, stores, dealers, processors, and public health officials in this State to submit such proofs as they may desire.

No adverse action or understandings.

35. Price Reducing Agreements Forbidden; Exceptions. 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 milk to be paid to producers in this State is reduced or the price

to be paid by dealers, processors, subdealers, stores or 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 a check-off to be paid as association or corporation with consent of producer and approval of the board.

Proviso.

36. Modifying Prices. 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 an official order theretofore made with respect to the price of milk to be paid to producers, by and between milk dealers, processors, subdealers or stores and the price to be paid by consumers.

Changing prices.

37. Milk Produced Outside State. 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.

Status of milk from outside State.

Penalties for violations.

38. Penalties; Seizure and Sale. 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 and become a part of the general fund of the State of New Jersey. Any milk as herein defined which is 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.

Seizure of milk.

Proceeds of sale.

Release of seized milk.

39. Release of Milk Seized or Proceeds Thereof. The board or court may in its or their discretion release the milk as herein defined, or the funds derived from the sale of such milk, 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.

Process issued in suit for violation.

40. Actions: Jurisdiction, Process, Hearing and Determination; Execution. 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 and/or orders and/or rules and/or regulations 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 recovery of such penalty, with costs, 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.

Allegations.

Summary hearing.

Judgment.

Imprisonment.

Serving process.

41. Conviction, Form of. 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 declare an emergency affecting the production, distribution and sale of milk as defined herein; to invoke and exercise the police power of the State to deal with same; to regulate and control the production, distribution and sale of milk as defined herein; to create a State board of milk

control for such purposes; to prescribe the jurisdiction, duties and powers of said board; to require licenses of and establish license fees to be paid by stores, milk dealers, processors and subdealers; and to provide methods for enforcement and penalties for violations," approved....., one thousand nine hundred and thirty-nine, 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.

Signed by judge.

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:

Form of commitment.

"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."

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 of court to sign and seal process.

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 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. 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 sections 2:32–186 to 2:32–201 of Revised Statutes. 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.

Costs.

Docketing judgment.

Adjustment of complaints.

42. Informal Hearing by Representative of Board; Adjustment of Complaints. 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 employee 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.

Injunction to stop violations.

43. Injunction to Restrain Habitual Violations. 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 prac-

tice of bills filed in the name of the Attorney-General on the relation of individuals or departments; and causes 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.

Invalidity of part not to affect whole.

44. Partial Invalidity of Act not to Affect Remainder; Intent and Purpose. 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 producing and marketing industry and to the control generally of milk to be sold to the inhabitants 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.

Intentions.

Disposition of fees.

45. Fees and Penalties Paid to State Treasurer; Appropriation. All funds derived from fees for licenses issued hereunder are hereby appropriated to pay the expenses of the operation of the department, 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.

Application of act.

46. Foreign and Interstate Commerce; Application of Act. No provisions of this act shall apply or be construed to apply to foreign or interstate commerce, except in so far as the same may be effective pursuant to the United States Constitution and to the laws of the United States enacted pursuant thereto.

Former milk law continued.

47. Continuation of Former Laws. It is the intent of the Legislature that this act is a continuation of the State Milk Control Law, chapter eight, Appendix A, of the Revised Statutes, and that all orders, rules and regulations of the board created thereunder 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 eight of Appendix A of the Revised Statutes 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 eight of Appendix A of the Revised Statutes shall be delivered to the new board hereby created.

Legal matters continued.

Records delivered to new board.

Licenses continued.

48. Licenses Continued. Licenses issued by the milk control board under chapter one hundred seventy-five, pamphlet laws of one thousand nine hundred and thirty-five, as supplemented or amended, being chapter eight of Appendix A of Revised Statutes, shall continue in full force and effect until June thirtieth, one thousand nine hundred and thirty-nine.

Duration of act.

49. Expiration Date of Act. This act shall expire on the thirtieth day of June, one thousand nine hundred and forty-one, and all books, papers and records of the New Jersey Milk Control Board hereby created shall be thereafter disposed of as the Board of Agriculture may prescribe.

Act effective.

50. This act shall take effect June first, one thousand nine hundred and thirty-nine.

Approved May 26, 1939.

CHAPTER 83

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-nine, and regulating the disbursement thereof."

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

Deficiency appropriation.

1. The following sum of money is hereby appropriated out of the State fund for the purpose herein specified, and for supplying deficiencies in former appropriations.

ATTORNEY-GENERAL'S DEPARTMENT

Attorneys' fees in prosecuting claims of New Jersey against Pressed Steel Car Co.

To Messrs. Margiotti, Pugliese, Evans & Buckley, attorneys-at-law, Pittsburgh, Pennsylvania, in full for expenses incurred and professional services rendered from September twenty-fifth, one thousand nine hundred and thirty-six to the present time in the United States District Court for the Eastern District of Pennsylvania, the United States Circuit Court of Appeals for the Third Circuit and the Supreme Court of the United States, in prosecuting claims of New Jersey for capital stock taxes and interest thereon for the years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five in case entitled "In the Matter of the Reorganization of

Pressed Steel Car Company of New Jersey, a corporation, Debtor" (No. 18779 in Bankruptcy in District Court of the United States for the Western District of Pennsylvania) $10,000 00

2. This act shall take effect immediately.

Approved May 31, 1939.

CHAPTER 84

AN ACT concerning interstate and port authorities and commissions, and amending sections 32:13A–14 and 32:13A–15 of the Revised Statutes.

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

1. Section 32:13A–14 of the Revised Statutes is amended to read as follows: Section amended.

32:13A–14. At the expiration of forty years from the date of the completion of the tunnel or at any time prior thereto when the cost of the tunnel and interest on bonds issued to meet and pay the cost thereof shall have been paid plus fifteen per centum, the title of the tunnel and its appurtenances shall vest jointly in the State of New Jersey and the Commonwealth of Pennslyvania. When title to tunnel vested in New Jersey and Pennsylvania.

Notwithstanding any of the other provisions of this act or of any act supplemental thereto, the commission may contract with any county in the Commonwealth of Pennsylvania or with any authority or other public corporation organized by such county, each thereof being herein sometimes termed a public authority, to provide for the construction, operation and maintenance of the tunnel by the commission or jointly by the commission and Contract with county for operation and maintenance.

such public authority or by the commission with the approval of such public authority, to the extent provided by such contract. Such contract may also provide for the financing of such tunnel by the issuance of revenue bonds of the commission under the provisions of this act or by such public authority, or by the commission and authority jointly, such bonds to be payable solely from the revenues of such tunnel, and for the pledging of the revenues of such tunnel as security for such bonds, and for the execution of a trust indenture in accordance with the provisions of this act or with the provisions of the laws of the Commonwealth of Pennsylvania in case such bonds shall be issued by such public authority, which trust indenture may among other things express the terms of such pledge and of the pledge of the proceeds of the bonds and may define the rights and remedies of the bondholders and of the trustee. The commission and any such public authority entering into such contract may jointly exercise in Pennsylvania, to the extent permitted by the laws thereof and by such contract, any and all powers with respect to the construction, operation and maintenance of such tunnel conferred upon such public authority by the laws of Pennsylvania, and may jointly exercise in Pennsylvania any and all powers with respect to the acquisition of franchises, permits and other rights and real and personal property, conferred upon such public authority by the laws of Pennsylvania, and any such public authority entering into such contract may exercise in the State of New Jersey, but only jointly with the commission or with the approval of the commission, to the extent provided by such contract, any and all powers with respect to the construction, operation and maintenance of such tunnel and with respect to the acquisition therefor of franchises, permits and other rights and real and personal property, which are conferred upon the commission under the provisions of this act; *provided, however*, that the right of eminent domain may be exercised in the State of New Jersey only by the commission.

Bond issue.

Trust indenture.

Exercising authority in Pennsylvania.

Authority in New Jersey.

Proviso.

Assignment of permit.

In the event that any permit granted under the terms of chapter fifty-five of the laws of one thousand nine hundred and thirty-four or chapter eighteen of Title 48 of the Revised Statutes for the incorporation of tunnel companies shall be assigned to the commission or jointly to the commission and any such public authority, the provisions of said chapter fifty-five of the laws of one thousand nine hundred and thirty-four or chapter eighteen of Title 48 of the Revised Statutes shall not thereafter apply to the commission or to the commission and such public authority.

Fixing tolls.

So long as there shall be no default in the performance of any covenant, condition, agreement or provision contained in such bonds or in the resolution or indenture under which such bonds may be issued, tolls for transit through such tunnel and other charges for the use thereof shall be fixed jointly by the commission and by such public authority in accordance with the provisions of this act or with the provisions of the laws of the Commonwealth of Pennsylvania in case such bonds shall be issued by such public authority. But in the event of any such default and during the continuance thereof, the fixing of such tolls and other charges shall be governed by the provisions of this act or by the provisions of the laws of the Commonwealth of Pennsylvania in case such bonds shall be issued solely by such public authority, and by the provisions of the resolution or the trust indenture under which such bonds may be issued. The commission or such public authority issuing such bonds may pledge such tolls and other charges to the payment of such bonds and the interest thereon subject to provision for payment of the cost of maintaining, repairing and operating such tunnel and the bondholders and the trustee, if any, shall have a first lien on all revenues so pledged in accordance with the terms of the resolution or indenture under which such bonds are issued and such pledge is made and such tolls and other charges shall at all times be so fixed and adjusted as to provide a sinking fund sufficient to pay such bonds and the

In case of default.

Tolls pledged to payment of board.

Operating cost and repairs of tunnel.

Sinking fund.

interest thereon and to provide an additional fund to pay the cost of maintaining, repairing and operating such tunnel, and such tolls may be continued until and only until such bonds and any bonds issued to refund the same, and the interest thereon, and all claims outstanding against the commission or such public authority with respect to such tunnel, shall have been paid, and thereupon such tunnel and its appurtenances shall vest jointly in the Commonwealth of Pennsylvania and the State of New Jersey.

Joint vestment.

Tax free.

Any such tunnel and all property acquired or used for the purposes thereof in the State of New Jersey and the revenues thereof shall at all times be free from taxation within the State of New Jersey.

Section amended.

2. Section 32:13A–15 of the Revised Statutes is amended to read as follows:

Bondholder may enforce rights.

32:13A–15. Any holder of any of such bonds, or any of the coupons attached thereto, and the trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this chapter, or by such resolution or trust indenture, to be performed by the county or by the commission, or any officer thereof, including the fixing, charging, and collecting of tolls for the use of the tunnel.

Rights and remedies deemed additional.

The rights and remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of the bonds, or by any trust indenture securing such bonds. If the bonds shall not be secured by a trust indenture, the holder or holders of twenty-five per centum or more in principal amount of such bonds

Trustee for bondholder.

at the time outstanding may by instrument or instruments filed in the office of the county recording offices of Gloucester county, and proved or acknowledged in the same manner as a deed to be recorded, appoint a trustee to represent the holders of such bonds. If such appointed trustee, if any, or the trustee under any trust indenture securing the bonds or if either such trustee shall fail or refuse to take action to enforce any of the remedies provided for herein or in such resolution or such trust indenture, after written request by the holder or holders of fifteen per centum or more in the principal amount of such bonds at the time outstanding and after tender of reasonable security or indemnification to such trustee, any holder of any such bonds may, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, as the case may be, by suit, action, mandamus, or other proceeding, either at law or in equity, protect and enforce any and all rights granted herein or in such resolution or trust indenture, as the case may be, and may enforce and compel performance of all duties required by this act, or by such resolution or trust indenture to be performed by the county or by the commission, or by any officer thereof, including the fixing, charging and collecting of tolls for the use of the tunnel. In the event that the county or the commission shall default in the payment of the principal or the interest on any of the bonds as the same may become due, whether at maturity or upon call for redemption or in the event that the county or the commission or the officers, agents or employees of the county or of the commission shall fail or refuse to comply with the provisions of this act or shall default in the performance of any covenant, condition, agreement or provision contained in the bonds or in the resolution or trust indenture or in the event that the commission shall contract with a public authority in Pennsylvania relating to the construction, operation or maintenance of the

Enforcement of rights.

In case of default.

New Jersey State Library

tunnel as hereinabove provided and either the commission or such public authority shall default in the performance of any covenant, condition, agreement or provision contained in such contract, the trustee appointed as hereinabove provided for by the holders of the bonds not secured by a trust indenture, or the trustee under the trust indenture, if any, or, if either such trustee shall fail or refuse to take action to enforce any of the remedies provided for herein or in such resolution or such trust indenture after written request by the holder or holders of twenty-five per centum or more of principal amount of such bonds at the time outstanding and after tender of reasonable security or indemnification to such trustee, any holder of any such bonds shall, subject to the provisions of such resolution or trust indenture, have the right to apply in any appropriate judicial proceedings to any court of competent jurisdiction for an appointment of a receiver of the tunnel, whether or not the bonds or any of them have been declared due and payable and whether or not such holder or trustee is seeking to enforce any other right or to exercise any remedy in connection with such bonds. Upon such application the court may appoint a receiver of the tunnel. The receiver so appointed shall have and be entitled to exercise all the rights and powers of the commission or such public authority with respect to the tunnel and shall have and be entitled to exercise all the appropriate rights and powers of a receiver in equity, including, but without limitation, the right and power forthwith, directly or by its agents and attorneys to enter into and upon and take possession of the tunnel and its facilities and each and every part thereof and to have, hold, use, operate, manage and control the tunnel and its facilities and each and every part thereof and receive, collect and disperse the residue thereof in the name of the commission or otherwise as the receiver may deem best.

Right of bondholder to apply for judicial proceedings.

Receiver.

Rights and powers.

Operation of tunnel.

Surrender of tunnel when default remedied.

Whenever all default shall have been remedied, the court may in its discretion, and after such

notice and hearing as it deems reasonable and proper, direct the receiver to surrender possession of the tunnel to the parties entitled thereto. The same rights to secure the appointment of a receiver shall exist upon any subsequent default as hereinabove provided.

Power of receiver limited.

Notwithstanding anything in this section to the contrary, such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character constituting the tunnel or any part thereof or necessary for use in connection therewith, but the authority of any such receiver shall be limited to the operation and maintenance of the tunnel and no court shall have jurisdiction to enter any order or decree requiring or permitting such receiver to sell, mortgage or otherwise dispose of any such assets.

3. This act shall take effect immediately.

Approved May 31, 1939.

CHAPTER 85

AN ACT concerning the practice of pharmacy, and amending sections 45:14–7, 45:14–33 and 45:14–34 of the Revised Statutes.

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

Section amended.

1. Section 45:14–7 of the Revised Statutes is hereby amended to read as follows:

Requirement for applying to become pharmacist.

45:14–7. Every applicant for registration as a pharmacist under this chapter shall be not less than twenty-one years of age, shall be a citizen of the United States, or shall have declared his intention to become such citizen, shall be of good moral character, and not a chronic or persistent inebriate, and not addicted to the use of any narcotic drug,

Experience.

shall have had not less than four years' practical experience obtained in accordance with the rules and regulations of the board 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 for such purpose, at least one year of which experience must have been had in a pharmacy in the United States within five years of the date of the application for registration, but 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, shall have been duly graduated from a pharmacy course given in a school of pharmacy complying with the rules and regulations of the board, and shall present to the board a certificate from the commissioner of education showing that the applicant, before entering the school of pharmacy, had obtained an education equivalent to the standard established by the board. The requirement of this section relating to the certificate of preliminary education shall not 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. Each applicant shall, before examination, pay to the secretary of the board a fee of twenty-five dollars, and upon passing an examination satisfactory to the board shall receive from the board a certificate of registration to practice pharmacy in the State. The board is hereby authorized to conduct written examinations in the theoretical subjects for applicants for registration, at any time after applicants have been graduated from a college of pharmacy meeting the requirements of the board. No candidate shall be examined in practical pharmacy and laboratory work until he has met all the requirements for registration provided in the law and rules of the board, including one year of practical experience served under the supervision

Fee.

Examination.

Requirements must be met.

of a registered pharmacist, subsequent to graduation from an approved college of pharmacy, in a pharmacy approved by the board for such purpose. 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.

Section amended.

2. Section 45:14–33 of the Revised Statutes is hereby amended to read as follows:

Permit for drug store.

45:14–33. Upon application made on a form prescribed and furnished by the board, and upon payment of a fee of fifty dollars, the board shall issue a permit to conduct a new pharmacy or drug store to such persons as it shall deem qualified to conduct such business. The permit so issued shall be exposed in a conspicuous place in the pharmacy or drug store for which it was issued and shall not be transferable and shall expire the thirtieth of June following the date on which the permit is issued. Whenever the application to conduct a pharmacy or drug store pertains to an establishment for which a permit has already been issued by the board and such pharmacy or drug store is in active operation under an unsuspended or unrevoked permit, the application shall be made on a form prescribed and furnished by the board and shall be accompanied by a fee of twenty-five dollars, and the board shall issue a permit transferring authority to conduct such pharmacy or drug store to the person making application if he shall be deemed qualified to conduct such business. The permit so issued shall be exposed in a conspicuous place in the pharmacy or drug store for which it was issued and shall not be transferable and shall expire on the thirtieth of June following the date of issuance of the permit. No permit shall be issued unless it appears to the satisfaction of the board that the management of the pharmacy or drug store is in personal and continuous charge of a pharmacist registered in accordance with the laws of this State.

Fee.

Permit displayed.

Continuing business.

Fee.

Permit displayed.

Section amended.

3. Section 45:14–34 of the Revised Statutes is hereby amended to read as follows:

Renewal of registration.

45:14–34. On or before July first of each year the owner or manager of any pharmacy or drug store engaged in business in this State shall renew such registration and obtain a permit from the board and pay the annual fee of six dollars. At the time of such annual or original registration such owner or manager shall furnish to the board a complete list of those who are engaged in such business as registered pharmacists, registered assistant pharmacists and apprentices, and this list shall be furnished with each original and annual registration. The application for such a permit or license shall indicate the name of the owner, manager, trustee, lessee, receiver or other person or persons desiring such permit, as well as the location of such pharmacy or drug store, including street and number and such other information as the board may request. If it is desired to operate, manage, open or establish more than one pharmacy or drug store, separate application shall be made and a separate permit or license shall be issued for each such pharmacy or drug store. If an application is found satisfactory the secretary of the board shall issue to the applicant a permit or license for each pharmacy or drug store for which an application is made. Permits or licenses so issued shall not be transferable and shall expire on June thirtieth of each year.

Fee.

Assistants.

Details of application.

Each place separate.

Expiration.

4. This act shall take effect immediately.

Approved June 6, 1939.

CHAPTER 86

AN ACT relating to the public schools of this State, and amending sections 18:14–10 and 18:14–12 of the Revised Statutes.

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

1. Section 18:14–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

18:14–10. Any board of education having the power to provide for the transportation of school children in its district to and from school may enter into a contract for such transportation for a term not exceeding four years; *providing,* such contract shall be approved by the county superintendent of schools. Contract for transporting school children. Proviso.

2. Section 18:14–12 of the Revised Statutes is hereby amended to read as follows: Section amended.

18:14–12. At the time and place fixed in such advertisement for such submission of proposals the board of education, or any committee thereof authorized so to do, or any officer or employee of such board designated therefor, shall receive such proposals and immediately proceed to unseal the same and publicly announce the contents in the presence of the parties bidding or their agents, if such parties choose to be then and there present. Such board shall have the right to reject any and all bids. No proposals shall be opened previous to the hour designated in the advertisement and none shall be received thereafter. Receiving and opening proposals.

The State Board of Education shall prescribe the amount of liability insurance to be carried by the contractor or bus driver as well as other rules and regulations applicable to pupil transportation. Liability insurance.

Nothing contained in this section or section 18:14–11 of this Title shall apply to school buses owned by boards of education, nor to annual exten- Exceptions.

sions of a contract secured through competitive bidding when such annual extensions are desired by the board of education; *provided,* that the annual contractual amount is not increased, and each annual extension is approved by the county superintendent of schools. Not more than four annual extensions of any contract shall be made.

Proviso.

Extensions.

Approved June 12, 1939.

CHAPTER 87

AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

Preamble.

WHEREAS, Many alcoholic beverage manufacturers and wholesalers have been granting discounts, rebates, allowances, free goods and other inducements to selected retailers; these practices have contributed largely to destructive price wars which have unduly increased the consumption of alcoholic beverages; they are deemed detrimental to the proper operation of the liquor industry and contrary to the interests of temperance; the sale of alcoholic beverages is unusually susceptible to abuse with resulting danger to the general public and should be strictly supervised and regulated to prevent undue stimulation of public demand for alcoholic beverages; therefore,

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

Retail price uniform.

1. It shall be unlawful for any manufacturer, wholesaler, or other person privileged to sell to retailers to discriminate in price, directly or indirectly, between different retailers purchasing alcoholic beverages other than malt beverages bearing the same brand or trade name and of like age and quality.

No discount or favors.

2. It shall be unlawful for any manufacturer, wholesaler, or other person privileged to sell to retailers to grant, directly or indirectly, to any retailer purchasing alcoholic beverages other than malt beverages, any discount, rebate, free goods, allowance or other inducement over and above any discount, rebate, free goods, allowance or other inducement available to any other retailer purchasing from him alcoholic beverages bearing the same brand or trade name and of like age, quality and quantity.

Not participate in unlawful transactions.

3. It shall be unlawful for any manufacturer, wholesaler, retailer and for any of their stockholders, officers, directors and employees, to participate, directly or indirectly, in any transactions which are declared unlawful by the preceding paragraphs of this act.

Penalty.

4. Violation of this act shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment of not more than thirty (30) days or by both such fine and imprisonment in the discretion of the court.

Rules regulating industry.

5. The State Commissioner of Alcoholic Beverage Control is hereby vested with power to promulgate such rules and regulations on the following subjects as will assist in properly supervising the liquor industry and promoting temperance:

Subjects considered.

(a) maximum discounts, rebates, free goods, allowances and other inducements to retailers by manufacturers, wholesalers and other persons privileged to sell to retailers; (b) gifts and deliveries of money, products and other things of value by manufacturers, wholesalers, other persons privileged to sell to retailers, their stockholders, officers, directors and employees, to retailers, their stockholders, directors, officers and employees; (c) maintenance and publication of invoice prices, discounts, rebates, free goods, allowances and other inducements; and (d) such other matters as may be necessary to fulfill the restrictions embodied in this act.

6. This act shall take effect immediately.

Approved June 12, 1939.

CHAPTER 88

AN ACT relating to the collection of certain delinquent municipal liens.

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

This act extended to tax delinquents by municipal resolution.

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-nine, 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-nine, 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 not exceeding five years as may be contracted between the taxpayer and such financial officer of the municipality as shall be designated in said resolution for the making of contracts under this act; and the same shall be payable in monthly or quarterly installments as may be contracted between the taxpayer and said financial officer; such installment payments to commence August first, one thousand nine hundred and thirty-nine, with interest on the several unpaid balances at the rate fixed by the governing body which shall not exceed eight per centum (8%) per annum, from January first, one thousand nine hundred and thirty-nine payable on the same quarterly dates.

Total.

Period of contract.

How payable.

Interest rate.

Certified resolution filed with county clerk.

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.

Arriving at total arrears.

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 of which the totals were computed, but interest on the entire unpaid balances shall be included.

Apportioning arrears.

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 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 in accordance with the provisions contained in sections 54:7–1 to 54:7–9, inclusive, of the Revised Statutes on at least five days' notice to all persons interested therein.

Payments by installments.

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-nine and all subsequent taxes, assessments or other liens imposed or becoming a lien after January first, one thousand nine hundred and thirty-nine, including all installments thereafter payable on assessments theretofore levied, and also the prompt payment of all installments of arrears as hereinbefore authorized.

Lien suspended during extension of time.

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 becomes 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 of all subsequent taxes, assessments and other liens shall likewise be made promptly when due.

Limitation.

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-nine 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-nine, and before the date of actual payment of said first half of nineteen hundred and thirty-nine taxes.

Failure to pay promptly to reinstate liens.

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.

Payment extended 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-nine; total present balance of extended arrears is $..... with interest on the unpaid balance."

Extended arrears deemed violation.

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.

Crediting installments.

11. Any installment 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 canceled or marked paid of record as if this act had not been passed. Full payments required.

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. Arrears not basis of security.

13. Nothing herein shall be construed to relieve the holders of any outstanding certificate of tax sale from the requirement that all arrears of municipal charges must be paid as a condition of foreclosure of such certificate. Arrears of charges in foreclosure.

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

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 lienholder who made the first payment thereof; and said lienholder shall be entitled to receive from the collecting officer the amount of such payment with such additional interest as may be collected from the owner or any other prior party in interest; and all further rights of such lienholder under such payment shall immediately cease. Holder of lien of mortgage may pay installment. Notice of receipt of payment. Lienholder's rights.

16. The collecting officer of any municipality acting under the provisions hereof shall make up and Records kept by collecting officer.

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-nine and shall keep the records of payments hereunder, all in such form as shall be prescribed by the Commissioner of Local Government.

When extension or suspension not to apply.

17. The extension of time for payment and the suspension of the lien of existing arrearages herein authorized shall not apply to any parcel of property which has heretofore been included in any plan heretofore adopted by any municipality of this State under and pursuant to the provisions of any public statute of this State whereunder prior extensions for the payment of delinquent taxes were heretofore duly authorized.

18. This act shall take effect immediately.

Approved June 12, 1939.

CHAPTER 89

AN ACT concerning education, and amending section 18:6–72.1 of the Revised Statutes.

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

Section amended.

1. Section 18:6–72.1 of the Revised Statutes is hereby amended to read as follows:

Procedure applicable.

18:6–72.1. In making the appropriation, borrowing the moneys or authorizing the bonds provided for in sections 18:6–59 to 18:6–72 of this Title it shall not be necessary for the governing body of any municipality to comply with any procedure other than that applicable to such municipality and proceedings contained in this Title and in chapter forty-nine of Title 40, Municipalities and Counties (secs. 40:1–1 et seq.), except that this section shall not be construed to make unnecessary any pro-

Exception.

cedure required by chapter twenty-seven of the Title State Government Departments and Officers (secs. 52:27–1 et seq.), relating to the Municipal Finance Commission. Any bonds authorized pursuant to said sections 18:6–59 to 18:6–72 may be sold and delivered in the manner or mode of procedure prescribed by chapter one of the Title Municipalities and Counties (secs. 40:1–1 et seq.). Sale of bonds.

2. This act shall take effect immediately.

Approved June 12, 1939.

CHAPTER 90

AN ACT to validate bonds of municipalities heretofore authorized and the proceedings authorizing or purporting to authorize the same.

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

1. All bonds authorized by any municipality for the purpose of paying or refunding any bonds or other indebtedness of a former municipality which included or was included in any territory of said municipality and all proceedings authorizing or purporting to authorize the said bonds are hereby ratified, confirmed and validated, notwithstanding that any other municipality may be obligated to pay all or a portion of said bonds or other indebtedness of said former municipality and notwithstanding any defect, omission or irregularity in the apportionment between said municipality and any other municipalities of liability for the payment of said bonds or other indebtedness of said former municipality or in said proceedings or the ordinance authorizing or purporting to authorize the issuance of said bonds; *provided,* that said bonds bear interest at a rate or rates not exceeding six per centum (6%) per annum and have been or shall Validating bond issue by municipalities notwithstanding irregularities. Proviso.

be sold and delivered at a price of not less than par and accrued interest in accordance with the provisions of the Revised Statutes governing the sale and delivery of the same.

2. This act shall take effect immediately.

Approved June 12, 1939.

CHAPTER 91

AN ACT to create a Commission on Statutes and to define its powers and duties, and to repeal an act entitled "An act to create a law revision committee and to define its powers and duties," approved March thirteenth, one thousand nine hundred and twenty-five.

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

Commission on statutes created.

1. A Commission on Statutes is hereby created which shall consist of one member of the Senate to be appointed each year by the President thereof,

Membership.

one member of the General Assembly to be appointed each year by the Speaker thereof, and three commissioners who shall be counsellors-at-law of at least ten years standing. The first commissioners, except those appointed by the President of the Senate and the Speaker of the House of Assembly, shall be appointed by the Governor with the advice and consent of the Senate, one for a term of six years, one for a term of four years and one for a term of two years, all from the date when this act shall become effective. The terms of the members appointed by the President of the Senate and the Speaker of the General Assembly shall continue from the date of their respective appointments until the second Tuesday in January following. Upon the termination of the term of each of

Terms.

the three commissioners first appointed by the Governor, his successor shall be appointed by the Governor with the advice and consent of the Senate for a term of six years and subsequent appointments shall be made in the same manner and for the same terms. The terms of the three commissioners first appointed by the Governor and of their successors shall continue until their respective successors are appointed and shall qualify. Vacancies occurring otherwise than by expiration of term shall be filled in the same manner as those occurring by expiration of term, but for the unexpired terms only.

Vacancies.

Any officer or employee of this State or of any bureau or commission thereof, or of any county or municipality of this State shall be eligible to appointment as a member of said commission and his acceptance of such appointment and service upon said commission shall not in any manner affect his holding of such office, position or employment, or cause the vacation thereof notwithstanding the provisions of any statute to the contrary.

Eligibility.

2. The members of the commission shall receive no compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

Expenses met.

3. The members of the commission shall annually elect one member thereof as chairman.

Chairman.

4. It shall be the duty of the commission:

Duties:

(a) To suggest to the Legislature, from time to time, such revisions of the legislation contained in the Revised Statutes, and of the legislation, from time to time, enacted subsequent to the enactment of the Revised Statutes, as may be necessary to maintain the general and permanent statute law of this State in revised, consolidated and simplified form under the general plan and classification of the Revised Statutes, and as may be necessary and desirable for the purpose of reconciling conflicting provisions, excising overlapping provisions and confusing and redundant expressions, and generally simplifying the statute law of this State:

Suggestions;

Examination of laws and decisions for defects;

(b) To examine the common and statutory law of this State and the judicial decisions, for the purpose of discovering defects in the law, and to receive and consider suggestions from judges, public officials, lawyers and the public generally for the modification of the statute law; to consider

Proposed changes;

proposed changes in the law which may, from time to time, be recommended by the American Law Institute, the Commissioners for the Promotion of Uniformity of Legislation in the United States, any Bar Association or other learned body, and to recommend to the Legislature, from time to time, such changes in the statute law as may be deemed necessary or desirable to remedy any such defects, to accomplish such proposed changes or to bring the law of this State, civil and criminal, and the administration thereof, into harmony with modern conceptions and conditions;

Bureau of examination and editing legislative measures;

(c) To maintain a bureau for the examination and editing of legislative bills introduced in the Senate and General Assembly, from time to time, so as to assure their compliance with the form and general classification of the Revised Statutes wherever possible, and to perform such other duties during the sessions of the Legislature as the Legislature may, from time to time, designate, and to furnish information to the various State departments in matters concerning the statutes, when so requested;

Preservation of certain records.

(d) To preserve the records of the Commission on Revision and Consolidation of the Public Statutes appointed pursuant to chapter seventy-three of the laws of one thousand nine hundred and twenty-five, or such parts thereof as in the judgment of the commission will be of permanent value.

Reporting to Legislature.

5. The commission shall report to the Legislature once each year, and at such other times as it may deem advisable, and may accompany its report with proposed bills designed to carry out any of its recommendations.

Counsel and assistants.

6. The commission may appoint counsel and such employees as may be needed, prescribe their duties and fix their compensation.

7. The act entitled "An act to create a law revision committee and to define its powers and duties," approved March thirteenth, one thousand nine hundred and twenty-five, is hereby repealed. Act repealed.

8. There is hereby appropriated from the general funds the sum of twenty-five thousand dollars ($25,000.00), or as much thereof as may be necessary, to carry out the purposes of this act. Appropriation.

9. This act shall take effect immediately.

Approved June 12, 1939.

CHAPTER 92

AN ACT concerning free public schools, and making appropriations therefor.

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

1. There is hereby appropriated for the support of free public schools the sum of one million, nine hundred ninety-seven thousand, nine hundred ninety-nine dollars and seventy-seven cents ($1,997,999.77), out of the general funds of this State. The sum hereby appropriated shall be transferred by the State Treasurer to the reserve fund of the State school tax, and when so transferred the sum of money hereby appropriated shall be paid out of the treasury of this State, on the warrant of the Commissioner of Education, in order that all school districts of the State shall receive from State apportionments for the school year one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine the quotas prescribed to be paid by the provisions of sections 18:10–22, 18:10–23, 18:10–24, 18:10–25, 18:10–40, 18:10–41 and 18:10–42 of the Revised Statutes, and an amount equivalent to three cents for each day of school attendance. Appropriation for schools. Method to be pursued.

2. This act shall take effect immediately.

Approved June 14, 1939.

CHAPTER 93

AN ACT concerning tax sale certificate, and amending section 54:5–46 of the Revised Statutes.

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

Section amended.

1. Section 54:5–46 of the Revised Statutes is amended to read as follows:

Certificate of sale delivered to purchaser.

54:5–46. The officer holding the sale or his successor in office, if said officer shall not have executed a certificate during his term of office, shall deliver to the purchaser a certificate of sale under his hand and seal, acknowledged by him as a conveyance of land, which shall set forth that the property therein described was sold by him to the purchaser, setting up the date of sale, the amount paid by the purchaser, the description of the land, the name of the owner and the items of the several municipal liens or charges, interest and costs, all as contained in the list, the rate of redemption for which sold, the date to which liens are included, and the time when the right to redeem will expire. No other statements need be included in the certificate. The provisions of this act shall be applicable to pending as well as prospective proceedings.

Details.

Application of act.

Validating certificates of tax sales.

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 but has failed within time to execute to the said municipality certificates of tax sale for such parcels of real property, the said certificates of tax sale shall thereafter be executed by the officer holding such sale or his successor in office which certificates shall be valid and effectual in all respects, notwithstanding that the equity of redemption of such tax sale certificates shall have been

foreclosed or are in the process thereof; *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 June 14, 1939.

CHAPTER 94

AN ACT concerning unemployment compensation, and amending sections 43:21–3, 43:21–5, 43:21–9, 43:21–11, 43:21–12, 43:21–13, 43:21–19 and 43:21–21 of the Revised Statutes.

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

1. Section 43:21–3 of the Revised Statutes is amended to read as follows: Section amended.

43:21–3. (a) Payment of benefits. Twenty-five months after the date when contributions first accrue under this act, benefits shall become payable from the fund; *provided,* that remuneration for services excepted by section nineteen (i) (7) (J) of this act, irrespective of when performed, shall not be included for purposes of determining eligibility under section four or full-time weekly wage under subsection (c) of this section for the purpose of any benefit year commencing on or after July first, one thousand nine hundred and thirty-nine, nor shall any benefits with respect to unemployment occurring on and after July first, one thousand nine hundred and thirty-nine, be payable under subsection (d) of this section on the basis of such remuneration. All benefits shall be paid through employment offices, or such other agencies as may be designated in accordance with such regulations as may be prescribed hereunder. When benefits begin. Proviso. Payment of benefits.

Weekly benefits.

(b) Weekly benefit amount for total unemployment. Each eligible individual who is totally unemployed, (as defined in subsection (m) of section 43:21–19 of this Title) in any week shall be paid with respect to such week, benefits (if not a multiple of twenty cents ($0.20), to be computed to the next highest multiple thereof) at the rate of fifty per centum (50%) of his full-time weekly wages but not more than fifteen dollars ($15.00) per week, nor less than five dollars ($5.00) per week (except as to final payment).

Full weekly wage.

(c) Determination of full-time weekly wage. The full-time weekly wage of any individual means one-thirteenth of his total wages in that calendar quarter in which said total wages were highest during his base year.

Total payments.

(d) Maximum total benefits. The maximum total amount of benefits payable to any eligible individual during any benefit year shall be either one-sixth of his total wages during his base year or sixteen times his weekly benefit amount, whichever is the lesser.

Section amended:

2. Section 43:21–5 of the Revised Statutes is amended to read as follows:

Disqualifications;

43:21–5. An individual shall be disqualified for benefits:

Left work;

(a) For the week in which he has left work voluntarily without good cause, and for the three weeks which immediately follow such week (in addition to the waiting period), as determined in each case.

Discharged;

(b) For the week in which he has been discharged for misconduct connected with his work, and for the three weeks which immediately follow such week (in addition to the waiting period), as determined in each case.

Applied for work;

(c) If it is found that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the executive director or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the

executive director. Such disqualification shall continue for the week in which such failure occurred and for the three weeks which immediately follow such week (in addition to the waiting period), as determined: Continuance of disqualification;

(1) In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence. Suitability;

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization. Acceptance of work;

(d) For any week with respect to which it is found that his total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; *provided,* that this subsection shall not apply if it is shown to the satisfaction of the board of review that: Labor troubles; Proviso.

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and Not participating;

Membership.

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; *provided,* that if in any case in which (1) or (2) above applies separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

Proviso.

Receiving pay;

(e) For any week with respect to which he is receiving or has received remuneration in the form of:

Pay in lieu of notice;

(1) Remuneration in lieu of notice;

Partial disability;

(2) Compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States; or

Old-age benefits.

(3) Old age benefits under Title II of the social security act, as amended, or similar payments under any act of Congress; *provided,* that if such remuneration is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

Proviso.

Part week.

(f) For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; *provided,* that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

Proviso.

3. Section 43:21–9 of the Revised Statutes is amended to read as follows: Section amended.

43:21–9. (a) Establishment and control. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an unemployment compensation fund, which shall be administered by the commission exclusively for the purposes of the chapter. This fund shall consist of (1) all contributions collected under this chapter, together with any interest thereon collected pursuant to subsection (a) of section 43:21–14 of this Title; (2) all fines and penalties collected pursuant to the provisions of this chapter; (3) interest earned upon any moneys in the fund; (4) any property or securities acquired through the use of moneys belonging to the fund; and (5) all earnings of such property or securities. All moneys in the fund shall be mingled and undivided. Unemployment compensation fund. How composed. Moneys fundable.

(b) Accounts and deposit. The treasurer of the State of New Jersey shall be ex-officio the treasurer and custodian of the fund and shall administer such fund in accordance with the directions of the commission and shall issue his warrants upon it in accordance with such regulations as the commission shall prescribe. He shall maintain within the fund three separate accounts: (1) A clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commission, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to subsection (g) of section 43:21–14 of this Title may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commission. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to section nine hundred four of the social security act, as amended, any pro- Custodian of fund. Three accounts kept. Deposits. Refunds. Moneys in clearing account deposited in U. S. treasury.

visions of law in this State relating to the deposit, administration, release or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. Moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the commission and in a form prescribed by law or approved by the Attorney-General. Premiums for said bond shall be paid from the administration fund.

Benefit account.

Treasurer's bond.

(c) Withdrawals. Moneys shall be requisitioned from this State's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commission. The commission shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the executive director or his duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the

Withdrawals of moneys by commission.

Payment of benefits.

Warrants authorized.

Disposition of balance.

benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commission, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the unemployment trust fund, as provided in subsection (b) of this section.

Management after discontinuance.

(d) Management of funds upon discontinuance of unemployment trust fund. The provisions of subsections (a), (b) and (c) to the extent that they relate to the unemployment trust fund shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this State a separate book account of all funds deposited therein by this State for benefit purposes, together with this State's proportionate share of the earnings of such unemployment trust fund, from which no other State is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein, belonging to the unemployment compensation fund of this State shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit and release such moneys, properties or securities in a manner approved by the commission, in accordance with the provisions of this chapter; *provided,* that such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest-bearing obligations of the United States of America and of the State of New Jersey; *and provided, further,* that such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties be-

Transference of fund.

Proviso; Investments.

Proviso.

Order to dispose of securities

longing to the unemployment compensation fund only under the direction of the commission.

Transference authorized.

(e) Notwithstanding any requirements of the foregoing subsections of this section, the commission shall, prior to whichever is the later of (i) thirty days after the close of this session of the Legislature, and (ii) July first, one thousand nine hundred and thirty-nine, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in the Unemployment Trust Fund, established and maintained pursuant to section 904 of the Social Security Act as amended, to the Railroad Unemployment Insurance Account, established and maintained pursuant to section 10 of the Railroad Unemployment Insurance Act, an amount hereinafter referred to as the preliminary amount; and shall, prior to whichever is the later of (i) thirty days after the close of this session of the Legislature, and (ii) January first, one thousand nine hundred and forty, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in said Unemployment Trust Fund to said Railroad Unemployment Insurance account an additional amount, hereinafter referred to as the liquidating amount. The Social Security Board shall determine both such amounts after consultation with the commission and the Railroad Retirement Board. The preliminary amount shall consist of that proportion of the balance in the unemployment compensation fund as of June thirtieth, one thousand nine hundred and thirty-nine, as the total amount of contributions collected from "employers" and "employees" (as the terms "employer" and "employee" are defined in sections one-(a) and one-(d) respectively of the Railroad Unemployment Insurance Act) and credited to the unemployment compensation fund bears to all contributions theretofore collected under this chapter and credited to the unemployment compensation fund. The liquidating amount shall consist of the total amount of contributions collected from "employers" and "employees" (as the terms "employer"

Determination by social security board.

Amounts.

and "employee" are defined in sections one-(a) and one-(d) respectively of the Railroad Unemployment Insurance Act) pursuant to the provisions of this chapter during the period July first, one thousand nine hundred and thirty-nine, to December thirty-first, one thousand nine hundred and thirty-nine, inclusive.

4. Section 43:21–11 of the Revised Statutes is amended to read as follows: Section amended.

43:21–11. (a) Duties and powers of the commission. It shall be the duty of the commission to determine all matters of policy; and it shall have power and authority to adopt, amend, or rescind such rules and regulations, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end or to administer this chapter; *provided,* that the commission may delegate such power and authority to the executive director subject to their ultimate supervision and control. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the commission shall prescribe. The commission shall determine its own organization and methods of procedure in accordance with the provisions of this chapter, and shall have an official seal which shall be judicially noticed. Not later than the first day of February of each year, the commission shall submit to the Governor a report covering the administration and operation of this chapter during preceding calendar year and shall make such recommendations for amendments to this chapter as the commission deems proper. Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the com-

Policy.

Proviso.

Effectiveness.

Organization.

Seal.

Report to Governor.

Balance sheet.

Reserve fund.

Change in rates.

mission believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the Governor and the Legislature, and make recommendations with respect thereto. The commission shall make a study of the problem of paying partial benefits for partial unemployment.

Partial benefits.

General and special rates.

(b) Regulations and general and special rules. General and special rules may be adopted, amended, or rescinded by the commission. General rules shall become effective ten days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this State. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended or rescinded by the commission and shall become effective in the manner and at the time prescribed by the commission.

When effective.

Special rules.

Regulations.

Printing and distribution of publications.

(c) Publication. The commission shall cause to be printed for distribution to the public the text of this chapter, the commission's regulations and general rules, its annual reports to the Governor, and any other material the commission deems relevant and suitable and shall furnish the same to any person upon application therefor.

Attorneys, experts, etc.

(d) Personnel. Subject to other provisions of this chapter, the commission is authorized to appoint, subject to the provisions of Title 11, Civil Service, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis from lists of eligible persons prepared by the Civil Service Commission, subject to the provisions of Title 11, Civil Service. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so

Civil service requirements.

No political appointees.

Appointments.

appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter, and may in its discretion bond any person handling moneys or signing checks hereunder. Bonding.

(e) Advisory councils. The commission shall appoint a State advisory council of six members and local advisory councils of four members each, composed in each case of an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment or affiliations, and of such members representing the general public as the commission may designate. Such councils shall aid the commission in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. Such advisory councils shall serve without compensation, but shall be reimbursed for any necessary expenses. Advisory councils. Duties. Expenses met.

(f) Employment stabilization. The commission, with the advice and aid of its advisory councils, and through its appropriate divisions, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the re-employment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies. Steps to reduce unemployment. Assist in training. Study sundry problems. Re-employment. Publish results.

(g) Records and reports. Each employing unit shall keep true and accurate employment records, containing such information as may be prescribed. Such records shall be open to inspection and be subject to being copied by the commission or its Records.

authorized representatives at any reasonable time.

Sworn reports. The executive director may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which is deemed necessary for the effective administration of this

Secrecy. chapter. Information thus obtained shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the employing unit's identity, but any claimant at a hearing before an appeal tribunal, the commission or the board of review, shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any

Penalties for violations. employee or member of the commission who violates any provision of this section shall be liable to a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00), to be recovered in an action at law in the name of the commission, said fine when recovered to be paid to the unemployment compensation fund for the use of said fund.

Oaths and witnesses. (h) Oaths and witnesses. In the discharge of the duties imposed by this chapter the chairman of an appeal tribunal and any duly authorized representative or member of the commission, the executive director or any deputy director thereof or member of the board of review shall have power to administer oaths, take depositions, certify to official acts, and issue subpœnas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of this chapter.

Witnesses compelled to obey subpœnas. (i) Subpœnas. In case of contumacy by, or refusal to obey a subpœna issued to any person, any court of this State within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commission or its

duly authorized representative, or the board of review, shall have jurisdiction to issue to such person an order requiring such person to appear before the board of review or a member thereof, a commissioner, the commission, the executive director, or his duly authorized representative, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if it is in his power so to do, in obedience to a subpœna of the commission or of the board of review shall be punished by a fine of not more than two hundred dollars ($200.00) or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

Penalty for refusal.

(j) Protection against self-incrimination. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commission or the board of review or in obedience to the subpœna of a member of the commission or the executive director thereof, the board of review or a member thereof, or any duly authorized representative of the commission in any cause or proceeding before the commission, the board of review or a member thereof, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that

Self-incrimination.

Protection for witnesses.

such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Co-operation with social security board.

(k) State-Federal co-operation. In the administration of this chapter, the commission shall cooperate to the fullest extent consistent with the provisions of this chapter, with the Social Security Board, created by the Social Security Act, approved August fourteenth, one thousand nine hundred and thirty-five, as amended; shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this chapter.

Reports.

Compliance with regulations.

Information supplied.

Upon request therefor the executive director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter.

Records available to railroad retirement board.

The commission may make the State's records relating to the administration of this chapter available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such board, such copies thereof as the Railroad Retirement Board deems necessary for its purposes.

Co-operation.

The commission may afford reasonable co-operation with every agency of the United States charged with the administration of any unemployment insurance law.

5. Section 43:21–12 of the Revised Statutes is amended to read as follows: Section amended.

43:21–12. (a) State employment service. The employment bureau of the New Jersey Department of Labor and its present personnel, including those employed by the New Jersey national re-employment service, is hereby transferred to the commission as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system, and for other purposes," approved June sixth, one thousand nine hundred and thirty-three (48 Stat. 113; U. S. C. Title 29, sec. 49 (c)), as amended. The said division shall be administered by a full-time salaried director, who shall be charged with the duty, subject to the supervision of the commission and the executive director, to co-operate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section four of said act, and this State will observe and comply with the requirements thereof. The New Jersey State Employment Service Division is hereby designated and constituted the agency of this State for the purpose of said act. The executive director, with the approval of the commission, is empowered to appoint, subject to the provisions of Title 11, Civil Service, the director, other officers, and employees, subject to the provisions aforesaid, of the New Jersey State Employment Service on a nonpartisan

Employment bureau of labor department transferred to unemployment commission.

Duties.

Administration.

Co-operation with federal authorities.

Acts of Congress accepted.

Substituted bureau accepted.

Director, assistants, employees.

merit basis from lists of eligible persons prepared by the Civil Service Commission and in accordance with regulations prescribed by the director of the United States Employment Service; *provided, however,* that present employees having civil service status shall retain full rights as provided in Title 11, Civil Service. The commission may cooperate with or enter into agreements with the Railroad Retirement Board with respect to the establishment, maintenance, and use of free employment service facilities.

Proviso.

Use of fees.

(b) Financing. All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the New Jersey State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, commission is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this State, or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

Aid to public employment.

Section amended.

6. Section 43:21–13 of the Revised Statutes is amended to read as follows:

Administration fund.

43:21–13. (a) Special fund. There is hereby created in the State treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the commission. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this chapter, and for no other purpose whatsoever. The fund shall consist of all moneys appropriated by

Availability.

Moneys used solely to carry out act.

How fund composed.

this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board, the Railroad Retirement Board, and the United States Employment Service, or from any other source, for such purpose, except that moneys received from the Railroad Retirement Board as compensation for services or facilities supplied to said board shall be paid into this fund or the employment service account thereof, on the same basis as expenditures are made for such services or facilities from such fund and account. All moneys in this fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State treasury. Any balances in this fund shall not lapse at any time, but shall be continuously available to the commission for expenditure consistent with this chapter. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commission and in a form prescribed by law or approved by the Attorney-General. The premiums for such bond and the premiums for the bond given by the treasurer of the unemployment compensation fund under section 43:21–9 of this Title shall be paid from the moneys in the unemployment compensation administration fund.

Operation of fund.

Fund continuous.

State treasurer to give additional bond.

Premiums on bonds paid as expenses.

(b) Employment service account. A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 43:21–12 of this Title and for the purpose of co-operating with the United States Employment Service. There is hereby appropriated to this account the balance of any sum previously appropriated to the employment service, and such additional sum as to equal sixty-five thousand dollars ($65,000.00) for the remainder of the fiscal year

Special account for offices and services.

Appropriation.

Budgeting.

ending June thirtieth, one thousand nine hundred and thirty-seven. The Governor shall fix and determine and state in his annual budget message a sum sufficient to pay the estimated amount of the State's net share of the cost of the employment service as provided in this chapter. The Legislature shall include the amount so determined and stated in the annual appropriation bill. In addition, there shall be paid into such account the moneys designated in subsection (b) of section 43:21–12 of this Title, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

Legislative appropriation.

Section amended.

6A. Section 43:21–19 of the Revised Statutes is amended to read as follows:

Definitions:

43:21–19. As used in this chapter, unless the context clearly requires otherwise:

Annual payroll;

(a) (1) "Annual payroll" means the total amount of wages payable by an employer (regardless of the time of payment) for employment during a calendar year.

Average payroll;

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher.

Benefits;

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter, with respect to his unemployment.

Base year;

(c) The term "base year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

Benefit year;

(d) "Benefit year" with respect to any individual means the fifty-two consecutive week periods beginning with the first day of the first week with respect to which benefits are first payable to him, and thereafter, the fifty-two consecutive week periods beginning with the first day of the first week with respect to which benefits are next payable to him after the termination of his last preceding benefit year.

(e) "Commission" means the Unemployment Compensation Commission established by section 43:21–10 of this Title, and for purposes of this chapter any transaction or exercise of authority by the executive director shall be deemed to be performed by the commission. Commission;

(f) "Contributions" means the money payments to the State unemployment compensation fund required by this chapter. Contributions;

(g) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January first, one thousand nine hundred and thirty-six, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any employment which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of subsection (c) of section 43:21–8 of this Title or subsection (h) of this section, the employing unit shall for all the purposes of this chapter be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such employment; except that each such contractor or subcontractor who is an employer by reason of subsection (c) of section 43:21–8 of this Title or subsection (h) of this section, shall alone be liable for the contributions measured by wages payable to individuals in his Employing unit; Single unit. Employees under contractor. Contractor's liability.

employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of subsection (c) of section 43:21–8 of this Title or subsection (h) of this section, may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee; *provided,* the employing unit had actual or constructive knowledge of the work.

Individual employment.

Proviso.

Employer:

(h) "Employer" means:

Eight persons in twenty weeks.

(1) Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment, eight or more individuals (irrespective of whether the same individuals are or were employed in each such day);

Unit taking another.

(2) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter;

Taking over another business.

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection.

Treated as single unit.

(4) Any employing unit which together with one or more other employing units, is owned or controlled (by legally enforcible means or

otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforcible means or otherwise), and which, if treated as a single unit with such other employing unit or interests, would be an employer under paragraph (1) of this subsection;

Continuing employer.

(5) Any employing unit which, having become an employer under paragraph (1), (2), (3) or (4), has not, under section 43:21–8 of this Title, ceased to be an employer subject to this chapter; or

Other units.

(6) For the effective period of its election pursuant to subsection (c) of section 43:21–8 of this Title any other employing unit which has elected to become fully subject to this chapter.

Employment:

(i) (1) "Employment" means service, including service in interstate commerce performed for remuneration or under any contract of hire, written or oral, expressed or implied.

Entire service;

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this State if:

Service in State;

(A) The service is localized in this State; or

Varied service;

(B) The service is not localized in any State but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any State in which some part of the service is performed, but the individual's residence is in this State.

Relative to other States or U. S.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter if contributions are not required and paid

with respect to such services under an unemployment compensation law of any other State or of the Federal Government.

If worker a resident.

(4) Services not covered under paragraph (2) of this subsection, and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other State or of the Federal Government, shall be deemed to be employment subject to this chapter if the individual performing such services is a resident of this State and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this chapter; *provided,* written objections on the part of a substantial proportion of such individuals affected are not presented to the commission within ten days following the filing of such election.

Proviso.

Service localized:

(5) Service shall be deemed to be localized within a State if

In State;

(A) the service is performed entirely within such State; or

In and out State;

(B) the service is performed both within and without such State, but the service performed without such State is incidental to the individual's service within the State, for example, is temporary or transitory in nature or consists of isolated transactions.

Remuneration deemed employment;

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the commission that

Freedom from control;

(A) such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and

Outside employment;

(B) such service is either outside the usual course of the business for which such service

is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) such individual is customarily engaged in an independently established trade, occupation, profession or business. Independent business.

(7) The term "employment" shall not include: Exceptions:

(A) Agricultural labor; Farming;

(B) Domestic service in a private home; Servants;

(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States; Mariners;

(D) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother; Family service; Child labor;

(E) Service performed in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions; Political service in State;

(F) Service performed in the employ of any other State or its political subdivisions, or of the United States Government, or of an instrumentality of any other State or States or their political subdivisions or of the United States; Outside State;

(G) Services performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, hospital, benevolent, philanthropic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; Charitable, educational, etc.;

(H) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or Beneficial;

for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident or other benefits to the members of such society, order, or association, or their dependents;

Building and loan associations;

(I) Services performed as an officer or other employee of any building and loan association of this State, except where such services constitute the principal employment of the individual; services performed as an officer or other employee of any building and loan association where such association is a member of the Federal Home Loan Bank System; services performed as an officer or other employee of any bank which is a member of the Federal Reserve System;

Railroad unemployment insurance.

(J) Service, performed after June thirtieth, one thousand nine hundred and thirty-nine, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act (52 Stat. 1094).

Employment office:

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State controlled system of public employment offices.

Fund:

(k) "Fund" means the unemployment compensation fund established by this chapter, to which all contributions required and from which all benefits provided under this chapter shall be paid.

State:

(l) "State" includes, in addition to the States of the United States of America, Alaska, Hawaii, and the District of Columbia.

Total unemployment:

(m) "Total unemployment period."

No pay or services rendered;

(1) An individual shall be deemed "totally unemployed" in any week with respect to which no remuneration is payable to him and during which he performs no services (other than odd jobs or subsidiary work for which no remuneration as used in this section is payable to him).

(2) As used in this subsection, the term "remuneration" shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of three dollars ($3.00) in any one week. Remuneration;

(3) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commission may by regulation otherwise prescribe. Week of unemployment.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter, from which administrative expenses under this chapter shall be paid. Unemployment fund.

(o) "Wages" means remuneration payable by employers for employment. Wages.

(p) "Remuneration" means all compensation payable for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash. Remuneration.

(q) "Week" means such period or periods of seven consecutive calendar days ending at midnight, as the commission may by regulation prescribe. Week.

(r) "Calendar quarter" means the period of three consecutive calendar months ending on March thirty-first; June thirtieth, September thirtieth, or December thirty-first, excluding, however, any calendar quarter or portion thereof which occurs prior to January first, one thousand nine hundred and thirty-seven, or the equivalent thereof as the commission may by regulation prescribe. Calendar quarter.

(s) "Weekly benefit amount." An individual's "weekly benefit amount" means the amount of benefits he would be entitled to receive for one week of total unemployment and an individual's weekly benefit amount as determined for the first week of his benefit year shall constitute his weekly benefit amount throughout such benefit year. Weekly benefit amount.

Section amended.

7. Section 43:21–21 of the Revised Statutes is amended to read as follows:

Reciprocal benefit relations.

43:21–21. (a) The commission is hereby authorized to enter into arrangements with the appropriate agencies of other States or the Federal Government whereby potential rights to benefits accumulated under the unemployment compensation laws of several States or under such a law of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

Arrangements as basis of benefits.

(b) The commission is also authorized to enter into arrangements with the appropriate agencies of other States or of the Federal Government (1) whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another State or of the Federal Government, shall be deemed to be wages for employment by employers for the purposes of this chapter; *provided*, such other State agency or agency of the Federal Government has agreed to reimburse the fund for such portion of benefits paid under this chapter, upon the basis of such wages or services as the commission finds will be fair and reasonable as to all affected interests; and (2) whereby the commission will reimburse other State or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of any such other States or of the Federal Government upon the basis of employment or wages for employment by employers, as the commission finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purposes of this chapter, but no reimbursement so payable shall be charged against any employer's account for the purposes of section 43:21–7 of this chapter. The commission is hereby authorized to

Proviso.

Reimbursing agencies.

Other reimbursements.

make to other State or Federal agencies and receive from such other State or Federal agencies reimbursements from or to the fund, in accordance with arrangements pursuant to this section.

8. This act shall take effect immediately.

Approved June 14, 1939.

CHAPTER 95

AN ACT concerning the militia of the State, amending sections 38:3–3, 38:3–4, 38:3–12, 38:3–23, 38:3–30, 38:3–36, 38:12–8 and 38:13–1 of the Revised Statutes, and supplementing chapter three of Title 38 of the Revised Statutes.

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

1. Section 38:3–3 of the Revised Statutes is amended to read as follows: Section amended.

38:3–3. Organization. The National Guard, except the State staff, departments and detachment, to the extent authorized by applicable Federal tables of organization, shall be organized and maintained as one or more divisions. Those units of the National Guard, except the State staff, departments and detachment, which by such tables of organization shall not be included within the divisions, shall be attached thereto for administration, training and discipline. Organization of national guard.

2. Section 38:3–4 of the Revised Statutes is amended to read as follows: Section amended.

38:3–4. Headquarters. The commanding general shall establish and maintain a headquarters. There shall be assigned from the active National Guard, for duty with said headquarters, such officer and enlisted personnel as the commanding general shall deem necessary. Headquarters.

Section amended.

3. Section 38:3–12 of the Revised Statutes is amended to read as follows:

Election of officers.

38:3–12. Election of officers. Brigade commanders shall be elected by the field officers of their respective brigades. Field officers of regiments, separate battalions and squadrons shall be elected by the commissioned officers of their respective regiments, separate battalions and squadrons. Officers of companies or similar units shall be elected by the members of their respective companies or units. Whenever by applicable Federal tables of organization certain unit or organization commanders are constituted staff officers, such officers shall be appointed by the officer upon whose staff they serve. In case the electors of field or company officers shall refuse or neglect to make such elections, the Governor shall have the power to appoint such officers and fill all vacancies caused by such refusal or neglect.

Vacancies.

Section amended.

4. Section 38:3–23 of the Revised Statutes is amended to read as follows:

Retirement of officers.

38:3–23. Retirement; detail to active duty. Any commissioned or warrant officer who shall have reached the age of sixty-four years, or whose Federal recognition shall have been withdrawn by reason of disability, shall be retired by the Governor. Any commissioned or warrant officer who shall have served for at least ten years in the military or naval forces of this State, either as a commissioned officer or as a warrant officer, or as both, upon application to the Governor, may be relieved from active service and retired.

Detailed officers.

Proviso.

The Governor may detail retired officers to active duty, if they consent thereto; *provided,* that officers retired for age or disability shall not be detailed to command troops. In time of war or imminent danger thereof retired officers may be detailed by the Governor to perform any military duty assigned by him.

5. Section 38:3–30 of the Revised Statutes is amended to read as follows: Section amended.

38:3–30. Eligibility for enlistment; re-enlistment. Except as otherwise provided in regulations, any able-bodied male person, between the ages of eighteen and forty-five years, who is a citizen of the United States, may be enlisted in the National Guard. Any such person may be re-enlisted notwithstanding he is over forty-five years of age; *provided,* he is less than sixty-four years of age. Eligibility and re-enlistment requirements. Proviso.

6. Section 38:3–36 of the Revised Statutes is amended to read as follows: Section amended.

38:3–36. Pay for enlisted men. Each enlisted man ordered to duty by the Governor shall be paid, in addition to allowances for rations in money or kind, at the following daily rate, according to his grade: noncommissioned officers of the first grade, four dollars and twenty cents; second grade, two dollars and eighty cents; third grade, two dollars and forty cents; fourth and fifth grades, one dollar and eighty cents; privates of the sixth and seventh grades, one dollar and fifty cents; band musicians, horseshoers and cooks, four dollars. The pay and allowances of enlisted men shall be paid by the State to the extent that the payment thereof shall not be provided for out of Federal funds. Enlisted men shall not receive pay under this section when ordered for duty for inspection, drill, parade or review. Enlisted men ordered for duty, but not at the time serving with troops, shall receive in addition to their pay their actual traveling expenses and subsistence. Pay of enlisted men.

7. Section 38:12–8 of the Revised Statutes is amended to read as follows: Section amended.

38:12–8. Eligibility for disability and retirement privileges. Officers and enlisted men serving the State in a permanent duty status shall be eligible for the disability and retirement privileges and benefits available to all other employees of the State; *provided, however,* that such officers and Retirement of enlisted men. Proviso.

enlisted men who served in the military or naval forces of the United States or of this State during the Spanish-American War, and who, in addition thereto, have served not less than forty years in the military or naval forces of this State, upon retirement for age or disability, shall be paid retirement pay by the State at the rate paid by the government of the United States to retired officers and enlisted men of the regular army of the United States, with the same rank or grade, and length of service. Payments under this section shall be made semi-monthly by the State Treasurer out of the general State fund.

Retirement pay.

Section amended.

8. Section 38:13–1 of the Revised Statutes is amended to read as follows:

Right of way by troops.

38:13–1. Right-of-way while performing military or naval duty; interference; misdemeanor. The commanding officer of any organization of the active militia while parading or performing any military or naval duty in any street or highway may require all persons on such street or highway to yield the right of way to such troops. Motor vehicles traveling in columns, which are or have been engaged in transporting troops in military convoy, shall be accorded the right of way on all streets and highways of this State.

Exceptions.

The exercise of the rights of way provided for in this section shall not interfere with the carriage of the United States mail, nor with the operation of hospital ambulances, or police or fire apparatus.

Interfering with military a misdemeanor.

Any person, other than those engaged in the carriage of the United States mail, or in the operation of a hospital ambulance, or police or fire apparatus, who shall hinder, delay, obstruct or interfere with any portion of the military or naval forces when parading or performing any military or naval duty, or with any vehicles traveling in columns, which are or have been engaged in transporting troops in military convoy, or who shall attempt to do so, shall be guilty of a misdemeanor.

Supplementary section.

9. Chapter three of Title 38 of the Revised Statutes is supplemented by adding the following section:

Retirement for age or by application.

Any enlisted man who shall have reached the age of sixty-four years shall be retired by the Governor. Any enlisted man who shall have served in the military or naval forces of this State for a period of twenty years, upon application to the Governor, may be relieved of active duty and retired.

Detail by Governor. Proviso.

The Governor may detail retired enlisted men to active duty, if they consent thereto; *provided,* that in time of war or imminent danger thereof, retired enlisted men may be detailed by the Governor to perform any military duty assigned by him.

10. This act shall take effect immediately.

Approved June 21, 1939.

CHAPTER 96

AN ACT validating proceedings authorizing the issuance of school bonds by school districts.

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

Certain proceedings validated.

1. All proceedings heretofore authorizing the issuance of bonds by school districts are hereby validated, ratified, approved and confirmed, notwithstanding the fact that the proceedings failed to disclose where in the school district a proposed new school building is to be erected; *provided,* said school building is erected on land already owned by the school district, and that the proceedings, in all other respects, are correct.

Proviso.

2. This act shall take effect immediately.

Approved June 22, 1939.

CHAPTER 97

AN ACT making appropriations from the State Highway fund for the maintenance and operation of the State Highway and other related departments, pursuant to the provisions of chapter one hundred and ninety-three of the laws of one thousand nine hundred and thirty-three.

ANTICIPATED REVENUES OF THE STATE HIGHWAY FUND

Anticipated revenues.

Tax on motor fuels	$23,000,000 00
Motor vehicle fees, fines, et cetera	19,500,000 00
Motor vehicle inspection fees	940,000 00
Bus excise tax	85,000 00
Federal aid	1,321,000 00
Miscellaneous revenue	400,000 00
Total revenues	$45,246,000 00
Deficit January 1, 1939	5,964,509 64
Available for Expenditure	$39,281,490 36

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

Appropriations from highway fund for various purposes.

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.

DEBT SERVICE

Debt service.

Mandatory Dedications:		
1930 *Bond Act*		
Principal requirement of highway improvement bonds .	$650,000 00	
Interest, highway improvement bonds ..	1,397,787 50	
Principal requirement of institution construction bonds ...	180,000 00	
Interest, institution construction bonds.	347,600 00	
Principal requirement of emergency relief bonds	3,125,000 00	
Interest, emergency relief bonds	351,562 50	
Principal requirement of educational aid bonds	1,000,000 00	
Interest, educational aid bonds	142,500 00	
Total debt service on 1930 bond act		$7,194,450 00
Interest on $70,000,000.00 issue:		
Interest on road bonds	$971,250 00	
Interest on bridge bonds	255,000 00	
Interest on roads, bridges and viaducts bonds	1,225,000 00	
		$2,451,250 00
Total debt service		$9,645,700 00

Construction and Maintenance of Roads and Bridges

Mandatory Dedications:

State aid.

State Aid to Counties and Municipalities

Construction, reconstruction, maintenance, et cetera, of county roads	$6,000,000 00
Construction, grading, maintenance, et cetera, of village and township roads	2,625,000 00
Expenditures pursuant to chapter 178, laws of 1930, as amended	735,000 00
Expenditures pursuant to chapter 255, laws of 1929, as amended	210,000 00
Total State aid to counties and municipalities	$9,570,000 00
Total Mandatory Deductions	$19,215,700 00

State Highway Commissioner

Allowance to Highway Commissioner.

Appropriation:

Administration, engineering, inspection and administration costs of rights-of-way	$2,050,000 00
Construction of State highway system, purchase of rights-of-way, construction of roads, bridges and grade crossings pursuant to section 52:22–20 of the Revised Statutes:	

Federal aid and State matched moneys:

Federal and State aid combined.

Route	Location	County	Mileage	Federal Aid (Matched Money)
4	Gordon's Cor. to Browntown	Mon. & Midd.	5.0	$500,000.00
6	Cobb's Cor. to Denville (Dualization)	Morris	3.0	650,000.00
29	Mountainside to Newark (Dualization)	Union & Essex	7.5	852,000.00
S41	Palmyra to Route 38 (Dualization)	Burl. to Cam.	5.5	640,000.00

2,642,000 00

State's share of W. P. A. projects.

State's share of Works Progress Administration projects	3,300,000 00	
Purchase of plant and equipment	200,000 00	
State, county and municipal highway lighting, traffic signals and operation of bridges	1,335,000 00	
Maintenance of State highway system	3,200,000 00	
Institutional roads and approaches	400,000 00	

Total amount appropriated .. $16,144,288 68

Motor Vehicle Department

Motor Vehicle Department.

Appropriations:		
Salaries:		
Commissioner	$10,000 00	
Compensation for inspectors, clerks and other employees	448,821 00	
		$458,821 00

Materials and Supplies:		
Stationery and office supplies	$29,000 00	
Metal and materials for markers	160,000 00	
Vehicular transportation supplies	49,000 00	
Purchase of typewriters (agents) ..	7,600 00	
Office equipment replacement	2,000 00	
Replacement of automobiles	21,500 00	
		269,100 00
Services Other Than Personal:		
Freight and express .	$1,250 00	
Other miscellaneous expenses	2,500 00	
Telephone and telegraph	7,000 00	
Printing laws	2,500 00	
Bonds of commissioner, deputy commissioner and office employees	450 00	
Traveling expenses ..	2,000 00	
Subscriptions	200 00	
Postage	20,750 00	
Garage rent	5,900 00	
Auto insurance	3,600 00	
Witness fees	3,000 00	
		49,150 00
Additions and Improvements:		
Filing cabinets		2,000 00
		$779,071 00

Financial Responsibility Division

Salaries:		
Supervisor	$3,060 00	
Compensation for assistants	37,740 00	
		$40,800 00
Materials and Supplies:		
Stationery and office supplies		1,000 00
Services Other Than Personal:		
Postage		1,800 00
		$43,600 00

Bureau of Safety Education

Salaries	$4,500 00
Services other than personal	12,000 00
	$16,500 00

Bill of Sale Division

Salaries:		
Supervisor	$3,060 00	
Compensation for assistants	46,940 00	
		$50,000 00
Materials and Supplies:		
Stationery and office supplies	$9,000 00	
Office equipment	1,000 00	
		10,000 00
Services Other Than Personal:		
Postage	$4,250 00	
Other miscellaneous expenses	400 00	
Telephone and telegraph	1,800 00	
		6,450 00
		$66,450 00

Bureau of Traffic Control and Regulation

Salaries:		
Compensation for assistants		$20,200 00
Materials and Supplies:		
Stationery and office supplies		300 00
Services Other Than Personal:		
Postage	$250 00	
Other miscellaneous expenses	200 00	
Telephone and telegraph	200 00	
Rental of office appliances	1,140 00	
		1,790 00
		$22,290 00

Bus Excise Tax Division

Salaries:		
Compensation for assistants		$11,520 00
Materials and Supplies:		
Stationery and office supplies		350 00
Services Other Than Personal:		
Postage	$225 00	
Other miscellaneous expenses	50 00	
		275 00
		$12,145 00

Motor Vehicle Testing Division

Salaries:	
Other employees	$499,899 00

Materials and Supplies:		
Lighting, power and water service	$8,000 00	
Vehicular transportation supplies	1,000 00	
Stationery and office supplies	2,500 00	
Station and central office replacements..	2,000 00	
Inspection machinery and equipment	2,000 00	
		15,500 00
Current repairs		2,000 00
Services Other Than Personal:		
Telephone and telegraph	$1,800 00	
Rent of buildings	106,330 00	
Insurance (other than fire)	1,000 00	
Printing	31,000 00	
Postage	16,000 00	
Addressing postal notices	10,000 00	
		166,130 00
		$683,529 00

MOTOR VEHICLE DEPARTMENT

Total, Motor Vehicle Department administration	$779,071 00
Total, Financial Responsibility Division	43,600 00
Total, Bureau of Safety Education	16,500 00
Total, Bill of Sale Division	66,450 00
Total, Bureau of Traffic Control and Regulation	22,290 00

Total, Bus Excise Tax Division	12,145 00	
Total, Motor Vehicle Testing Division	683,529 00	
Total amount appropriated ...		$1,623,585 00

STATE TAX DEPARTMENT

MOTOR FUELS TAX DIVISION

State Tax Department.

Salaries:		
Director	$6,000 00	
Compensation for assistants	165,220 00	
		$171,220 00
Materials and Supplies:		
Stationery and office supplies	$1,500 00	
Retail dealers' license plates	1,750 00	
Vehicular transportation supplies	9,750 00	
Office equipment replacement	400 00	
Replacement of motor vehicles	4,000 00	
		17,400 00
Services Other Than Personal:		
Postage and expressage	$4,000 00	
Other miscellaneous expenses	300 00	
Traveling expenses ..	5,000 00	
Printing	1,400 00	
Patrol boat crew expenses	1,400 00	

Maintenance of patrol boat	3,500 00	
Rent	7,860 00	
Insurance (other than fire)	1,335 00	
Rental of tabulating machines	3,000 00	
Telephone and telegraph	1,200 00	
		28,995 00

Unclassified:

The Comptroller of the Treasury is hereby authorized and empowered to pay any refund of motor fuel taxes, upon proper approval pursuant to chapter 319, laws of 1935, and the State Treasurer is directed to pay warrants issued therefor by the Comptroller.

$217,615 00

BOARD OF COMMERCE AND NAVIGATION

Allowance to Board of Commerce and Navigation.

Mandatory Dedication:		
Expenditure for construction, reconstruction, maintenance and improvement of inland waterways	$135,000 00	
Expenditure for bulkheading Manasquan canal	50,000 00	
Dredging inland waterway	65,000 00	
		$250,000 00

DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Allowance to Delaware River Joint Toll Bridge Commission.

Appropriation:

Maintenance of free bridges now or to become State property, including improvements $81,220 82

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.

Department of State Police

State police.

There is hereby appropriated for transfer to the General State Fund, being 50% of the amount appropriated in the State Fund Appropriation Act for the fiscal year ending June 30, 1940, for the operation and maintenance of the Department of State Police, the sum of $582,710 00

State Employees' Retirement System

Employees' Retirement System.

Contribution applicable to State Highway System Fund $130,830 00

Total mandatory dedications and appropriations $35,228,660 82

Fiscal year.

2. The appropriations herein made other than those to the State Highway Commissioner are for the fiscal year ending December thirty-first, one thousand nine hundred and thirty-nine, and the appropriations herein made for debt service and to the State Highway Commissioner shall not lapse by reason of the expiration of said fiscal year. The appropriations herein made other than those for debt service and to the State Highway Commissioner shall be available for expenditure during the fiscal year ending December thirty-first, one thousand nine hundred and thirty-nine, and for a period of two months thereafter to pay obligations incurred during said fiscal year only. Nothing in this section or in this act contained shall be construed to prohibit the payment due upon any contract made under an appropriation of the previous year or years.

When available.

Payments.

Allocation of Federal funds.

3. 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.

Act retroactive.

4. This act shall take effect immediately and shall be retroactive as of January first, one thousand nine hundred and thirty-nine, 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.

Approved June 22, 1939.

CHAPTER 98

AN ACT concerning propaganda inciting race, color or religious hatred, and supplementing chapter one hundred fifty-seven-B of Title 2 of the Revised Statutes.

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

Wearing uniform.

1. Wearing of uniforms; prohibited.

Wearing foreign uniform unlawful.

a. It shall be unlawful for any person to appear in any public place or in the public view attired in any uniform similar to that worn by the military, semi-military, naval, police, storm troop or other official or semi-official forces of any foreign State, nation or government, or attired in any distinctive part or parts of such uniform, or to assemble in any place with other persons similarly attired.

Not use uniform of foreign associations.

b. It shall be unlawful for any person to appear in any public place or in the public view attired in the uniform or wearing the distinctive garment of any association of persons of whatsoever nature or form which engages in, adopts or imitates the drill formations, salutes or other methods or practices or the symbols of any foreign military semi-military, naval, police, storm troop or similar foreign organization, or to assemble in any place with other persons similarly attired.

Assemblages prohibited.

c. It shall be unlawful for the proprietor, manager or keeper of a public hall, public garden, theatre or any other place of public meeting, resort or amusement to permit therein any assemblage of persons attired as prohibited in this section.

Presumption of violation.

d. In any prosecution hereunder, there shall be presumption that the wearing of the uni-

form of a foreign State, nation or government, or of any of its official or semi-official forces, constitutes a violation of this section.

Exceptions.

This section shall not apply to the officers or members of the diplomatic, military, semi-military, naval, police or other official or semi-official forces of any foreign State, nation or government lawfully within the State of New Jersey, nor to any student of any school or academy recognized by the Board of Regents of the State of New Jersey, nor to the members of the cast of any stage or motion picture production characterizing the officials of a foreign State, nation or government, or the officers or members of any of the organizations specified in subdivision a of this section; nor to any duly recognized organization of American ex-service men and women.

Penalties.

2. Any person violating any provision of this chapter 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 imprisonment for not exceeding three years, nor less than ninety days, or both.

3. This act shall take effect immediately.

Approved June 26, 1939.

CHAPTER 99

AN ACT concerning the State employees' retirement system, and amending section 43:14–35 of the Revised Statutes.

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

Section amended.

1. Section 43:14–35 of the Revised Statutes is amended to read as follows:

43:14–35. Retirement from service shall be as follows:

Retiring from State service.

a. A member who shall have reached sixty years of age may retire from service by filing with the board of trustees a written statement, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. The board of trustees shall retire him at the time specified or at such other time within thirty days after the date so specified as the board finds advisable.

Special provision.

Any member who for a period of more than twenty years was in the service of the State and eligible for retirement under the provisions of this chapter, whose application for retirement from service was duly filed with the board of trustees, during the year nineteen hundred and thirty-eight, but who died before the expiration of the time so specified for his said retirement, shall be deemed to have been retired as of the date of his said application, and payment hereunder shall be made to the person or persons nominated by his written designation to receive the benefits provided by this chapter. Such payments shall be made at the rate of eighteen hundred dollars ($1,800.00) per annum in semimonthly installments.

Rate of payments.

Retirement at seventy years.

b. A member who shall have reached seventy years of age shall be retired by the board for serv-

ice forthwith, or at such time within ninety days thereafter as it deems advisable, except that an employee reaching seventy years of age may be continued in service from time to time upon written notice to the Comptroller by the head of the department where the employee is employed. Continuance.

2. This act shall take effect immediately.

Filed June 27, 1939.

CHAPTER 100

AN ACT concerning fishing licenses in certain cases, and amending section 23:3–4 of the Revised Statutes.

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

1. Section 23:3–4 of the Revised Statutes is amended to read as follows: Section amended.

23:3–4. The licenses issued under this article shall be as follows:

a. A license issued to citizens of the United States above fourteen years of age, who are actual and bona fide residents of this State at the time of the application for the license and who have been actual and bona fide residents of the State for at least one year immediately prior thereto. These licenses shall be of three kinds and designated as the residents' hunting and fishing license, the residents' hunting license and the residents' fishing license. The residents' hunting and fishing license shall authorize its holder to hunt and fish, and a fee of three dollars and an issuance fee of ten cents shall be charged therefor. The residents' hunting license shall authorize its holder to hunt only, and a fee of two dollars and an issuance fee of ten cents

Residential licenses.

Three kinds of licenses.

Hunting and fishing license fee.

Hunting license fee.

Fishing license fee.

shall be charged therefor. The residents' fishing license shall authorize its holder to fish only, and a fee of two dollars and an issuance fee of ten cents shall be charged therefor. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto hereunder. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Board of Fish and Game Commissioners shall be entitled to a residents' fishing license without fee or charge.

Licensing the blind.

Nonresidents' license.

b. A license issued to a person above fourteen years of age, not entitled to a residents' license, authorizing him to hunt and fish. This license shall be designated as the nonresidents' and aliens' hunting and fishing license. The fee for this license shall be ten dollars, and an issuance fee of fifty cents.

Fee.

Fishing license only.

c. A license issued to a person above fourteen years of age not entitled to a residents' license, authorizing him to fish only. This license shall be designated as the nonresidents' and aliens' fishing license. The fee for this license shall be five dollars, together with an issuance fee of fifty cents.

Fee.

Period of use.

Every nonresidents' fishing license issued hereunder shall be valid and operative only on those days of the week in the open season for angling in this State, as a fishing license issued to residents in this State by the State of residence of the applicant for the New Jersey nonresidents' fishing license shall be valid and operative.

Expiration of license.

Every license issued hereunder shall be void after December thirty-first next succeeding its issuance.

2. This act shall take effect immediately.

Approved June 27, 1939.

CHAPTER 101

AN ACT concerning the legal assistants to the Attorney-General.

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

Assistants to Attorney-General in classified list.

1. All legal assistants of the Attorney-General, save the first assistant Attorney-General, now or hereafter in office or position, shall be placed by the Civil Service Commission in the exempt class of the civil service law and thereafter shall not be subject to removal except for cause and then only in accordance with the civil service law; *provided, however,* that nothing in this act contained shall be construed to apply to special counsel appointed pursuant to the provisions of section 52:17–9 of the Revised Statutes.

Proviso.

2. This act shall take effect immediately.

Approved June 27, 1939.

CHAPTER 102

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 forty, and regulating the disbursement thereof.

ANTICIPATED REVENUES OF THE GENERAL STATE FUND FOR THE FISCAL YEAR 1939-40

Estimated deficit.

Estimated deficit, July 1, 1939	$2,400,000 00

Revenues

Anticipated revenues.

Transfer inheritance taxes	$7,700,000 00
Main Stem R. R. taxes	11,150,000 00
Miscellaneous corporation taxes ..	3,351,000 00
Foreign corporations	437,000 00
Beverage taxes	8,800,000 00
Beverage licenses	555,000 00
Foreign insurance corporation tax.	2,300,000 00
Fertilizer inspection fees, et cetera.	54,000 00
Department of Banking and Insurance	1,000,000 00
Secretary of State	375,000 00
Clerk in Chancery	480,000 00
Clerk of the Supreme Court	128,000 00
Interest on deposits	40,000 00
Real Estate Commission	94,000 00
Department of State Police	1,700 00
State Board of Beauty Culture Control	68,000 00
Board of Barber Examiners	38,000 00
Commissions	50,000 00
Judicial fees	25,000 00
Board of Commerce and Navigation	10,600 00
Shell fisheries	40,000 00

Department of Labor	65,000 00
Dividends	20,000 00
Athletic Commissioner	60,000 00
State Department of Local Government	74,000 00
Department of Health	60,000 00
Tenement House Supervision	10,700 00
Board of Fish and Game Commissioners	366,000 00
Department of Conservation and Development	42,100 00
State Tax Department, Public Utility Division	17,065 00
Department of Weights and Measures	74,000 00
Health Officers, Port of Perth Amboy	500 00
State Board of Tax Appeals	500 00
Academic Certificate Fund	17,000 00
Manual Training and Industrial School for Colored Youth	67,500 00
School for the Deaf	1,500 00
State Teachers College, Glassboro:	
Extension course fees	14,740 00
Tuition fees	45,000 00
State Teachers College, Jersey City:	
Extension course fees	2,000 00
Tuition fees	33,500 00
State Teachers College, Newark:	
Extension course fees	31,000 00
Tuition fees	50,500 00
State Teachers College, Paterson:	
Extension course fees	10,000 00
Tuition fees	30,000 00
State Teachers College, Montclair:	
Extension course fees	40,000 00
Tuition fees	71,700 00
Boarding hall fees	60,000 00

State Teachers College, Trenton:	
Extension course fees	11,000 00
Tuition fees	74,800 00
Boarding hall fees	115,000 00
State Board of Examiners	15,200 00
Agricultural Experiment Station	67,000 00
Department of Agriculture	7,000 00
State Employees' Retirement System	6,400 00
Rehabilitation Commission	8,000 00
Colony for Feeble-Minded Males, New Lisbon	145,000 00
Colony for Feeble-Minded Males, Woodbine	113,000 00
Commission for the Blind	4,750 00
Home for Disabled Soldiers, Menlo Park	7,000 00
Home for Disabled Soldiers, Vineland	12,150 00
North Jersey Training School, Totowa	116,000 00
Reformatory, Annandale	2,000 00
Reformatory, Rahway	500 00
Sanatorium for Tuberculous Diseases	125,000 00
State Home for Boys	3,000 00
State Home for Girls	700 00
State Hospital, Greystone Park	975,000 00
State Board of Children's Guardians	116,115 00
State Hospital, Marlboro	362,000 00
State Hospital, Trenton	600,000 00
State Prison	500 00
Village for Epileptics	255,000 00
Vineland State School	215,000 00
Miscellaneous Sources	135,000 00
Total revenues	$41,453,720 00

Transfers

Commerce and Navigation, from School Fund	$95,713 76	Transfers.
State Water Policy Commission, from Water Supply Fund	42,855 00	
Rehabilitation Commission, from Federal Aid	62,482 00	
Total transfers	$201,050 76	
Total anticipated in the State Fund	$39,254,770 76	

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 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 forty, and shall be available for expenditure during said fiscal year, and for a period of two months thereafter to pay obligations incurred during said fiscal year only. At the expiration of said two months' period all unexpended balances, unless specifically held by contracts on file with the 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. Annual appropriations. Balances to lapse.

A. Executive and Administrative
A 1. Attorney-General's Department

Attorney-General's office.

Salaries:		
Attorney-General	$7,000 00	
Assistant Attorney-General	4,000 00	
Second Assistant Attorney-General	9,000 00	
Assistant Attorney-General	5,000 00	
Assistant Attorney-General	6,000 00	
Assistant Attorney-General	6,000 00	
Assistant Attorney-General	6,000 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	2,640 00	
Compensation for other assistants ...	15,470 00	
		$82,610 00
Materials and Supplies:		
Stationery and office supplies	$900 00	
Law books	500 00	
Vehicular transportation supplies	1,800 00	
Office equipment	400 00	
		3,600 00

Services Other Than Personal:		
Traveling expenses ..	$400 00	
Other miscellaneous expenses	500 00	
Insurance (other than fire)	300 00	
Expenses in connection with escheat cases	300 00	
		1,500 00

Division of Securities

Salaries:		
Assistant Attorney-General	$7,500 00	
Special Assistant Attorney-General	4,000 00	
Investigator	2,220 00	
Compensation for clerks and stenographers	6,120 00	
		19,840 00
Materials and Supplies:		
Stationery and office supplies	$300 00	
Office equipment	100 00	
		400 00
Services Other Than Personal:		
Expenses of investigations	$5,000 00	
Postage	200 00	
		5,200 00
		$113,150 00

A 2. Budget Commission

Budget commission.

Salaries:		
Budget Commissioner	$7,000 00	
Compensation for assistants	10,440 00	
		$17,440 00
Materials and Supplies:		
Stationery and office supplies	$200 00	
Vehicular transportation supplies	200 00	
Replacement of office machines	625 00	
		1,025 00
Services Other Than Personal:		
Printing	$4,500 00	
Other miscellaneous expenses	400 00	
		4,900 00
		$23,365 00

A 3. Civil Service Commission

Civil service.

Salaries:		
Commissioners	$18,000 00	
Chief examiner and secretary	10,000 00	
Assistant chief examiner and classification director	6,500 00	
Assistant secretary	3,600 00	
Examiners and monitors	43,490 00	
Clerical employees and janitors	109,660 00	
		$191,250 00

Materials and Supplies:		
Stationery and office supplies	$9,500 00	
Office equipment	2,952 00	
Replacement of motor vehicles	1,700 00	
Vehicular transportation supplies	1,400 00	
		15,552 00
Services Other Than Personal:		
Traveling expenses ..	$2,500 00	
Advertising	2,000 00	
Rent	200 00	
Other miscellaneous expenses	400 00	
		5,100 00
		$211,902 00

A 4. ' COMPTROLLER'S DEPARTMENT

Comptroller's office.

Salaries:		
Comptroller	$6,000 00	
Chief clerk and deputy comptroller	7,000 00	
Chief auditor	6,000 00	
Chief accountant	6,000 00	
Assistant chief accountant	3,600 00	
Assistants and clerical services	70,560 00	
		$99,160 00
Materials and Supplies:		
Stationery and office supplies		4,600 00

Services Other Than Personal:		
Premium on surety bonds	$300 00	
Traveling expenses ..	1,150 00	
Other miscellaneous expenses	900 00	
		2,350 00
		$106,110 00

A 5. Commissioner of Finance

Commissioner of finance.

Salaries:		
Commissioner	$10,000 00	
Deputy commissioner	5,000 00	
Compensation for assistants	12,460 00	
Services pursuant to R. S. 52:23–16	4,500 00	
		$31,960 00
Materials and Supplies:		
Stationery and office supplies	$900 00	
Vehicular transportation supplies	750 00	
		1,650 00
Services Other Than Personal:		
Other miscellaneous expenses ...		400 00
The balance in the reclamation expense account as of June 30th, 1939, is hereby reappropriated.		
		$34,010 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 Governor	5,000 00	
Executive Secretary .	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
Services Other Than Personal:		
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	3,600 00	
Chief clerk	7,000 00	
Head clerk	4,500 00	
Confidential clerk	3,700 00	
Compensation for assistants	33,840 00	
		$58,640 00
Materials and Supplies:		
Stationery and office supplies		7,500 00
Services Other Than Personal:		
Election expenses ...	$24,500 00	
Printing copies of corporation act	1,000 00	
Photostating copies of certificates of incorporation	2,750 00	
		28,250 00
		$94,390 00

A 9. State Auditor's Department

State auditor.

Salaries:		
State Auditor	$7,500 00	
Secretary and confidential clerk	2,500 00	
Auditors (4)	12,420 00	
Junior auditors	10,740 00	
Audit clerks	10,020 00	
Compensation for assistants	3,420 00	
		$46,600 00

Materials and Supplies:		
Stationery and office supplies	$700 00	
Office equipment	300 00	
		1,000 00
Services Other Than Personal:		
Traveling expenses	$6,000 00	
Printing and binding	100 00	
Other miscellaneous expenses	150 00	
		6,250 00
		$53,850 00

A 10. State House Commission

State House Commission.

Salaries:		
Custodian, State House	$5,000 00	
Chief engineer—electrician	3,400 00	
Superintendent of State House Annex and State office building	4,500 00	
Compensation for assistants and helpers	248,840 00	
		$261,740 00
Materials and Supplies:		
Heat, light, power and electricity	$50,000 00	
Stationery and office supplies, furniture and office equipment	4,500 00	
Other materials and supplies	10,000 00	
		64,500 00
Current repairs		18,000 00

Services Other Than Personal:		
Capitol post office, postage	$110,000 00	
Telephone and telegraph, State Departments in Trenton	75,000 00	
Insurance	1,100 00	
Freight and express	350 00	
Maintenance of Stacy Park and Capitol and annex grounds	3,500 00	
Other miscellaneous expenses	500 00	
		190,450 00
Rentals for State Departments in Newark:		
Industrial Office Building	$101,940 00	
Department of Alcoholic Beverage Control	16,818 00	
Rentals for State Departments in Trenton:		
Budget Commission	1,625 00	
Department of Weights and Measures	2,400 00	
Department of Agriculture	15,500 00	
State Employees Retirement System	3,160 00	
Department of Labor	20,700 00	
Rental for building for State exhibits at Trenton Fair	5,000 00	
Department of Conservation and Development	780 00	
State Tax Department, Beverage Tax Division	3,300 00	

State Tax Department, Engineer's Division	4,320 00	
Commission to Investigate Crippled Children	1,860 00	
Old Age Assistance Commission	4,200 00	
Department of Local Government	4,387 50	
Rentals in Other Cities:		
Associate Justices of Supreme Court offices, Camden, Jersey City, Atlantic City, Somerville and Morristown	6,300 00	
Rooms for Courts, Atlantic City, Jersey City, Camden, Elizabeth, Toms River and Newton	44,577 00	
State Board of Children's Guardians, Trenton, Jersey City and Morristown	6,620 00	
Chancellor, Rooms for W. P. A. Project	900 00	
		244,387 50
		$779,077 50

A 11. TREASURER'S DEPARTMENT

Treasurer.

Salaries:		
Treasurer	$6,000 00	
Cashier and deputy treasurer	6,000 00	
Secretary	3,000 00	
Compensation for other assistants	32,140 00	
		$47,140 00

Materials and Supplies:		
Stationery and office supplies		2,500 00
Services Other Than Personal:		
Premiums on surety bonds for treasurer, deputy treasurer and employees	$2,426 20	
Other miscellaneous expenses	300 00	
		2,726 20
		$52,366 20

A 12. State Purchasing Department

Printing

Purchasing Department.

Services Other Than Personal:		
Legislative printing..	$100,000 00	
Printing and binding public documents ..	2,700 00	
Printing and circulating laws	14,000 00	
Binding Chancery and law reports	3,150 00	
		$119,850 00

A 13. State Athletic Commissioner

Athletic Commissioner.

Salaries:		
Commissioner	$5,000 00	
Compensation for other assistants ...	25,000 00	
		$30,000 00
Materials and Supplies:		
Stationery, office supplies and equipment		500 00

Services Other Than Personal:		
Traveling and incidental expenses.		4,250 00
		$34,750 00

A 14. STATE DEPARTMENT OF LOCAL GOVERNMENT

Department of Local Government.

Salaries:		
Commissioner	$10,000 00	
Members of board....	18,000 00	
Supervising auditor and secretary.....	6,000 00	
Field supervisors	13,500 00	
Assistant supervisors	22,860 00	
Office manager	3,000 00	
Auditors	20,100 00	
Confidential clerk	1,800 00	
Other employees	35,080 00	
Tax verification expenses	1,920 00	
		$132,260 00
Materials and Supplies:		
Stationery and office supplies	$1,700 00	
Office equipment	1,000 00	
		2,700 00
Services Other Than Personal:		
Traveling expenses ..	$25,000 00	
Printing and binding .	4,000 00	
Other miscellaneous expenses	1,000 00	
		30,000 00
		$164,960 00

B. Legislative

B 1. Legislature

Legislature.

Salaries:		
Senators and members of General Assembly	$40,833 32	
Compensation for officers and employees.	25,000 00	
		$65,833 32
Materials and Supplies:		
Manuals of the Legislature		4,000 00
Services Other Than Personal:		
Indexing Journal and Minutes and other incidental and contingent expenses		35,000 00
		$104,833 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	89,820 00	
		$108,420 00
Materials and Supplies:		
Stationery and office supplies	$7,640 00	
Office equipment	2,360 00	
		10,000 00

Services Other Than Personal:		
Premium on surety bonds	$500 00	
Other miscellaneous expenses	800 00	
		1,300 00
		$119,720 00

C 2. CLERK OF THE SUPREME COURT

Supreme Court Clerk.

Salaries:		
Clerk of the Supreme Court	$6,000 00	
Chief clerk	5,500 00	
Compensation for assistants	44,600 00	
		$56,100 00
Materials and Supplies:		
Stationery and Office supplies	$3,250 00	
Other materials and supplies	400 00	
		3,650 00
Services Other Than Personal:		
Other miscellaneous expenses		800 00
		$60,550 00

C 3. COURT OF CHANCERY

Court of Chancery.

Salaries:		
Chancellor	$19,000 00	
Vice-Chancellors	180,000 00	
Secretaries to Vice-Chancellors	22,400 00	
Chancellor's secretary	2,500 00	

Compensation and traveling expenses of sergeant-at-arms	40,240 00	
Compensation and allowance of advisory masters and their official stenographers	22,980 00	
Compensation of stenographers, and for services pursuant to R. S. 2:2–25 and 2:2–28	54,500 00	
Compensation of law assistants to Vice-Chancellors	15,800 00	
		$357,420 00
Materials and Supplies:		
Stationery and office supplies	$4,000 00	
Office equipment	1,000 00	
Library supplies	1,500 00	
		6,500 00
Services Other Than Personal:		
Repairs to equipment	$100 00	
Traveling expenses for casual court attendants	350 00	
		450 00
		$364,370 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	$54,000 00	
Compensation of officers	3,500 00	
		$57,500 00
Services Other Than Personal:		
Printed or typewritten copies of draft of opinions under the direction of the presiding judge	$1,250 00	
Binding State cases, briefs, et cetera, and printing list of causes, et cetera ...	1,500 00	
		2,750 00
		$60,250 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

Services Other Than Personal:	
Other miscellaneous expenses	75 00
	$4,225 00

C 6. Judicial Council

Judicial Council.

Salaries:	
Secretary	$1,500 00
Materials and Supplies:	
Stationery and office supplies	50 00
Services Other Than Personal:	
Expenses of investigations, printing and other incidental expenses	300 00
	$1,850 00

C 7. Law and Equity Reports

Legal reports.

Salaries:		
Chancery reporter ...	$500 00	
Supreme Court reporter	500 00	
		$1,000 00
Services Other Than Personal:		
Publication of Chancery reports	$6,000 00	
Publication of law reports	5,000 00	
		11,000 00
		$12,000 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 R. S. 2:16–21		$55,000 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 R. S. 2:4–13	18,000 00	
Compensation for assistants	2,000 00	
Board of Bar Examiners, salary of members, secretary, assistant secretary and messenger	17,150 00	
		$424,150 00
Materials and Supplies:		
Stationery and office supplies		400 00
Services Other Than Personal:		
Expenses of Board of Bar Examiners incurred by court order, including disbarment proceedings.		3,000 00
		$427,550 00

D. Regulative

D 1. Board of Commerce and Navigation

Commerce and Navigation.

Salaries:		
Director	$4,500 00	
Assistant chief engineer	2,000 00	
Consulting engineer	1,800 00	
Assistant secretary	3,480 00	
Office engineer	3,900 00	
Hydrographic engineer	3,900 00	
Senior hydrographic engineer	3,000 00	
Other assistants, public hearings, searches, surveys, witnesses on trespasses, et cetera	25,900 00	
		$48,480 00
Materials and Supplies:		
Stationery and office supplies	$2,500 00	
Office equipment replacements	1,300 00	
Heat, light, power and electricity	2,100 00	
Household supplies	500 00	
Drugs, medicine and chemicals	400 00	
Photography, blue printing and drafting supplies	1,400 00	
Engineering supplies.	1,000 00	
Motor boat transportation and supplies.	5,500 00	

Motor vehicle transportation and supplies	2,400 00	
Exchange of autos	645 00	
		17,745 00
Current repairs, including new hull for Garvey workboat, new motor for boat "Polaris" and repairs to motor for boat "Surveyor"		9,687 50
Services Other Than Personal:		
Traveling expenses	$3,250 00	
Telephone and telegraph	550 00	
Rents	8,870 00	
Insurance, on boats and autos	2,796 26	
Expenses in connection with riparian surveys and study and plans for beach protection measures	1,400 00	
Other miscellaneous expenses	1,000 00	
Postage	400 00	
Advertising for bids and legal notices	1,400 00	
Subscriptions and membership fees	135 00	
		19,801 26
Expenditures for Waterways:		
Lights and buoys	$1,850 00	
Maintenance navigation lights, Cape May - Manasquan River	2,400 00	
		4,250 00

Unclassified:	
Expenses of New Jersey Council to advertise the advantages of the State, pursuant to Title 52, Chapter 9-C of the R. S.	100,000 00
Appropriation for administration expenses receivable from School Fund pursuant to R. S. 18:10–7, $95,713.76.	
	$199,963 76

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 article 1, chapter 3 of Title 23; R. S. 23:3–3, R. S. 23:3–23 to 27.

All receipts, licenses and sales pursuant to the provisions of R. S. 52:18–31.

All fines pursuant to the provisions of R. S. 23:10–19.

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-nine, 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-nine, 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:		
Executive secretary ..	$5,000 00	
Assistant protectors, wardens, superintendents and other officers and employees	157,320 00	
		$162,320 00
Materials and Supplies:		
Food for fish and game	$58,000 00	
Heat, light, power, water, gas and electricity	5,800 00	
Stationery and office supplies	1,250 00	
Vehicular transportation supplies	27,000 00	
Purchase of live fish and game	30,000 00	
Farm and stable supplies	6,500 00	
Other materials and supplies	1,000 00	

Replacement of office equipment	200 00	
Replacement of motor vehicles	10,000 00	
		139,750 00
Current repairs		3,000 00
Services Other Than Personal:		
Printing	$3,000 00	
Hunting and fishing licenses and buttons .	7,000 00	
Traveling expenses ..	5,000 00	
Telephone and telegraph	2,200 00	
Garage rent, including boat storage	2,915 00	
Postage	1,650 00	
Insurance	3,500 00	
Other miscellaneous expenses	4,000 00	
		29,265 00
Additions and Improvements:		
Building coops and pens		5,000 00
		$339,335 00

D 3. Board of Public Utility Commissioners

Public Utility Commissioners.

Salaries:	
Members of the board	$36,000 00
Counsel (2)	15,000 00
Assistant counsel	3,500 00
Secretary	7,000 00
Chief engineer, Bureau of Utilities	8,000 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	6,000 00	
Engineers, inspectors, clerks, stenographers and other employees	163,078 00	
Reporting hearings ..	7,000 00	
		$259,578 00
Materials and Supplies:		
Stationery and office supplies	$2,750 00	
Office equipment	500 00	
		3,250 00
Services Other Than Personal:		
Traveling expenses ..	$8,000 00	
Other miscellaneous expenses	400 00	
Printing	2,500 00	
		10,900 00
		$273,728 00

D 4. Board of Shell Fisheries

Shell Fisheries.

Salaries:		
Director	$4,000 00	
Chiefs of bureaus ...	6,480 00	
Captains of boats, crews, guards, clerks, et cetera ...	45,380 00	
Special guard service	500 00	
		$56,360 00
Materials and Supplies:		
Fuel and power	$4,000 00	
Stationery and office supplies	150 00	
License plates	500 00	
		4,650 00
Current repairs		3,500 00

Services Other Than Personal:		
Traveling expenses ..	$2,000 00	
Insurance	550 00	
Surveying and mapping	1,500 00	
Rent of offices and boat	1,100 00	
Services one small guard boat (Delaware bay)	1,200 00	
Telephone and telegraph	150 00	
Other miscellaneous expenses	500 00	
		7,000 00
Additions and Improvements:		
Shelling beds	$5,000 00	
Staking State's natural spawning oyster beds	400 00	
		5,400 00
		$76,910 00

D 5. County Boards of Taxation

County Tax Boards.

For salaries of members of the county boards of taxation	$140,700 00

D 6. Department of Banking and Insurance

Banking and Insurance.

Salaries:		
Commissioner	$6,000 00	
Deputy Commissioner, Bureau of Banking.	7,500 00	
Deputy Commissioner, Bureau of Insurance	7,500 00	
Deputy Commissioner, Bureau of Building and Loan Associations	7,500 00	

Chief Insurance Examiner	7,500 00	
Bank Examiners	127,740 00	
Small Loan Examiners	6,900 00	
Insurance Examiners	82,980 00	
Building and Loan Association Examiners	215,280 00	
Clerks, stenographers and other employees	176,300 00	
		$645,200 00
Materials and Supplies:		
Stationery and office supplies and equipment		4,500 00
Services Other Than Personal:		
Traveling expenses ..	$62,000 00	
Freight, express and cartage	400 00	
Subscriptions	400 00	
Compiling and printing valuations	450 00	
Rents (includes offices, new statistical machines, safe deposit boxes, et cetera) ..	7,225 00	
Printing	8,500 00	
Other miscellaneous expenses	800 00	
Membership fee, National Association of State Banks and convention expenses	125 00	
Insurance	250 00	
		80,150 00
		$729,850.00

D 7. Department of Conservation and Development

Administration

Conservation and Development.

Salaries:		
State Forester and Director	$6,000 00	
Editor	3,000 00	
Other employees	8,040 00	
		$17,040 00
Materials and supplies		1,400 00
Current repairs and replacements		50 00
Services other than personal		300 00

Geologic and Topographic Surveys

Salaries:		
State Geologist	$4,800 00	
Topographic enginer	3,600 00	
Other employees	2,040 00	
		10,440 00
Materials and supplies		100 00
Services other than personal		3,500 00
Current repairs		50 00

State Museum

Museum.

Salaries:		
Curator	$3,600 00	
Museum preparator	3,000 00	
Other employees	23,640 00	
		30,240 00
Materials and supplies		6,000 00
Current repairs and replacements		1,000 00
Services other than personal		1,000 00

Forestry Supervision, Investigation and Co-operation

Forestry.

Salaries:		
Land agent	$4,500 00	
Senior assistant forester	3,000 00	
Other employees	13,750 00	
		21,250 00
Materials and supplies		500 00
Current repairs and replacement ...		250 00
Services other than personal		5,000 00

State Forests

State forests.

Salaries:		
Senior assistant forester	$3,000 00	
Other employees	34,285 00	
Labor (per diem) ..	4,500 00	
		41,785 00
Materials and supplies		3,000 00
Current repairs and replacements ..		5,500 00
Services other than personal, tax lien on State forests, et cetera		9,000 00

State Forest Nurseries and Reforestation

Reforestation.

Salaries:		
Senior assistant forester	$3,000 00	
Other employees	11,190 00	
Labor (per diem) ..	4,000 00	
		18,190 00
Materials and supplies		2,500 00
Current repairs and replacements ..		700 00
Services other than personal		1,000 00

State Parks

State parks.

Salaries:		
Supervisors, guards and other employees	$55,812 00	
Labor	1,020 00	
		56,832 00
Materials and supplies		6,000 00
Current repairs and replacements		7,500 00
Services other than personal		1,500 00

Preventing and Extinguishing Forest Fires

Forest fires.

Salaries:		
State fire warden	$4,000 00	
Other employees	101,675 00	
Labor (per diem) on fire lines	2,490 00	
		108,165 00
Materials and supplies		2,000 00
Current repairs and replacements		2,000 00
Services other than personal		13,000 00
Extraordinary Expenses:		
Fire fighting costs		15,000 00
		$391,792 00

D 8. Department of Health

Department of Health.

Salaries:	
Director	$6,760 00
Chief, Bureau of Administration	4,200 00
Registrar, Bureau of Vital Statistics	4,860 00
Chief, Bureau of Local Health Administration	4,860 00

Chief, Bureau of Food and Drugs	4,860 00	
Chief, Bureau of Public Health Education	4,000 00	
Chief, Bureau of Sanitary Engineering ..	5,560 00	
Chief, Bureau of Chemistry	4,860 00	
Chief, Bureau of Bacteriology	4,860 00	
Senior Sanitary Engineer, Bureau of Engineering	3,600 00	
Veterinarian	3,900 00	
District Health Officers (5)	17,680 00	
Assistant Epidemiologists, Local Health Administration (2).	7,920 00	
Engineers, inspectors, investigators, laboratory and other employees	162,260 00	
		$240,180 00
Materials and Supplies:		
Stationery and office supplies	$2,500 00	
Engineering supplies.	900 00	
Vehicular transportation supplies	2,750 00	
Laboratory supplies..	9,000 00	
Laboratory receipts..	500 00	
Other materials and supplies	250 00	
Office equipment replacement	500 00	
		16,400 00

Services Other Than Personal:			
Printing	$5,500 00		
Traveling expenses	15,000 00		
Other miscellaneous expenses	1,200 00		
Rental of tabulation machines	1,296 00		
Binding volumes of birth, marriage and death certificates	750 00		
Court expenses	500 00		
Rent of garages	784 00		
Auto insurance	431 00		
			25,461 00

Bureau of Venereal Disease Control

Venereal diseases.

Salaries:			
Chief	$3,600 00		
Consultant	3,600 00		
Other employees	10,560 00		
	$17,760 00		
Materials and supplies	5,200 00		
Services other than personal	2,000 00		
			24,960 00

Shell Fish Bureau

Shell fish.

Salaries	$15,060 00		
Materials and supplies	1,000 00		
Services other than personal	4,500 00		
			20,560 00

Ice Cream License Bureau

Ice cream.

Salaries	$2,100 00		
Materials and supplies	100 00		
Services other than personal	350 00		
			2,550 00

Milk Plant License Bureau

Salaries	$8,580 00		Milk.
Materials and supplies..	500 00		
Services other than personal	1,800 00		
		10,880 00	

Toxoid Distribution Bureau

Salaries	$1,620 00		Toxies.
Materials and supplies .	10,160 00		
Services other than personal	150 00		
		11,930 00	

Maternal and Child Health Bureau

Salaries	$83,664 84		Health.
Materials and supplies..	1,550 00		
Services other than personal	13,750 00		
		98,964 84	
		$451,885 84	

D 9. Department of Labor

Salaries:		Department of Labor.
Commissioner of Labor	$6,000 00	
Deputy Commissioners Workmen's Compensation	36,200 00	
Deputy Commissioners of Labor	13,000 00	
Chiefs of bureaus	10,800 00	
Supervisor, informal hearings	5,300 00	
Examiners, inspectors, clerks and other employees	229,450 00	

Bureau for Women and Children	3,720 00	
Wage Collection Division	8,040 00	
Minimum Wage Division	24,700 00	
		$337,210 00
Materials and Supplies:		
Stationery and office supplies	$5,250 00	
Office equipment	3,100 00	
Coal, Jersey City, Trenton and Paterson	1,400 00	
Vehicular transportation supplies	400 00	
Lighting, power and water service	1,000 00	
		11,150 00
Current repairs		150 00
Services Other Than Personal:		
Traveling expenses ..	$15,800 00	
Telephone and telegraph	1,700 00	
Rent, Jersey City, Paterson or other cities	5,850 00	
Other miscellaneous expenses	2,800 00	
Printing	3,200 00	
Expenses for Industrial Museum of Safety Campaign ..	800 00	
Prosecution of labor law violations	500 00	
		30,650 00
		$379,160 00

D 10. Department of Weights and Measures

Weights and Measures.

Salaries:		
Superintendent	$5,000 00	
Assistant State Superintendent, Chief Clerk	4,000 00	
Compensation for assistants	15,540 00	
Inspectors and one clerk, Coal Statute Enforcement	18,060 00	
		$42,600 00
Materials and Supplies:		
Metal seals	$700 00	
Stationery and office supplies	500 00	
Vehicular transportation supplies	1,500 00	
Other materials and supplies	100 00	
Equipment and supplies, Coal Statute Enforcement	4,500 00	
		7,300 00
Services Other Than Personal:		
Traveling expenses, including samples purchased and Coal Statute Enforcement	$8,000 00	
Insurance premiums .	650 00	
Other miscellaneous expenses, including garage rent	400 00	
Printing and binding .	500 00	
		9,550 00
		$59,450 00

D 11. Health Officers, Port of Perth Amboy

Health officer, Perth Amboy.

Health officer of the Port of Perth Amboy, for salary, pursuant to R. S. 26:4–111		$1,000 00
Deputy health officer		250 00
		$1,250 00

D 12. State Board of Tax Appeals

Tax Appeals.

Salaries:		
President	$6,500 00	
Members of board	27,000 00	
Secretary	6,500 00	
Compensation for other assistants	38,420 00	
		$78,420 00
Materials and Supplies:		
Stationery and office supplies	$2,500 00	
Vehicular transportation supplies	400 00	
Office equipment	500 00	
		3,400 00
Services Other Than Personal:		
Traveling expenses	$3,500 00	
Other miscellaneous expenses	200 00	
Printing "Report of Cases"	400 00	
		4,100 00
		$85,920 00

D 13. STATE BOARD OF TENEMENT HOUSE SUPERVISION

Tenement House Supervision.

Salaries:		
Secretary and executive officer	$7,000 00	
Compensation for assistants and other employees	91,740 00	
		$98,740 00
Materials and Supplies:		
Stationery and office supplies	$400 00	
Other materials and supplies	250 00	
Vehicular transportation supplies	1,100 00	
Office equipment	100 00	
		1,850 00
Services Other Than Personal:		
Traveling expenses	$5,000 00	
Other miscellaneous expenses	400 00	
Postage	800 00	
Telephone and telegraph	300 00	
Garage rent	160 00	
		6,660 00
		$107,250 00

D 14. REAL ESTATE COMMISSION

Real Estate Commission.

Salaries:		
Commissioners (5)	$17,000 00	
Secretary	5,000 00	
Chief examiner and investigator	4,500 00	
Other employees	23,820 00	
		$50,320 00

Materials and Supplies:		
Stationery and office supplies		300 00
Services Other Than Personal:		
Traveling expenses ..	$2,500 00	
Postage	1,200 00	
Telephone and telegraph	400 00	
Printing	750 00	
Other miscellaneous expenses	400 00	
Insurance and bond premiums	200 00	
		$5,450 00
		$56,070 00

D 15. Department of State Police

State Police.

Salaries:		
Colonel and superintendent	$9,000 00	
Major and deputy superintendent	5,000 00	
Captains	14,400 00	
Lieutenants	24,000 00	
Noncommissioned officers, troopers, et cetera	636,760 00	
Medical and surgical services	7,500 00	
		$696,660 00
Materials and Supplies:		
Food	$24,650 00	
Clothing	19,000 00	
Heat, light, power, water and electricity	8,000 00	

Vehicular transportation, supplies	54,000 00	
Household and organization supplies ...	7,000 00	
Medical, surgical and laboratory supplies.	1,700 00	
Stationery and office supplies	4,000 00	
Replacement of office equipment	1,000 00	
Replacement of motor vehicles	20,000 00	
		$139,350 00
Current repairs		5,000 00
Services Other Than Personal:		
Traveling expenses ..	$1,500 00	
Rents	12,060 00	
Telephone and telegraph	10,500 00	
Insurance	6,500 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	140,000 00	
		$171,660 00
Additions and Improvements:		
Household equipment		670 00

Teletype Communication

Teletype.

Salaries:		
Supervisors	$6,000 00	
Assistant supervisors	25,960 00	
Operators	8,640 00	
		40,600 00

Materials and Supplies:		
Stationery and office supplies		1,600 00
Services Other Than Personal:		
Rental of teletype instruments and power		48,500 00

Bureau of Identification

Identification.

Salaries:		
Supervisor	$3,600 00	
Other officers and employees	45,980 00	
		49,580 00
Materials and Supplies:		
Stationery and office supplies	$3,000 00	
Photographic, blueprinting and drafting supplies	3,000 00	
		6,000 00
Services Other Than Personal:		
Rental, fingerprint sorter		1,800 00
Additions and Improvements:		
Office equipment	$2,000 00	
Scientific and technical equipment ...	2,000 00	
		4,000 00
		$1,165,420 00
Payment of fifty per centum of this appropriation to be made from the State Highway Fund		582,710 00
		$582,710 00

D 16. State Water Policy Commission

Water Policy Commission.

Salaries:		
Engineer in charge ..	$5,760 00	
Assistant division engineer	4,500 00	
Assistant engineers (2)	6,660 00	
District engineer (½ salary)	2,500 00	
Associate engineer (½ salary)	1,750 00	
Other employees	12,710 00	
		$33,880 00
Materials and Supplies:		
Stationery and office supplies	$350 00	
Engineering supplies.	350 00	
Vehicular transportation supplies	900 00	
		1,600 00
Current Repairs		500 00
Services Other Than Personal:		
Traveling expenses ..	$2,000 00	
Telephone and telegraph	300 00	
Postage	275 00	
Printing	400 00	
Rent	3,600 00	
Other miscellaneous expenses	300 00	
		6,875 00
		$42,855 00

D 17. State Tax Department

Commissioner's Office

Tax Department.

Salaries:		
State Tax Commissioner	$7,500 00	
Deputy commissioner	7,500 00	
Assistant confidential clerk	6,000 00	
Secretary	2,400 00	
	$23,400 00	
Materials and supplies	150 00	
Services other than personal	500 00	
Current repairs	25 00	
		$24,075 00

Administrative Service

Salaries:		
Clerical employees	$11,160 00	
Materials and supplies	400 00	
Services other than personal	6,875 00	
		18,435 00

Corporation Tax Division

Salaries:		
Chief clerk	$4,980 00	
Principal corporation tax clerk	3,360 00	
Clerical employees	34,200 00	
	$42,540 00	
Materials and supplies	2,200 00	
Services other than personal	2,300 00	
Current repairs	100 00	
		47,140 00

Engineering and Railroad Tax Division

Salaries:		
Chief engineer	$11,000 00	
Field engineer—railroad tax	4,980 00	
Office engineer—railroad tax	4,980 00	
Other employees	34,800 00	
	$55,760 00	
Materials and supplies ..	4,050 00	
Services other than personal	1,195 00	
Current repairs	125 00	
		61,130 00

Local Tax Division

Salaries:		
Field secretary	$4,300 00	
Other employees	4,140 00	
	$8,440 00	
Materials and supplies ..	100 00	
Services other than personal	275 00	
		8,815 00

Transfer Inheritance Tax Division

Inheritance tax.

Salaries:		
State Supervisor—Inheritance tax	$9,000 00	
Head inheritance tax clerks (2)	10,000 00	
District supervisors ..	9,120 00	
Other employees	178,860 00	
	$206,980 00	

Materials and supplies ..	6,750 00	
Services other than personal	2,125 00	
Current repairs	175 00	
Additions and improvements (filing cabinets)	1,000 00	
		217,030 00

Public Utility Tax Division

Salaries:		
Chief	$3,660 00	
Other employees	9,480 00	
	$13,140 00	
Materials and supplies ..	1,350 00	
Services other than personal	2,500 00	
Current repairs	75 00	
		17,065 00

Beverage Tax Division

Liquor tax.

Salaries:		
Director	$5,760 00	
Other employees	194,420 00	
	$200,180 00	
Materials and supplies ..	7,700 00	
Services other than personal	21,585 00	
		229,465 00

Unclassified:

Withdrawals.

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 R. S. 54:33–10, payment of 5%

of tax collected to counties, 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, approximating		350,000 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, moneys to refund and pay such claims for refund as may be necessary under the various provisions of Title 54 of the Revised Statutes and any statutes superseded thereby, and the State Treasurer shall pay same upon warrant of the said Comptroller.			Other withdrawals.
		$973,155 00	

D 18. Department of Aviation

Expenses incurred by the Department of Aviation, established pursuant to chapter 1 of Title 6 of the R. S.			Aviation.
Salaries:			
Director of Aviation.	$6,000 00		
Compensation of other employees	6,020 00		
		$12,020 00	
Materials and Supplies:			
Stationery and office supplies and equipment	$400 00		

New Jersey State Library

Replacement of office equipment	50 00	
Other materials and supplies	400 00	
		850 00
Services Other Than Personal:		
Traveling expenses ..	$4,000 00	
Telephone and telegraph	300 00	
Other miscellaneous expenses	300 00	
		4,600 00
		$17,470 00

D 19. Department of Alcoholic Beverage Control

Alcoholic Beverage Control.

Salaries:		
Commissioner	$16,500 00	
Deputy commissioners	12,000 00	
Attorney in chief	5,260 00	
Council in chief	6,260 00	
Chief inspector	3,500 00	
Senior inspectors	22,500 00	
Inspectors	21,480 00	
Investigators	187,780 00	
Confidential secretary	3,000 00	
Secretary to commissioner	1,980 00	
Compensation for other assistants and clerical services ...	62,640 00	
Compensation Award, Mrs. Allen O. Myers	917 03	
Compensation Award, Mrs. Wm. C. Carr..	1,040 00	
		$344,857 03

Materials and Supplies:		
Stationery and office supplies	$5,000 00	
Other materials and supplies	1,000 00	
Office, ordinance and seizure equipment..	4,000 00	
		10,000 00
Services Other Than Personal:		
Postage and expressage	$9,000 00	
Printing	6,000 00	
Telephone and telegraph	3,500 00	
Insurance (other than fire)	600 00	
Traveling expenses ..	52,500 00	
Other miscellaneous expenses	5,500 00	
Seizure expenses	9,000 00	
		86,100 00
		$440,957 03

D 20. Unemployment Compensation Commission

(State Employment Service)

Unemployment Compensation.

Transfer of State funds to match Federal funds for State Employment Service Division of Unemployment Compensation Commission, pursuant to chapter 21 of Title 43, Revised Statutes	$155,720 00

D 21. STATE BOARD OF BEAUTY CULTURE CONTROL

Beauty Culture.

Salaries:		
Commissioners	$10,000 00	
Secretary	3,000 00	
Inspectors and other employees	16,060 00	
		$29,060 00
Materials and Supplies:		
Vehicular transportation supplies	$1,000 00	
Stationery and office supplies	2,000 00	
		3,000 00
Services Other Than Personal:		
Traveling expenses ..	$1,800 00	
Telephone and telegraph	300 00	
Rents	2,688 00	
Insurance (other than fire)	190 00	
Postage	1,000 00	
Miscellaneous expenses	100 00	
		6,078 00
		$38,138 00

D 22. COMMISSION ON INTERSTATE CO-OPERATION

Interstate Co-operation.

Expenses incurred by the commission appointed pursuant to Joint Resolution No. 3, approved March 12, 1935	$8,000 00

D 23. BOARD OF BARBER EXAMINERS

Barber Examiners

Salaries:	
Officers and employees	$16,940 00

Materials and Supplies:		
Stationery and office supplies and replacement of office equipment.		600 00
Services Other Than Personal:		
Traveling expenses ..	$3,300 00	
Other miscellaneous expenses	2,500 00	
		5,800 00
		$23,340 00

E. Educational

E 1. State Board of Regents

(State Agricultural College)

Rutgers University (State Agricultural College)		$703,500 00	Board of Regents.
Purchase of scholarships at Rutgers University, including the New Jersey College for Women		150,000 00	
College for Women		341,500 00	
Newark Technical School and Newark College of Engineering		55,000 00	
Administrative			
Board of Regents:			
Salaries	$6,700 00		
Materials and supplies	100 00		
Services other than personal	1,170 00		
		7,970 00	
Payments under this account to be made pursuant to R. S. 18:10–31.			
		$1,257,970 00	

E 2. COMMISSIONER OF EDUCATION

Commissioner 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	3,900 00	
Superintendent of industrial education..	4,050 00	
Inspectors of accounts (2)	6,440 00	
Inspectors of school accounts	3,800 00	
Assistant for high school work	5,000 00	
Clerical services	42,020 00	
State supervisor continuation schools ..	5,000 00	
		$139,450 00
Materials and Supplies:		
Stationery and office supplies	$11,000 00	
Office equipment	160 00	
Vehicular transportation supplies	1,200 00	
		12,360 00
Services Other Than Personal:		
Traveling expenses ..	$4,500 00	
Expenses, physical training work	375 00	
Postage	3,000 00	
Telephone and telegraph	1,500 00	

Other miscellaneous expenses	650 00	
Rent of office space ...	16,563 00	
Printing special bulletins	800 00	
		27,388 00

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 R. S. 18:10–31.

$179,198 00

Academic Certificate Fund

Salaries	$4,200 00
Materials and supplies	900 00
Services other than personal	1,000 00
	$6,100 00

E 3. County Superintendents

For county superintendents, for salaries, payments to be made pursuant to R. S. 18:10–31 ..... $105,000 00

County superintendents.

E 4. Evening Schools for Foreign-Born Residents

For the purpose of carrying out the provisions of article 9, chapter 15 of Title 18 of the R. S., payment to be made pursuant to R. S. 18:10–31. $9,500 00

Evening school.

E 5. INDUSTRIAL EDUCATION

Industrial education.

For payments to schools established for industrial education, pursuant to R. S. 18:15–24	$69,000 00
Payments to schools for manual training, pursuant to R. S., chapter 9 of Title 52	650,000 00
Payments under this account to be made pursuant to R. S. 18:10–31.	
	$719,000 00

E 6. MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH

Bordentown Industrial 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 seventy students.

Salaries and Wages:		
Principal	$6,000 00	
Preceptress	2,000 00	
Teachers	72,460 00	
Other officers and employees	40,230 00	
Student labor	6,000 00	
		$126,690 00
Materials and Supplies:		
Food	$26,000 00	
Heat, light, power, water and electricity	24,500 00	
Household supplies ..	6,000 00	
Farm, stable and grounds supplies ..	11,500 00	
Industrial and vocational supplies	3,500 00	
Educational supplies.	4,000 00	

Medical and surgical supplies	600 00	
Stationery and office supplies	200 00	
Vehicular transportation supplies	725 00	
Other materials and supplies	200 00	
		77,225 00
Current repairs		9,000 00
Services Other Than Personal:		
Traveling expenses, including extension work	$900 00	
Postage	750 00	
Telephone and telegraph	1,325 00	
Entertainment expenses	600 00	
Printing	400 00	
Religious services	200 00	
Other miscellaneous expenses	150 00	
		4,325 00
Payments under this account to be made pursuant to R. S. 18:10–31.		
		$217,240 00

E 7. SCHOOL FOR THE DEAF

School for Deaf.

For salaries and wages and for maintenance of the New Jersey School for the Deaf, on a basis of four hundred pupils.

Salaries and Wages:		
Superintendent	$5,000 00	
Principal, teachers and instructors	141,287 00	

Other officers and employees	71,015 00	
Medical and surgical fees	900 00	
		$218,202 00
Materials and Supplies:		
Food	$36,600 00	
Clothing	1,500 00	
Heat, light, power, water and electricity	23,600 00	
Household supplies	6,700 00	
Farm, stable and grounds	1,200 00	
Industrial and vocational supplies	5,000 00	
Medical and surgical supplies	800 00	
Educational, recreational and library supplies	4,400 00	
Stationery and office supplies	500 00	
Vehicular transportation supplies	1,200 00	
Other materials and supplies	350 00	
		81,850 00
Current repairs		5,000 00
Services Other Than Personal:		
Entertainment expenses	$750 00	
Freight, express and cartage	50 00	
Religious instruction	400 00	
Traveling expenses (including children's carfare)	1,500 00	
Postage	350 00	
Telephone and telegraph	1,200 00	
		4,250 00

Additions and Improvements:		
Earphones and equipment	2,500 00	
Payments under this account to be made pursuant to R. S. 18:10–31.		
	$311,802 00	

E 8. STATE BOARD OF EDUCATION

Expenses incurred by the Board of Education	$1,000 00	State Board of Education.
Fire and other insurance premiums on buildings under control of State Board of Education	22,500 00	
Payments under this account to be made pursuant to R. S. 18:10–31.		
	$23,500 00	

E 9. STATE BOARD OF EXAMINERS

Salaries:			Board of Examiners.
Head clerk	$2,100 00		
Clerical services	2,640 00		
		$4,740 00	
Materials and Supplies:			
Stationery and office supplies		600 00	
Services Other Than Personal:			
Traveling expenses ..	$200 00		
Other miscellaneous expenses	50 00		
		250 00	
Payments under this account to be made pursuant to R. S. 18:10–31.			
		$5,590 00	

E 10. STATE TEACHERS COLLEGE, GLASSBORO

Teachers College, Glassboro.

For salaries and wages and for the maintenance of the State Teachers College, Glassboro, on the basis of four hundred and fifty students.

Salaries and Wages:		
President	$7,500 00	
Teachers	83,709 00	
Other employees	18,740 00	
		$109,949 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$8,500 00	
Farm, stable and grounds supplies ..	600 00	
Educational, recreational and library supplies	5,400 00	
Stationery and office supplies	500 00	
Household supplies ..	500 00	
Medical, surgical and laboratory supplies	100 00	
Office equipment replacement	100 00	
		15,700 00
Current repairs		2,500 00
Services Other Than Personal:		
Traveling expenses ..	$450 00	
Postage	400 00	
Telephone and telegraph	450 00	
Other miscellaneous expenses	200 00	
Printing	350 00	
Excess sewer rental .	100 00	

Freight, express and cartage	50 00	
Traveling expenses, supervisors of student teaching	1,000 00	
		3,000 00
Unclassified:		
All receipts from extension courses are hereby appropriated for use of the said courses, estimated ..		14,740 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 R. S. 18:10–31		
		$145,889 00

E 11. STATE TEACHERS COLLEGE, JERSEY CITY

Teachers College, Jersey City.

For salaries and wages and for the maintenance of the State Teachers College, Jersey City, on the basis of three hundred and sixty-eight students.		
Salaries and Wages:		
President	$7,500 00	
Teachers	106,580 00	
Other employees	25,550 00	
		$139,630 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$5,033 00	
Educational, recreation and library supplies	6,300 00	

Stationery and office supplies	500 00	
Other materials and supplies	150 00	
Household supplies ..	1,100 00	
Ground supplies	400 00	
Medical, surgical and laboratory supplies	100 00	
Replacement of office equipment	175 00	
		13,758 00
Current repairs		4,500 00
Services Other Than Personal:		
Traveling expenses ..	$450 00	
Postage	450 00	
Telephone and telegraph	500 00	
Freight, express and cartage	50 00	
Other miscellaneous expenses	425 00	
Printing, including catalog	400 00	
Traveling expenses—Supervision of student teaching	500 00	
Subscriptions	75 00	
		2,850 00
Unclassified:		
All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..		2,000 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 R. S. 18:10–31.		
		$162,738 00

E 12. STATE TEACHERS COLLEGE, NEWARK

Teachers College, Newark.

For salaries and wages, and for maintenance of the State Teachers College, Newark, on the basis of five hundred and fifty students.

Salaries and Wages:		
President	$7,500 00	
Teachers	138,771 00	
Other employees	22,850 00	
		$169,121 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$4,600 00	
Educational, recreational and library supplies	6,300 00	
Stationery and office supplies	700 00	
Ground supplies (including ash removal)	450 00	
Household supplies	600 00	
Office equipment	290 00	
Medical and laboratory supplies	135 00	
		13,075 00
Current repairs		4,500 00
Services Other Than Personal:		
Traveling expenses	$450 00	
Postage	500 00	
Telephone and telegraph	600 00	
Printing	450 00	
Freight, express and cartage	60 00	
Other miscellaneous expenses	200 00	

Traveling expenses—		
Supervisors of student teaching	900 00	
		3,160 00
Unclassified:		
All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..		31,000 00
Payments under this account to be made pursuant to R. S. 18:10–31.		
		$220,856 00

E 13. State Teachers College, Paterson

Teachers College, Paterson.

For salaries and wages, and for maintenance of the State Teachers College, Paterson, on the basis of three hundred and forty students, pursuant to the provisions of R. S. 18:16–29 and R. S. 18:16–19.

Salaries and Wages:		
President	$7,500 00	
Teachers	62,083 00	
Other employees	10,310 00	
		$79,893 00
Materials and Supplies:		
Educational, recreational and library supplies	$4,000 00	
Stationery and office supplies	400 00	
Medical, surgical and laboratory supplies	50 00	
Other materials and supplies	100 00	

Heat, light, power, water, gas and electricity	2,500 00	
Household supplies ..	350 00	
Office equipment replacement	100 00	
		7,500 00
Services Other Than Personal:		
Traveling expenses ..	$450 00	
Postage	400 00	
Telephone and telegraph	250 00	
Freight, express and cartage	50 00	
Other miscellaneous expenses	200 00	
Printing	550 00	
Traveling expenses, student teaching ..	300 00	
		2,200 00
Unclassified:		
All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..		10,000 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 R. S. 18:10–31.		
		$99,593 00

E 14. STATE TEACHERS COLLEGE, MONTCLAIR

For salaries and wages and for maintenance of the State Teachers College, Montclair, on the basis of seven hundred and seventy students. Teachers College, Montclair.

Salaries and Wages:		
President	$7,500 00	
Teachers	203,370 00	
Other employees	30,912 00	
		$241,782 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$10,226 00	
Educational, recreational and library supplies	9,900 00	
Stationery and office supplies	1,000 00	
Ground supplies	1,000 00	
Other materials and supplies	300 00	
Household supplies..	1,100 00	
Medical, surgical and laboratory supplies	200 00	
Office equipment replacement	350 00	
		24,076 00
Current repairs		10,000 00
Services Other Than Personal:		
Traveling expenses ..	$500 00	
Traveling expenses, practice teaching ..	1,800 00	
Postage	800 00	
Telephone and telegraph	800 00	
Printing	1,200 00	
Other miscellaneous expenses	400 00	
Freight, express and cartage	150 00	
Subscriptions and membership fees ..	100 00	
		5,750 00

Unclassified:		
For the expenses of maintenance of the boarding halls there is hereby appropriated all the receipts therefrom pursuant to the provisions of R. S. 18:16–31, and all unexpended balances..	$60,000 00	
All receipts from extension courses are hereby appropriated for the use of said courses, estimated..	40,000 00	
		100,000 00
Payments under this account to be made pursuant to R. S. 18:10–31.		
		$381,608 00

E 15. STATE TEACHERS COLLEGE, TRENTON

Teachers College, Trenton.

For salaries and wages, and for the maintenance of the State Teachers College, Trenton, on the basis of eight hundred and fifteen students.		
Salaries and Wages:		
President	$7,500 00	
Business manager ...	4,000 00	
Teachers	213,400 00	
Other employees	45,026 00	
		$269,926 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$26,500 00	

Educational, recreational and library supplies	9,000 00	
Stationery and office supplies	1,000 00	
Other materials and supplies	150 00	
Vehicular transportation supplies	400 00	
Ground supplies	300 00	
Household supplies ..	1,250 00	
Medical supplies	200 00	
		38,800 00
Current repairs		6,000 00
Services Other Than Personal:		
Traveling expenses .	$400 00	
Postage	800 00	
Telephone and telegraph	1,500 00	
Freight, express and cartage	150 00	
Other miscellaneous expenses	250 00	
Printing	800 00	
Expenses, supervision of student teaching	1,550 00	
Subscriptions	100 00	
		5,550 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 R. S. 18:16–31, and all unexpended balances	$115,000 00	

All receipts from extension courses are hereby appropriated for the use of said courses, estimated .	11,000 00	
		126,000 00
Payments under this account to be made pursuant to R. S. 18:10–31.		
		$446,276 00

E 16. Teachers' Libraries

Establishment and maintenance of libraries for use of teachers		$400 00
Payments under this account to be made pursuant to R. S. 18:10–31.		

Teachers' libraries.

E 17. Teachers' Retirement Fund—Pension and Annuity Fund

State Treasurer, for expenses incurred in connection with the fund, pursuant to article 3, chapter 13 of Title 18 of the R. S.		
Salaries of clerks	$5,600 00	
Materials and supplies and miscellaneous expenses	100 00	
		$5,700 00
Payments under this account to be made pursuant to R. S. 18:10–31.		

Teachers' retirement fund.

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 provisions of article 5, chapter 15, of Title 18 of the R. S., which authorized State aid for vocational schools	$300,000 00
For the purpose of carrying into effect the provisions of article 1, chapter 17 of Title 18 of the R. S., 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 ...	33,047 63
State Supervision	1,000 00
Matching George Deen Vocational Law	20,000 00
Payments under this account to be made pursuant to R. S. 18:10–31.	
	$354,047 63

E 19. Teachers Pension and Annuity Fund

Teachers' Pension and Annuity Fund.

State's contribution to Teachers Pension and Annuity Fund, pursuant to article 3, chapter 13 of Title 18 of the R. S., 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	$4,512,393 32

Interest due Teachers Pension and Annuity Fund, pursuant to chapter 88, Laws of 1938	146,711 94
	$4,659,105 26

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..	$183,160 00
Printing bulletins and circulars	5,000 00
Books and binding	1,000 00
Abolishing mosquito-breeding, pursuant to R. S. 26:9–1 to 26:9–26, inclusive, and investigations incident thereto	13,615 00
Investigation of oyster propagation, pursuant to R. S. 4:16–10	6,080 00
Department of Poultry Husbandry, pursuant to R. S. 4:16–12 to 4:16–16, inclusive, also 4:16–9 including poultry specialists for South Jersey	24,805 00
Seed inspection, pursuant to R. S., chapter 8 of Title 4	9,605 00
Investigational work with greenhouse crops	5,560 00
Insecticide inspection, pursuant to article 4, chapter 7 of Title 4 of the R. S.	500 00
Educational service in Agricultural Extension, pursuant to the provisions of R. S. 4:16–22 to 4:16–30 of the R. S. and other Agricultural Extension work	100,755 00

Cranberry and blueberry investigation	7,060 00
Egg-laying and breeding tests pursuant to the provisions of R. S. 18:15–6 and 18:15–7 and R. S. 4:16–17 including squab breeding tests	9,900 00
Experimental work in growing white potatoes, sweet potatoes and tomatoes	10,230 00
Legume inoculation inspection	990 00
Sewage investigation, pursuant to R. S. 4:16–11	18,180 00
For the purpose of carrying into effect the provisions of article 2, chapter 12 of Title 4 of the R. S., creamery inspection	2,830 00
Investigation of vegetable diseases	3,200 00
Investigation of bee husbandry	3,320 00
Investigations of diseases of ornamental plants and nursery stock	3,775 00
Experimental work in vegetable production in North Jersey	890 00
Combating insects affecting fruit and ornamental plants	8,595 00
Experimental work with small fruits	4,000 00
Spray residue investigations	5,650 00
Control of insects affecting vegetable crops investigations	4,490 00
Maintenance of Boys' and Girls' 4-H Club exhibits and payment of premiums	7,500 00
Maintenance and repairs, State buildings at New Jersey State Fair, also premiums for live stock, poultry, horticultural, agricultural and home economics exhibits at the New Jersey State Fair and the several county fairs	4,500 00

Current Repairs:		
Repairs to greenhouses	$500 00	
Repairs to poultry buildings and fences	500 00	
		1,000 00
Establishment and maintenance of a turkey breeding and feeding research farm in vicinity of Millville		3,265 00
North Jersey Branch		
Maintenance, improvements and equipment.	$31,140 00	
Experimental purposes in dairy farming	5,400 00	
Investigation and research as to causes of Bangs disease and mastitis among cattle.	11,300 00	
		47,840 00
		$497,295 00

F 2. Department of Agriculture

Department of Agriculture.

Salaries and administration of the Department of Agriculture, pursuant to chapter 1, of Title 4 of the R. S.		$66,070 00
Editorial Division		8,640 00
Tuberculosis eradication	$72,700 00	
Appraisements — condemned cattle	40,000 00	
		112,700 00
Contagious abortion, pursuant to article 3, chapter 5 of Title 4 of the R. S.		6,290 00
Poultry disease control		5,030 00
Miscellaneous animal disease control		6,720 00

Fruit and vegetable marketing, pursuant to chapter 10 of Title 4 of the R. S.	9,620 00
Crops and markets information service	6,760 00
Poultry products, marketing, pursuant to chapter 10 of Title 4 of the R. S.	11,055 00
Dairy products marketing	4,950 00
Farm statistics	7,630 00
Plant inspection	21,245 00
Bee disease control	2,900 00
Japanese beetle control	46,185 00
Gipsy moth extermination	11,270 00
Licensing and bonding	7,520 00
Fresh egg law enforcement	10,970 00
Dutch elm disease control	37,755 00

World's Poultry Congress

The unexpended balance as of June 30th, 1939, of the appropriation made pursuant to chapter 346, Laws of 1938, is hereby reappropriated.

$383,310 00

G. Military

G 1. Adjutant-General's Department

Adjutant-General.

Salaries:		
Adjutant-General	$7,500 00	
Deputy Adjutant-General	6,223 00	
Chief, War Records and Mobilization Division	5,208 00	
Assistant State Service Officers (3)	9,120 00	
Clerical services	27,840 00	
		$55,891 00

Materials and Supplies:		
Stationery and office supplies	$650 00	
Vehicular transportation supplies	1,000 00	
Office equipment	480 00	
		2,130 00
Services Other Than Personal:		
Printing and binding.	$800 00	
Traveling expenses and garage rent ...	1,400 00	
Other miscellaneous expenses	300 00	
		2,500 00
Extraordinary Expenses:		
Repair of old flags		2,500 00
Unclassified Expenses:		
Pursuant to the provisions of chapter 20 of Title 38 of the R. S., to provide assistance in the education of "War Orphans"...		2,000 00
		$65,021 00

G 2. National Guard

Maintenance of Organizations

National Guard.

Allowance for 44th Division headquarters ..	$27,500 00
Allowance for 44th Division, Special Troops	2,500 00
Allowance for 119th Observation Squadron ..	5,000 00
Allowance for headquarters and headquarters company, 57th Infantry Brigade	2,500 00

Allowance for two regiments of Infantry (113th and 114th) ...	13,500 00	
Allowance for one regiment of Cavalry (102nd)	21,000 00	
Allowance for one regiment of Field Artillery (112th)	14,500 00	
Allowance for one regiment of Field Artillery (157th) motorized	9,000 00	
Allowance for one regiment of Engineers (104th)	7,750 00	
Allowance for one Medical Regiment (119th).	3,250 00	
Allowance for one Quartermaster Regiment (119th)	2,800 00	
Allowance for 59th Cavalry Brigade Headquarters	2,500 00	
Allowance for headquarters and Headquarters Battery, 69th Field Artillery Brigade ...	2,500 00	
Allowance for State Staff Corps and Department	1,500 00	
Caretaker of military equipment, Signal Corps	1,080 00	
Caretaker for drill hall at Flemington	840 00	
		$117,720 00

Maintenance of Armories, Arsenals and Camp Grounds

Allowance for rent of quarters, heat and light, and miscellane-		

ous expenses for companies or troops stationed in towns and cities not quartered in State-owned armories, namely, Vineland, Flemington, Freehold, Garages, and Sea Girt Garage	$10,000 00
State camp grounds, salaries, wages and maintenance, including arsenal at Sea Girt and maintenance thereof..	35,000 00
Regimental armories at Jersey City, Paterson, Trenton (2), Teaneck and two at Newark and two at Camden ..	130,000 00
Troop, battery and battalion armories at East Orange, Elizabeth, Red Bank, Orange, Westfield, Passaic, Atlantic City, West Orange, Morristown and Newark Air Port, maintenance	90,000 00
Company armories at Somerville, Bridgeton, Asbury Park, New Brunswick, Mount Holly, Burlington, Flemington, Salem, Vineland, Woodbury, Freehold, Trenton (garage) and Plainfield	33,000 00
Fire insurance on all military buildings and contents	32,627 00
Insurance, other than fire	10,000 00

Rent of drill hall for headquarters and machine gun troops, Newark	5,000 00	
Automobile maintenance	3,000 00	
Salary and expenses of Superintendent of Building Construction	7,000 00	
		355,627 00

Army Instruction and Field Training

Transportation and expenses for battalion drills, inspection, parades, schools of instruction and pay and expenses of inspecting officers and transportation of disabled soldiers	$5,000 00	
Compensation of officers and employees and expenses incurred in connection with rifle practice, provided that payment for services and supplies incident to the Field Training of part of the National Guard during the month of June, 1939, is authorized from this item	9,000 00	
Pay of caretakers and mechanics for motorized and mounted organizations	8,000 00	
Salary of clerk to senior inspector-instructor ..	1,740 00	

Compensation of officers and enlisted men and expenses in connection with annual encampment provided that payment for services and supplies incident to the field training of part of the National Guard during the month of June, 1939, is authorized from this item	75,000 00	
Traveling expenses, inspector-instructors ..	1,000 00	
Attendance of national guard officers at conferences and for pay of contract surgeons .	2,000 00	
		101,740 00

General Maintenance Expenses

Maintenance of military equipment	$8,500 00	
Military boards expenses	500 00	
		9,000 00

Armory Construction

Renovations, repairs and additions to thirty-four armories, buildings at camp grounds and rifle range	$25,000 00	
Furnishings for thirty-four armories	25,000 00	
		50,000 00

Claims

Claims.

Compensation, hospitalization and medical attendance due to injuries received in National Guard service under provisions of chapter 11 of Title 38 of the R. S.	$8,000 00
Claim of Mrs. Audrey Marion Johnson, for the death of her husband, Second Lieut. George R. Johnson, 119th Observation Squadron, which occurred at Red Bank, N. J., Nov. 5, 1933 ...	140 00
Claim of Mrs. Anna E. Poole, for the death of her husband, Staff Sergeant Alfred W. Poole, 119th Observation Squadron, which occurred at Red Bank, N. J., Nov. 5, 1933 ...	129 22
Claim of Mrs. Louise M. Higgins, for the death of her husband, Sergeant John R. Higgins, 119th Motorcycle Company, which occurred near Freehold, N. J., August 17, 1932	314 25
Claim of Mrs. Ida Mae Leidner for the death of her husband, Private Thomas Leidner, Troop E, 102nd Cavalry, which occurred at Long Branch, N. J.,	

September 14, 1938, the result of injuries received at Sea Girt, N. J., July 8, 1935 ...	608 40	
Claim of Mr. Samuel F. Peterson for compensation and hospitalization from August 20, 1937, to October 22, 1937, (total disability) and from October 22, 1937, to May 27, 1938, (partial disability) for injury received by stray bullet, while passing firing range in boat, State Camp Grounds, Sea Girt, N. J.	1,515 75	
Claim of Amos D. Yocum, formerly Second Lieutenant, Headquarters Battery, 69th Field Artillery Brigade, covering compensation to October 25, 1939, and reimbursement for hospital and other expenses	2,998 12	
		13,705 74
		$647,792 74

G 3. Naval Militia Reserve

Brigade headquarters	$200 00	Naval Militia.

Second Battalion, Camden

Allowance for miscellaneous expenses in lieu of company expenses	800 00
Allowance for battalion headquarters	100 00

Seventh Battalion, Jersey City

Allowance for miscellaneous expenses in lieu of company expenses	800 00
Allowance for battalion headquarters	100 00

Eighth Battalion, Perth Amboy

Allowance for miscellaneous expenses in lieu of company expenses	800 00
Allowance for battalion headquarters	100 00
Pay, expenses, et cetera, of officers and enlisted men on annual cruise and practice cruises	7,600 00
Pay of shipkeepers, rent of wharves and drill hall, maintenance and general expenses	6,700 00
Maintenance of Perth Amboy armory	4,240 00
Maintenance of Camden armory	5,000 00
	$26,440 00

G 4. QUARTERMASTER-GENERAL'S DEPARTMENT

Quartermaster-General.

Salaries:		
Quartermaster-General	$7,500 00	
Deputy Quartermaster-General	6,923 00	
Chief, administrative section	5,508 00	
Chief, finance section.	4,032 00	
Chief, property section	3,792 00	
Compensation of other assistants	12,060 00	
		$39,815 00
Materials and Supplies:		
Stationery and office supplies		500 00

Services Other Than Personal:
Other miscellaneous expenses 200 00

$40,515 00

G 5. State Militia

Equipping, quartering and training a Colored Battalion of State Militia, five companies $50,000 00

Colored Battalion of Militia.

H. Pension and Retirement Fund

H 1. Judicial Retirement Fund

For the purpose of carrying out the provisions of article 1, chapter 6 of Title 43 of the R. S. $18,000 00

Judicial Retirement.

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 $96,000 00

Sundry pensions.

H 3. State Employees' Retirement System

Expenses in carrying into effect the provisions of chapter 14 of Title 43 of the R. S.

State Employees' Retirement System.

Salaries:
Secretary $4,000 00

Compensation for assistants, present, $14,040.00; new, $3,840.00	17,880 00	
		$21,880 00
Materials and Supplies:		
Stationery and office supplies	$600 00	
Office equipment	650 00	
		1,250 00
Services Other Than Personal:		
Traveling expenses ..	$50 00	
Other miscellaneous expenses	400 00	
Printing	125 00	
		575 00
Unclassified:		
To the Treasurer of the State of New Jersey, custodian for Contingent Reserve Fund, created by R. S. 43:14–12 and 43:14–14	$90,595 00	
Contributions on account of members' service	339,190 00	
Receipts from counties or municipalities pursuant to chapter 15 of Title 43 of the R. S. estimated..	2,400 00	
		432,185 00
		$455,890 00

H 4. ANNUITY FOR WIDOWS OF GOVERNORS

Annuity for widow of Governor of New Jersey, pursuant to R. S. 43:8–2		$2,500 00	Annuity to Governor's widow.

J. CONSTRUCTIVE

J 1. PORT RARITAN DISTRICT COMMISSION

Carrying out the provisions of chapter 12 of Title 12 of the R. S.			Port Raritan Commission.
Salaries		$4,940 00	
Services Other Than Personal		1,860 00	
		$6,800 00	

J 2. SOUTH JERSEY PORT COMMISSION

For the purpose of carrying out the provisions of chapter 11 of Title 12 of the R. S.		$27,455 00	South Jersey Port Commission.

J 3. STATE HOUSING AUTHORITY

Salaries:			State Housing Authority.
Compensation for assistants		$21,000 00	
Materials and Supplies:			
Stationery and office supplies	$800 00		
Heat, light and power	200 00		
		$1,000 00	
Services Other Than Personal:			
Traveling expenses ..	$1,000 00		
Telephone and telegraph	800 00		

Printing	200 00	
Other miscellaneous expenses	1,000 00	
		3,000 00

Unclassified:
The balance of the Revolving Fund for project preparation on the 30th day of June, 1939, is hereby reappropriated.

$25,000 00

K. General

K 1. Burial Grounds

Shipwrecked bodies.

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 5 of Title 13 of the R. S.

Salaries:		
Superintendent and executive secretary	$3,000 00	
Compensation for laborers, mechanics and other employees	24,700 00	
		$27,700 00

Materials and Supplies:		
Heat, light, power, water, gas and electricity	$4,200 00	
Ground supplies	150 00	
Vehicular transportation supplies	2,500 00	
Sanitary supplies	500 00	
Stationery and office supplies	100 00	
Other materials and supplies	50 00	
Supplies for the zoo	325 00	
Replacement of car	600 00	
		8,425 00
Current repairs		5,000 00
Services Other Than Personal:		
Telephone and telegraph	$300 00	
Insurance	1,000 00	
Other miscellaneous expenses	200 00	
		1,500 00
Additions and Improvements:		
Materials for buildings at Blind Camp		1,000 00
		$43,625 00

K 3. COMMISSIONERS OF PALISADES INTERSTATE PARK

Salaries		$95,000 00
Materials and Supplies:		
Clothing	$500 00	
Heat, light, power, water, gas and electricity	6,500 00	

Palisades Interstate Park.

Ground supplies	200 00	
Household supplies ..	350 00	
Medical and surgical supplies	50 00	
Motor Vehicular Transportation supplies	2,500 00	
Stationery and office supplies	700 00	
Photographing and drafting supplies ..	100 00	
Farm supplies	100 00	
Engineering supplies	75 00	
Other materials and supplies	300 00	
		11,375 00
Current Repairs		4,500 00
Services Other Than Personal:		
Traveling expenses ..	$175 00	
Telephone and telegraph	1,000 00	
Rent	52 00	
Insurance (other than fire)	4,200 00	
Postage	250 00	
Other miscellaneous expenses	100 00	
Freight, express and cartage	100 00	
Subscriptions	50 00	
		5,927 00
		$116,802 00

K 4. Commission to Investigate Crippled Children

Crippled children.

Carrying out the provisions of chapter 188, Laws of 1926, and supplements.

Salaries:		
Director	$5,000 00	
Secretary	2,400 00	
Medical director	1,500 00	
Clerical services	2,580 00	
		$11,480 00
Materials and Supplies:		
Stationery and office supplies	$675 00	
Hospitalization, braces, etc.	6,180 00	
		6,855 00
Services Other Than Personal:		
Telephone and telegraph	$75 00	
Traveling expenses ..	1,300 00	
		1,375 00
		$19,710 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 and librarian	$5,000 00	
Assistant librarian and other employees	16,820 00	
		$21,820 00

Materials and Supplies:		
Stationery and office supplies	$1,300 00	
Educational and library supplies	15,000 00	
Replacement of office equipment	45 00	
Vehicular transportation supplies	700 00	
		17,045 00
Services Other Than Personal:		
Traveling expenses ..	$250 00	
Formation and aid of school and county libraries, article 2, chapter 12 of Title 18 of the R. S.	10,000 00	
Donations to libraries, subdivision A, article 3, chapter 26 of the Title 52 of the R. S.	200 00	
Freight and express..	450 00	
Printing and binding.	750 00	
Other miscellaneous expenses	100 00	
		11,750 00
		$50,615 00

K 7. Public Record Office

Public Record Office.

Salaries:		
Director	$3,000 00	
Clerical services	3,720 00	
		$6,720 00
Materials and Supplies:		
Stationery and office supplies		250 00

Services Other Than Personal:		
Traveling and other miscellaneous expenses	500 00	
Binding and repair of public and historical records	500 00	
		1,000 00
		$7,970 00

K 8. Rehabilitation Commission

For the purpose of carrying into effect the provisions of chapter 16 of Title 34 of the R. S.

Rehabilitation.

Salaries:		
Administrative	$20,000 00	
Physicians in charge and assistants	26,600 00	
Vocational examiners	26,280 00	
Clinical employees ..	22,980 00	
Clerical and other employees	34,200 00	
Janitor service	2,100 00	
		$132,160 00
Materials and Supplies:		
Heat, light, power, water and gas	$950 00	
Office equipment	500 00	
Stationery and office supplies	400 00	
Medical, surgical and laboratory supplies	17,000 00	
Household supplies ..	150 00	
Tuition and vocational supplies	18,000 00	
		37,000 00
Current repairs		700 00

Services Other Than Personal:		
Traveling expenses ..	$15,000 00	
Rent	3,850 00	
Insurance	121 80	
Telephone and telegraph	1,200 00	
Household expenses .	1,500 00	
Freight, express and other miscellaneous expenses	75 00	
Printing	400 00	
		22,146 80
		$192,006 80

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, or R. S. 54:28–4, 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 of Miscellaneous Corporations

Refund of overpaid franchise taxes.

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	2,640 00	
Reference librarian ..	3,000 00	
Clerical services and messenger	10,440 00	
		$24,580 00
Materials and Supplies:		
Library supplies	$4,000 00	
Stationery and office supplies	175 00	
		4,175 00
Services Other Than Personal:		
Legislative reference department	$250 00	

Other miscellaneous expenses	100 00	
Printing and binding..	2,000 00	
		2,350 00
		$31,105 00

K 12. COMMISSION TO MARK HISTORIC SITES

Historic sites.

Expenses of the commission, pursuant to chapter 1 of Title 28 of the R. S. $16,000 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

Archives.

Expenses incurred in printing the New Jersey Archives $500 00

K 15. GROVER CLEVELAND BIRTH PLACE ASSOCIATION

Cleveland Association.

Expenses incurred by the commission appointed pursuant to chapter 270, Laws of 1933 ..... $1,200 00

K 16. NEW JERSEY GRAND ARMY OF THE REPUBLIC

G. A. R.

Providing assistance to the Department of New Jersey, Grand Army of the Republic, pursuant to chapter 156, Laws of 1921 ..... $1,000 00

K 17. SPANISH-AMERICAN WAR VETERANS

Spanish-American War Veterans.

To compile and preserve record of proceedings of the Spanish-American War Veterans of New Jersey .. $1,000 00

K 18. VETERANS OF FOREIGN WARS

Veterans of Foreign Wars.

Expenses incident to the reception and entertainment of the honorably discharged, wounded, injured or disabled soldiers, sailors and marines of the State of New Jersey, at the State Convention of the Department of New Jersey, Veterans of Foreign Wars $1,000 00

K 19. NEW JERSEY VETERANS OF ALL WARS

Memorial Association

All Wars Association.

Salaries:		
Caretaker		$300 00
Materials and Supplies:		
Stationery and office supplies	$25 00	
Flags	25 00	
Other materials and supplies	30 00	
		80 00
Current repairs		50 00
Services Other Than Personal:		
Printing	$40 00	
Postage	10 00	

Other miscellaneous expenses, including lighting	50 00	
		100 00
		$530 00

K 20. PASSAIC VALLEY FLOOD CONTROL COMMISSION

Passaic Valley Flood Control.

Expenses of the commission appointed pursuant to chapter 157, Laws of 1934 ..... $1,175 00

K 21. GOOD-WILL COMMISSION

Good-Will Commission.

Salaries and expenses incurred by the Good-Will Commission, pursuant to Joint Resolution No. 11, approved June 4, 1938 ..... $4,000 00

L. SPECIAL FUNDS

L 1. STATE EMERGENCY FUND

Emergencies.

For the State House Commission to meet conditions of emergency and contingency the sum of $25,000 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 20 and 22 of Title 52 of the R. S.

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 ... $120,696 85

L 3. Debt Service

Debt Service.

Principal and interest requirements on Emergency Relief Bonds authorized at the election held November 6, 1934 ..... $1,359,375 00

X. Institutions and Agencies

X 1. Department of Institutions and Agencies

Department of Institutions and Agencies.

Salaries:

Commissioner	$15,000 00
Deputy commissioner	7,500 00
Director, division of medicine	7,500 00
Director of statistics and research	6,000 00
Supervising steward..	5,500 00
Director of classification	4,760 00
Director of inspections	3,500 00
Agricultural supervisor	4,000 00

Institutional collectors (2)	5,460 00	
Other officers and employees	77,560 00	
		$136,780 00
Materials and Supplies:		
Stationery, office supplies and equipment	$4,750 00	
Vehicular transportation supplies	5,500 00	
Exchange of automobiles	1,000 00	
		11,250 00
Services Other Than Personal:		
Traveling expenses ..	$3,400 00	
Deporting aliens and nonresidents	2,000 00	
Other miscellaneous expenses	700 00	
		6,100 00

Central Parole Bureau

Paroles.

Salaries:		
Director, parole and domestic relations..	$5,000 00	
Assistant directors parole and domestic relations	7,740 00	
Parole officers, present, $54,560.00; new, $1,800.00	56,360 00	
Miscellaneous services	1,000 00	
Other employees	27,420 00	
		97,520 00

Materials and Supplies:		
Stationery, office supplies, furniture and equipment	$1,500 00	
Vehicular transportation supplies	4,250 00	
		5,750 00
Services Other Than Personal:		
Traveling expenses		6,500 00

Division of Old Age Assistance

Old age assistance

Salaries:		
Director	$4,260 00	
Other officers and employees	31,860 00	
		36,120 00
Materials and Supplies:		
Stationery, office supplies and equipment	$3,000 00	
Vehicular transportation supplies	1,400 00	
		4,400 00
Services Other Than Personal:		
Traveling expenses ..	$1,800 00	
Other miscellaneous expenses	300 00	
		2,100 00

Industrial Supervision

Industrial supervision.

Salaries:		
Director institutional industries	$7,000 00	
Assistant director of industries	4,500 00	
Clerical services and other employees ...	23,890 00	
		$35,390 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 R. S. 30:4–100, all receipts when received derived from State use production will be credited to the State Use Revolving Fund.

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, Totowa	
Criminal Insane and Penal Institutions.	$37,500 00
Reformatory, Annandale	
Prison Farm, Bordentown	
Prison Farm, Leesburg	
Reformatory, Clinton	
Commission for the Blind	

Division of Architecture and Construction

Architects.

Salaries:		
Director	$6,000 00	
Assistant director and mechanical engineer	4,800 00	
Other employees	50,838 00	
		$61,638 00
Materials and Supplies:		
Vehicular transportation supplies	$2,100 00	
Stationery and office supplies	600 00	
Auto exchange	500 00	
		3,200 00
Services Other Than Personal:		
Traveling expenses		1,750 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.		
		$373,108 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	120,198 00	
Medical and surgical fees	1,200 00	
Religious services ...	1,200 00	
		$127,598 00
Materials and Supplies:		
Food	$38,000 00	
Clothing	12,500 00	
Heat, light, power, water, gas and electricity	30,500 00	

Household supplies ..	9,500 00	
Farm, stable and grounds supplies ..	15,500 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	800 00	
Other materials and supplies	1,650 00	
Replacement, band instruments	200 00	
		115,700 00
Current repairs		7,500 00
Services Other Than Personal:		
Traveling expenses ..	$800 00	
Telephone and telegraph	1,900 00	
Postage	650 00	
Insurance other than fire	700 00	
Entertainment expenses	650 00	
Freight, express and cartage	300 00	
		5,000 00
Additions and Improvements:		
Replacement and purchase of kitchen equipment	$425 00	
Compressor for refrigerator	500 00	
		925 00
		$256,723 00

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 R. S. 30:4–176, 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 ninety inmates.

Salaries and Wages:		
Superintendent	$4,500 00	
Attendants, nurses and other employees, present, $121,363.00; new, $1,440.00	122,803 00	
Medical, surgical and dental fees	1,000 00	
		$128,303 00
Materials and Supplies:		
Food	$51,500 00	
Clothing	9,000 00	
Heat, light, power, water, gas and electricity	20,000 00	
Household supplies ..	7,500 00	
Farm, stable and grounds supplies ..	2,500 00	
Medical and surgical supplies	2,000 00	

Stationery and office supplies	600 00	
Vehicular transportation supplies	1,200 00	
Educational, recreational and library supplies	500 00	
Exchange of auto	1,400 00	
		96,200 00
Current repairs		5,500 00
Services Other Than Personal:		
Telephone and telegraph	$1,000 00	
Traveling expenses	500 00	
Postage	400 00	
Funeral expenses	300 00	
Insurance, other than fire	400 00	
Freight and express	100 00	
Entertainment expenses	400 00	
Other miscellaneous expenses	200 00	
		3,300 00
Additions and Improvements:		
New steam service to Cottage 8		1,200 00
Unclassified:		
Compensation award to Mrs. Calloway		669 24
		$235,172 24

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 R. S. 30:4–176, 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

Blind.

Salaries:		
Executive officer and secretary	$4,000 00	
Assistant executive officer	2,760 00	
Teachers of occupational subjects and other employees ...	37,140 00	
		$43,900 00
Materials and Supplies:		
Extension of home industries	$1,200 00	
Stationery and office supplies	1,500 00	
		2,700 00
Services Other Than Personal:		
Traveling expenses ..	$7,000 00	
Postage	1,450 00	
Support and instruction of the blind ...	37,500 00	
Higher education of the blind	4,500 00	
Expressage	850 00	
Entertainment for the blind	250 00	
Telephone and telegraph	1,050 00	
Prevention of blindness	500 00	
State relief for the blind	250 00	
Other miscellaneous expenses	250 00	
		53,600 00

Unclassified:

Maintenance of summer camp	2,500 00
The balance to the credit of the outdoor relief—Revolving Fund—on the thirtieth day of June, one thousand nine hundred and thirty-nine, 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-nine, is hereby reappropriated as a Revolving Industrial Fund, in the sum of $2,000.00.	
	$102,700 00

X 5. County Insane Hospitals

County Lunatic Asylums.

For the support of patients pursuant to R. S. 30:4–78, in County Insane Hospitals:

Atlantic	$48,000 00	
Burlington	46,000 00	
Camden	130,000 00	
Cumberland	33,000 00	
Essex	590,000 00	
Hudson	300,000 00	
		$1,147,000 00

Said amounts to include payment of bills prior to current fiscal year.

X 6. County Tuberculosis Hospitals

County Tubercular Hospitals.

For the support of patients pursuant to subdivision C, article 4, chapter 9 of Title 30, of the R. S., in the following county hospitals:

Atlantic	$19,000 00	
Bergen	83,500 00	
Burlington	23,500 00	
Camden	63,000 00	
Cape May	3,000 00	
Cumberland	14,000 00	
Essex	155,000 00	
Gloucester	10,000 00	
Hudson	140,000 00	
Hunterdon	4,500 00	
Mercer	47,800 00	
Middlesex	73,000 00	
Monmouth	27,000 00	
Morris	20,000 00	
Ocean	6,500 00	
Passaic	82,600 00	
Salem	5,000 00	
Somerset	18,500 00	
Sussex	3,500 00	
Union	86,000 00	
Warren	5,000 00	
		$890,400 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 $172,500 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 eighty veterans.

Salaries and Wages:		
Superintendent	$5,000 00	
Other officers and employees	28,300 00	
Religious services ...	150 00	
		$33,450 00
Materials and Supplies:		
Food	$10,700 00	
Clothing	1,000 00	
Heat, light, power, water, gas and electricity	4,300 00	
Household supplies ..	800 00	
Grounds (includes care of cemetery)..	350 00	
Stationery and office supplies	250 00	
Medical, surgical and laboratory supplies	500 00	
Vehicular transportation supplies	700 00	
Other materials and supplies	100 00	
		18,700 00
Current repairs		500 00
Services Other Than Personal:		
Household expenses .	$700 00	
Traveling expenses ..	200 00	
Postage	200 00	
Telephone and telegraph	350 00	

Funeral expenses ...	100 00	
Entertainment expenses	175 00	
Freight and express..	25 00	
Insurance, other than fire	315 00	
		2,065 00
Additions and Improvements:		
Replace furniture and furnishings		500 00
		$55,215 00

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 fifty members.

Salaries and Wages:		
Superintendent	$5,000 00	
Other officers and employees	58,260 00	
Religious services ...	200 00	
Medical and surgical fees	500 00	
		$63,960 00
Materials and Supplies:		
Food	$35,000 00	
Clothing	3,125 00	
Heat, light, power, water, gas and electricity	13,500 00	
Household supplies ..	3,500 00	
Grounds	200 00	

Medical, surgical and laboratory supplies	1,800 00	
Stationery and office supplies	300 00	
Vehicular transportation supplies	500 00	
Other materials and supplies	225 00	
		58,150 00
Current repairs		6,000 00
Services Other Than Personal:		
Traveling expenses..	$200 00	
Postage	125 00	
Telephone and telegraph	450 00	
Entertainment expenses	300 00	
Insurance, other than fire	275 00	
Freight and express..	25 00	
Funeral expenses ...	100 00	
		1,475 00
Additions and Improvements:		
New washing machine	$1,500 00	
New vegetable steamer	350 00	
		1,850 00
		$131,435 00

X 10. North Jersey Training School, Totowa

Training School, Totowa.

For salaries and wages and for maintenance of the North Jersey Training School for Females, Totowa, on the basis of six hundred and twenty-five inmates.

Salaries and Wages:		
Superintendent	$5,000 00	
Attendants, nurses and other employees, present, $138,500.00; new, $540.00	139,040 00	
Medical, surgical, dental, veterinary and religious fees..	3,800 00	
		$147,840 00
Materials and Supplies:		
Food	$34,000 00	
Clothing	9,500 00	
Heat, light, power, water, gas and electricity	34,500 00	
Household supplies..	7,500 00	
Farm, stable and grounds supplies ..	14,900 00	
Industrial and vocational supplies	1,600 00	
Educational, recreational and library supplies	1,750 00	
Medical, surgical and laboratory supplies	3,300 00	
Stationery and office supplies	600 00	
Vehicular transportation supplies	1,500 00	
Other materials and supplies	100 00	
		109,250 00
Current repairs		5,000 00

Services Other Than Personal:		
Postage	$400 00	
Traveling expenses ..	400 00	
Telephone and telegraph	1,450 00	
Entertainment expenses	300 00	
Freight and express..	75 00	
Insurance, other than fire	610 72	
Subscriptions	35 00	
		3,270 72
Additions and Improvements:		
Furniture and furnishings	$1,000 00	
Kitchen equipment ..	885 00	
Office equipment	380 00	
Hospital equipment ..	275 00	
		2,540 00
Unclassified:		
Compensation award		92 86
		$267,993 58

X 11. Reformatory, Annandale

Reformatory, Annandale.

For salaries and wages and for maintenance of the Reformatory at Annandale, on the basis of four hundred and seventy-five inmates.

Salaries and Wages:	
Superintendent	$5,000 00
Deputy Superintendent	2,740 00
Medical and surgical fees	1,500 00

Other officers and employees, present, $165,650.00; new, $4,320.00	169,970 00	
		$179,210 00
Materials and Supplies:		
Food	$25,000 00	
Clothing	11,500 00	
Heat, light, power, water, gas and electricity	28,000 00	
Farm, stable and grounds supplies ..	13,300 00	
Household supplies ..	5,000 00	
Medical, surgical and laboratory supplies	1,050 00	
Vehicular transportation supplies	1,200 00	
Stationery, office supplies and equipment	700 00	
Educational, recreational and library supplies	2,000 00	
Other materials and supplies	500 00	
Photographing, blueprinting and drafting supplies	100 00	
Replacement of band instruments	200 00	
Replacement of farm equipment	600 00	
Exchange of automobiles	1,775 00	
		90,925 00
Current repairs		3,500 00
Services Other Than Personal:		
Traveling expenses ..	$400 00	
Telephone and telegraph	1,050 00	

Postage	500 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	500 00	
Household expenses ..	2,000 00	
		7,510 00
Additions and Improvements:		
Protective equipment		100 00
		$281,245 00

X 12. Reformatory, Rahway

Rahway Reformatory.

For salaries and wages and for maintenance of the Reformatory at Rahway on the basis of nine hundred inmates.

Salaries and Wages:		
Superintendent	$6,000 00	
Deputy superintendent	3,000 00	
Other officers and employees	284,182 00	
Inmates' wages	10,000 00	
Medical and surgical fees	750 00	
		$303,932 00
Materials and Supplies:		
Food	$61,500 00	
Clothing	19,750 00	
Heat, light, power, water, gas and electricity	40,000 00	

Household supplies ..	8,000 00	
Farm, stable and grounds supplies ..	10,175 00	
Industrial and vocational supplies	600 00	
Educational, recreational and library supplies	700 00	
Photographing, blueprinting and drafting supplies	200 00	
Medical, surgical and laboratory supplies	1,300 00	
Stationery and office supplies	1,200 00	
Vehicular transportation supplies	1,300 00	
Truck replacement ..	600 00	
		145,325 00
Current repairs		18,000 00
Services Other Than Personal:		
Traveling expenses ..	$250 00	
Postage	400 00	
Telephone and telegraph	1,100 00	
Freight and express..	50 00	
Funeral expenses	120 00	
Rent of farm land ...	100 00	
Payments to discharged inmates and recapturing escapes	1,000 00	
Insurance, other than fire	500 00	
		3,520 00
		$470,777 00

X 13. Reformatory for Women, Clinton

Women's Reformatory.

For salaries and wages, and for maintenance of the Reformatory for Women, Clinton, on the basis of three hundred and seventy-five inmates.

Salaries and Wages:		
Superintendent	$4,000 00	
Assistant Superintendent	2,040 00	
Other officers and employees, present, $80,180.00; new, $3,360.00	83,540 00	
Medical and surgical fees	3,500 00	
Religious services ...	550 00	
		$93,630 00
Materials and Supplies:		
Food	$18,500 00	
Clothing	7,500 00	
Heat, light, power, water, gas and electricity	19,500 00	
Household supplies ..	5,500 00	
Farm, stable and ground supplies ...	7,000 00	
Medical and surgical supplies	2,250 00	
Stationery and office supplies	600 00	
Educational, recreational and library supplies	500 00	
Vehicular transportation supplies	1,100 00	
Cannery supplies	1,000 00	
Replacement of horses	400 00	

Replacement of farm equipment	720 00	
Exchange of autos and trucks	1,000 00	
		65,570 00
Current repairs		5,000 00
Services Other Than Personal:		
Traveling expenses ..	$425 00	
Postage	600 00	
Telephone and telegraph	750 00	
Insurance, other than fire	300 00	
Freight and express ..	75 00	
Entertainment	500 00	
Funeral expenses	100 00	
Payments to discharged inmates ...	1,200 00	
		3,950 00
Unclassified:		
Compensation award		691 42
		$168,841 42

X 14. Sanatorium for Tuberculous Diseases

Glen Gardner Sanatorium.

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, instructors and others, including	

school teachers, present, $235,010.00; new, $3,840.00	238,850 00	
Clinic salaries	12,140 00	
Medical and surgical fees	100 00	
Religious services ...	800 00	
		$259,890 00
Materials and Supplies:		
Food	$107,500 00	
Clothing	500 00	
Heat, light, power, water, gas and electricity	42,000 00	
Household supplies ..	11,000 00	
Farm, stable and ground supplies ...	3,250 00	
Medical, surgical and laboratory supplies	11,000 00	
Stationery and office supplies	1,100 00	
Educational, recreational and library supplies	600 00	
Vehicular transportation supplies	2,200 00	
Clinic supplies	175 00	
		179,325 00
Current repairs		12,000 00
Services Other Than Personal:		
Traveling expenses ..	$500 00	
Postage	700 00	
Telephone and telegraph	2,000 00	
Insurance other than fire	490 00	
Freight and express ..	250 00	
Entertainment	500 00	
Funeral expenses	100 00	

Miscellaneous expenses	50 00	
Clinic expenses	3,000 00	
		7,590 00
Additions and Improvements:		
Exchange of platform scales	$500 00	
Replacement of blankets	1,000 00	
New Autocleve and Sterilizer for Surgery	1,000 00	
Rearrangement east and west wards for infirmary service	2,000 00	
		4,500 00
Unclassified:		
Compensation award, Joan MacLennon		1,040 00
		$464,345 00

X 15. State Board of Children's Guardians

Children's Guardians.

Salaries:		
Executive director	$6,500 00	
Supervisors	9,420 00	
Departmental auditor	3,000 00	
Compensation for other assistants	393,371 00	
		$412,291 00
Materials and Supplies:		
Stationery and office supplies	$6,250 00	
Office equipment	5,000 00	
Vehicular transportation supplies	19,000 00	
		30,250 00

Services Other Than Personal:		
Traveling expenses ..	$6,000 00	
Postage	12,000 00	
Telephone and telegraph	4,000 00	
Other miscellaneous expenses	500 00	
Insurance other than fire	2,500 00	
		25,000 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 Revolving 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.		
		$467,541 00

X 16. State Home for Boys

Boys' Home, Jamesburg.

For salaries and wages and for maintenance of the State Home for Boys, on the basis of five hundred and twenty-five inmates.		
Salaries and Wages:		
Superintendent	$5,000 00	
Business manager ...	3,000 00	
Resident physician ..	3,000 00	

Other officers and employees	194,169 92	
Medical, surgical and veterinary fees	1,000 00	
		$206,169 92
Materials and Supplies:		
Food	$34,000 00	
Clothing	18,000 00	
Heat, light, power, water, gas and electricity	36,500 00	
Household supplies ..	8,500 00	
Farm, stable and ground supplies ...	17,000 00	
Industrial and vocational supplies	3,000 00	
Educational, recreational and library supplies	2,750 00	
Medical, surgical and laboratory supplies	2,900 00	
Stationery and office supplies	1,000 00	
Vehicular transportation supplies	2,200 00	
Repairs to band instruments	250 00	
Replacement of office equipment	355 00	
Exchange of truck ...	1,800 00	
		128,255 00
Current repairs		10,000 00
Services Other Than Personal:		
Traveling expenses ..	$700 00	
Postage	700 00	
Telephone and telegraph	1,450 00	
Entertainment expenses	300 00	
Freight and express..	150 00	

Insurance, other than fire	350 00	
Funeral expenses	100 00	
		3,750 00
Additions and Improvements:		
Purchase of band instruments	$750 00	
Furniture and furnishings	750 00	
		1,500 00
		$349,674 92

X 17. State Home for Girls

Girls' Home, Trenton.

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	2,740 00	
Teachers, nurses, clerks and others	86,120 00	
Medical, surgical and dental fees	2,300 00	
		$95,160 00
Materials and Supplies:		
Food	$26,200 00	
Clothing	7,150 00	
Heat, light, power, water, gas and electricity	5,000 00	
Household supplies	5,700 00	
Farm, stable and grounds supplies	4,400 00	

Educational, recreational and library supplies	2,000 00	
Stationery and office supplies	700 00	
Medical and surgical supplies	1,200 00	
Vehicular transportation supplies	650 00	
Other materials and supplies	300 00	
		53,300 00
Current repairs		4,000 00
Services Other Than Personal:		
Traveling expenses ..	$500 00	
Postage	400 00	
Telephone and telegraph	1,200 00	
Insurance, other than fire	300 00	
Freight and express..	100 00	
Entertainment expenses	200 00	
Payments to discharged inmates ...	200 00	
		2,900 00
Additions and Improvements:		
Furniture and furnishings		500 00
		$155,860 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 five thousand five hundred inmates.

Salaries and Wages:		
Medical superintendent and chief executive	$8,000 00	
Business manager	4,000 00	
Chief engineer	4,000 00	
Other officers and employees	1,065,360 00	
Religious services	1,300 00	
Clinic salaries	36,460 00	
		$1,119,120 00
Materials and Supplies:		
Food	$370,000 00	
Clothing	65,000 00	
Heat, light, power, water, gas and electricity	130,000 00	
Household supplies	70,000 00	
Farm, stable and grounds supplies	46,000 00	
Industrial and vocational supplies	5,000 00	
Medical, surgical and laboratory supplies	42,000 00	
Stationery and office supplies	2,500 00	
Vehicular transportation supplies	6,400 00	
Other materials and supplies	6,000 00	
Clinic supplies	4,200 00	
Auto exchange	1,275 00	
Exchange of trucks	1,000 00	
		749,375 00
Current repairs		40,000 00

Services Other Than Personal:		
Traveling expenses ..	$850 00	
Postage	2,200 00	
Telephone and telegraph	5,400 00	
Insurance, other than fire	1,500 00	
Freight and express..	1,200 00	
Funeral expenses	4,200 00	
Medical library subscription	200 00	
Other miscellaneous expenses	400 00	
Clinic expenses	1,900 00	
		17,850 00
Additions and Improvements:		
Fire hose and equipment	$800 00	
Six food carts	2,400 00	
Containers for food carts	500 00	
		3,700 00
Unclassified:		
Compensation awards		2,500 00
		$1,932,545 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 two thousand five hundred inmates.

Salaries and Wages:	
Medical director	$5,000 00
Business manager and superintendent	4,760 00

Other officers and employees, present, $467,420.00; new, $50,100.00	517,520 00	
		$527,280 00
Materials and Supplies:		
Food	$137,000 00	
Clothing	28,750 00	
Heat, light, power, water, gas and electricity	88,750 00	
Farm, stable and grounds supplies ..	24,000 00	
Household supplies ..	32,000 00	
Medical, surgical and laboratory supplies	20,000 00	
Industrial and vocational supplies	1,900 00	
Educational, recreational and library supplies	1,600 00	
Stationery and office supplies	2,500 00	
Vehicular transportation supplies	2,500 00	
Other materials and supplies	2,400 00	
		341,400 00
Current repairs		15,000 00
Services Other Than Personal:		
Traveling expenses ..	$800 00	
Postage	1,300 00	
Insurance, other than fire	1,500 00	
Telephone and telegraph	3,300 00	
Funeral expenses	400 00	
Freight and express ..	500 00	
Subscriptions	50 00	
Other miscellaneous expenses	500 00	
		8,350 00

Additions and Improvements:		
Laundry equipment .	$5,000 00	
Fire protection equipment	1,200 00	
Food trucks	900 00	
		7,100 00
		$899,130 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 three thousand inmates.

Salaries and Wages:		
Medical director	$6,000 00	
Warden	5,000 00	
Other officers and employees	827,665 00	
In lieu of maintenance of eleven physicians and their families ..	15,624 00	
Religious services ...	700 00	
Clinic salaries	34,136 00	
		$889,125 00
Materials and Supplies:		
Food	$185,000 00	
Clothing	25,000 00	
Heat, light, power, water, gas and electricity	118,000 00	
Household supplies ..	38,000 00	
Farm, stable and grounds supplies ..	36,500 00	
Medical and surgical supplies	31,000 00	

Stationery and office supplies	2,700 00	
Vehicular transportation supplies	2,700 00	
Industrial and vocational supplies	2,500 00	
Other materials and supplies	4,000 00	
Clinic supplies	2,000 00	
Exchange of automobile	500 00	
Replacement of truck	1,250 00	
Replacement of office equipment	250 00	
		449,400 00
Current repairs		29,000 00
Services Other Than Personal:		
Traveling expenses ..	$2,500 00	
Telephone and telegraph	4,300 00	
Postage	1,000 00	
Entertainment expenses	500 00	
Funeral expenses ...	800 00	
Newspapers and magazines	200 00	
Insurance, other than fire	1,077 50	
Freight and express.	125 00	
Cemetery upkeep ...	200 00	
Other miscellaneous expenses	350 00	
Clinic expenses	350 00	
		11,402 50
Additions and Improvements:		
Replacement of laundry equipment		8,000 00
		$1,386,927 50

X 21. State Prison

State Prison.

For salaries and wages, and for maintenance of the State Prison on the basis of one thousand one hundred inmates.

Salaries and Wages:		
Principal keeper	$6,000 00	
Director of industries	6,000 00	
Other officers and employees	360,560 00	
Wages for inmates at prison (other than State use)	10,000 00	
Medical, surgical and dental fees	1,800 00	
Religious services ...	5,640 00	
		$390,000 00
Materials and Supplies:		
Food	$67,500 00	
Clothing	23,500 00	
Heat, light, power, water, gas and electricity	43,500 00	
Household supplies ..	10,500 00	
Ground supplies	100 00	
Medical, surgical and laboratory supplies.	4,500 00	
Stationery and office supplies	1,500 00	
Educational, recreational and library supplies	1,500 00	
Vehicular transportation supplies	1,200 00	
Industrial and vocational supplies	150 00	

Photographing, blueprinting and drafting supplies	600 00	
Other materials and supplies	900 00	
Protective equipment replacement	500 00	
Replacement of truck	1,900 00	
		157,850 00
Current repairs		12,000 00
Services Other Than Personal:		
Traveling expenses (including returning runaways)	$1,300 00	
Postage	400 00	
Telephone and telegraph	1,700 00	
Insurance, other than fire	800 00	
Freight and cartage..	150 00	
Electrocution plant ..	800 00	
Payments to discharged inmates ...	1,000 00	
Funeral expenses ...	150 00	
Other miscellaneous expenses	200 00	
		6,500 00
Additions and Improvements:		
Ritter Dental Unit No. 4	$614 00	
Kitchen equipment ..	445 00	
		1,059 00
Unclassified:		
Compensation award to Mrs. Butcher		769 12
		$568,178 12

X 22. STATE PRISON FARM, BORDENTOWN

Bordentown Prison Farm.

For salaries and wages, and for maintenance of the State Prison Farm, Bordentown, on the basis of six hundred inmates.

Salaries and Wages:		
Superintendent	$4,000 00	
Chief deputy	2,740 00	
Custodial officers and other employees ...	150,265 96	
Inmates' wages	7,500 00	
		$164,505 96
Materials and Supplies:		
Food	$33,500 00	
Clothing	12,000 00	
Heat, light, power, water, gas and electricity	17,500 00	
Household supplies ..	4,500 00	
Farm, stable and grounds supplies ..	18,500 00	
Vehicular transportation supplies	1,000 00	
Stationery and office supplies	500 00	
Educational, recreational and library supplies	400 00	
Tobacco and other materials and supplies	150 00	
Replacement of auto.	500 00	
		88,550 00
Current repairs		4,000 00
Services Other Than Personal:		
Telephone and telegraph	$700 00	

Insurance, other than fire	200 00	
Postage	150 00	
Other miscellaneous expenses	100 00	
		1,150 00
		$258,205 96

X 23. State 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.

Leesburg Prison Farm.

Salaries and Wages:		
Superintendent	$3,000 00	
Other officers and employees	58,820 00	
Wages for inmates	3,000 00	
Medical and surgical fees	50 00	
		$64,870 00
Materials and Supplies:		
Food	$13,600 00	
Clothing	5,000 00	
Heat, light, power, water, gas and electricity	7,500 00	
Household supplies	4,000 00	
Farm, stable and grounds supplies	4,000 00	
Medical, surgical and laboratory supplies	350 00	
Stationery and office supplies	450 00	
Educational, recreational and library supplies	50 00	

Vehicular transportation supplies	450 00	
		35,400 00
Current repairs		2,500 00
Services Other Than Personal:		
Traveling expenses ..	$150 00	
Postage	150 00	
Telephone and telegraph	650 00	
Insurance, other than fire	300 00	
Freight and cartage ..	50 00	
Entertainment expenses	50 00	
		1,350 00
		$104,120 00

X 24. Village for Epileptics

Epileptic Village.

For salaries and wages, and for maintenance of the Village for Epileptics on the basis of one thousand five hundred and fifty inmates.

Salaries and Wages:		
Superintendent	$8,000 00	
Senior resident physician	4,260 00	
Steward	4,000 00	
Other officers and employees, present, $289,157.00; new, $1,200.00	290,357 00	
Medical and surgical fees	800 00	
Religious services ...	750 00	
		$308,167 00

Materials and Supplies:		
Food	$91,700 00	
Clothing	10,000 00	
Heat, light, power, water, gas and electricity	48,000 00	
Household supplies	19,000 00	
Farm, stable and grounds supplies	19,000 00	
Medical, surgical and laboratory supplies	8,500 00	
Stationery and office supplies	600 00	
Industrial and vocational supplies	600 00	
Educational, recreational and library supplies	800 00	
Vehicular transportation supplies	2,500 00	
Office equipment	200 00	
Other materials and supplies	1,200 00	
Replacement of truck	750 00	
Replacement of fire hose and equipment	500 00	
		203,350 00
Current repairs		12,000 00
Services Other Than Personal:		
Traveling expenses	$1,300 00	
Postage	600 00	
Telephone and telegraph	1,500 00	
Insurance, other than fire	885 00	
Freight and express	150 00	
Entertainment expenses	500 00	
Funeral expenses	275 00	
Other miscellaneous expenses	100 00	
		5,310 00

Additions and Improvements:		
Replacement of furniture and furnishings		2,000 00
Unclassified:		
Compensation award granted to Clarence Parker		641 88
		$531,468 88

X 25. Vineland State School

For salaries and wages, and maintenance of the Vineland State School, on the basis of one thousand five hundred and fifty inmates. Vineland School.

Salaries and Wages:		
Superintendent	$7,000 00	
Physicians, executive assistants, clerks, mechanics and others, present, $203,254.00; new, $6,000.00	209,254 00	
Medical, surgical and oculist fees	2,500 00	
Religious services ...	500 00	
		$219,254 00
Materials and Supplies:		
Food	$80,000 00	
Clothing	17,000 00	
Heat, light, power, water, gas and electricity	35,000 00	
Household supplies ..	16,000 00	
Farm, stable and grounds supplies ..	21,000 00	

Industrial and vocational supplies	1,400 00	
Medical, surgical and laboratory supplies	4,500 00	
Stationery and office supplies	800 00	
Vehicular transportation supplies	1,500 00	
Educational, recreational and library supplies	1,600 00	
Other materials and supplies	150 00	
Exchange team of horses	500 00	
		179,450 00
Current repairs		10,000 00
Services Other Than Personal:		
Traveling expenses ..	$1,800 00	
Postage	1,000 00	
Telephone and telegraph	1,500 00	
Insurance, other than fire	922 00	
Entertainment expenses	1,000 00	
Funeral expenses ...	350 00	
Freight and express..	200 00	
		6,772 00
Additions and Improvements:		
Additional electric oven	$600 00	
Purchase of right-of-way, railroad siding	500 00	
		1,100 00
Unclassified:		
Compensation award to Randolph Cobianchi		520 00
		$417,096 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 R. S. 30:4–176, whatever sum or sums is received from the counties to pay the cost of such maintenance of any said patient in the institution.

SOCIAL SECURITY SUBSIDIES (IN CONFORMANCE WITH FEDERAL LEGISLATION)

X 26. STATE SUBSIDY FOR DIVISION OF OLD AGE ASSISTANCE

Social Security Subsidies.

For the purpose of making payments for Old Age Assistance pursuant to chapter 7 of Title 44 of the R. S.		
Total State, county and Federal cost based on average of 28,984 recipients		$7,080,558 00
Less:		
Federal contribution	$3,478,104 00	
County contribution	922,569 00	
		4,400,673 00
Net estimated amount to be borne by State		$2,679,885 00
Atlantic		$151,092 00
Bergen		188,208 00
Burlington		90,580 00

Camden	233,177 00	
Cape May	56,465 00	
Cumberland	87,311 00	
Essex	425,271 00	
Gloucester	74,206 00	
Hudson	249,363 00	
Hunterdon	40,761 00	
Mercer	128,823 00	
Middlesex	123,731 00	
Monmouth	202,760 00	
Morris	99,959 00	
Ocean	66,997 00	
Passaic	169,047 00	
Salem	37,063 00	
Somerset	33,579 00	
Sussex	26,638 00	
Union	137,049 00	
Warren	57,805 00	
		$2,679,885 00

The balance remaining in the appropriations for reimbursement to the counties for the State Subsidy for Old Age Assistance for the fiscal year ending June 30, 1939, or so much thereof as may be necessary is hereby reappropriated.

X 27. STATE SUBSIDY FOR MAINTENANCE OF CHILDREN UNDER THE CARE OF THE BOARD OF CHILDREN'S GUARDIANS

State Subsidy for Children.

For the purpose of making payments for the maintenance of children under the care of the Board of Children's Guardians pursuant to chapter 5 of Title 30 of the Revised Statutes.		
Total State, county and Federal cost based on an average of 37,080 recipients		$5,484,707 00
Less:		
Estimated Federal contribution ..	$1,194,311 00	
Estimated county contribution ..	2,125,446 00	
		3,319,757 00
Net estimated amount to be borne by the State .		$2,164,950 00

Atlantic	$72,132 00
Bergen	115,638 00
Burlington	46,240 00
Camden	124,908 00
Cape May	17,406 00
Cumberland	36,314 00
Essex	643,732 00
Gloucester	32,725 00
Hudson	328,838 00

Hunterdon	17,030 00	
Mercer	72,421 00	
Middlesex	107,761 00	
Monmouth	77,813 00	
Morris	105,126 00	
Ocean	25,154 00	
Passaic	97,682 00	
Salem	22,809 00	
Somerset	32,478 00	
Sussex	23,099 00	
Union	127,160 00	
Warren	37,090 00	
State	1,394 00	
		$2,164,950 00
Total State Fund Appropriation....		$39,234,693 55

TRUST AND DEDICATED FUNDS

State 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: Sundry Appropriations.

Free Public Schools

For the support of free public schools $500,000 00 Schools.

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 the public schools. Premiums and Interest.

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 ..... 4,500 00 Expenses of School Fund.

Refunds

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 Refunds.

lease is in excess of the amount actually accruing and owing thereunder, the same has been carried 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.

$504,500 00

Other Appropriations.

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 Fund.

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 1940.

State Forest Fund

Forests.

Silviculture improvement of the State forests $15,000 00

State Purchase Department and State Purchase Fund

The unexpended balance of the State Purchase Fund is hereby reappropriated, together with such sums as may be returned to the State Treasury for the reimbursement of said fund, so that a "Purchase Fund" not exceeding $250,000.00 will be established and maintained for the purpose of making payments for purchases pursuant to the purchase act (chapter 25 of Title 52 of the R. S.), and for the expenses of handling, storing and transporting purchases so made, the cost of said purchases to be apportioned among the various using agencies and the appropriations current for their use so as to reimburse the said "Purchase Fund" for said purchases when so made; said amounts so appropriated to be credited to said fund when deposited in the State Treasury for disbursement in accordance with the provisions of said chapter 25 of Title 52 of the R. S. The above fund shall be a revolving fund and the unexpended balances and reimbursements above mentioned shall constitute said fund for the purpose of carrying out the provisions of said purchase act; *provided, however,* that any sum or sums in excess of the amount hereby appropriated received by the Purchasing Agent from any source shall by him be paid to the State Treasurer and deposited in the general fund of the State; *provided, further,* that the salaries and incidental expenses to operate said fund shall not exceed one hundred twenty-four thousand dollars, divided as follows; *provided, however,* that the State House Commission, on application of the State Purchase Commissioner, may transfer to the State Purchase Fund, from time to time, moneys appropriated to any spending agency, said moneys so transferred to be returned to the funds from which they were taken during the fiscal year for which said appropriations were made; *provided, further,* on all purchases made by the State Purchase Commissioner pursuant to law, there shall be added to all purchases as a service charge a

State Purchase Fund.

Proviso.

Proviso.

Proviso.

Proviso.

sum not exceeding two per centum, as shall be determined by the State Purchase Commissioner, which said sum, not exceeding two per centum, as so determined, shall, on certification from the State Purchase Commissioner, be transferred, on order of the Comptroller of the Treasury, by draft or certificate of the State Treasurer, from the accounts of the department, board or commission, or using agency, for whom the purchase was made, to the State Purchase Fund. The State Purchase Commissioner shall certify to the head of the department, board, commission, or using agency of the government from whose accounts a service charge has been ordered, the amount of such service charge.

Anticipatory needs.

On the commencement of any new State fiscal year, or at any time during said fiscal year, the State Purchase Commissioner may anticipate the purchase needs of any department, board, commission, or using agency of the government, and may charge the two per centum above provided for, or any lesser sum, based upon the purchases of any such department, board, commission, or using agency for the immediately preceding fiscal year.

Purchasing Department.

The following sums, or so much thereof as may be necessary, are appropriated from the State Purchase Fund for salaries and other expenses for the operation of the department of the State Purchase Commissioner.

Salaries:		
State Purchase Commissioner	$7,000 00	
Chief Clerk	4,250 00	
Compensation of assistants and clerical services, and laboratory testing services	69,042 00	
Supervisors of purchases	14,760 00	
		$95,052 00

Materials and Supplies:		
Vehicular transportation supplies	$3,500 00	
Stationery and office supplies	4,800 00	
Office equipment	1,100 00	
Fuel, light and power, water rent	5,125 00	
Household supplies	250 00	
		14,775 00
Current repairs		1,200 00
Services Other Than Personal:		
Traveling expenses	$750 00	
Advertising	4,000 00	
Subscriptions	650 00	
Insurance	3,643 00	
Freight, express and cartage	100 00	
Other miscellaneous expenses	1,330 00	
		10,473 00
Additions and Improvements:		
Exchange of truck		2,500 00
		$124,000 00

Public Shooting and Fishing Grounds Fund

Salaries	$28,960 00	Shooting and Fishing Grounds.
Materials and supplies	38,690 00	
Current repairs	500 00	
Services other than personal	5,210 00	
Additions and improvements	4,190 00	
New buildings and land	20,000 00	
State's contribution pursuant to chapter 157, Laws of 1938	5,000 00	
	$102,550 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 as may be required to refund amounts credited to the State Treasurer which do not represent State revenues, and except such sums which are by law devoted to specific purposes, namely, State school tax, Department of Agriculture receipts pursuant to R. S. 4:10–9, United States appropriation to Agricultural College, taxes for the use of taxing districts in this State, Grade Crossing Elimination Fund, appropriated Emergency Relief Funds, Forest Fire Fund, Forest Nursery Fund, Forest Land Fund, Workmen's Compensation Tax Fund, Educational Aid Fund, 1837 Surplus Revenue Fund income, State Police Retirement Fund, Clerk in Chancery Enrollment Fund, unclaimed accounts of patients and prisoners in State institutions, Unemployment Compensation Commission, Compensation awards, Billboard Regulation Fund, moneys appropriated to the New Jersey World's Fair Commission, and such revenues as may be received pursuant to chapter four hundred and twenty-one, laws of one thousand nine hundred and thirty-eight, Vocational Schools, Crippled Children's Commission, High Point Park Commission, Palisades Interstate Park Commission, moneys appropriated to the Financial Assistance Commission pursuant to chapter eighty-nine and ninety-four, laws of one thousand nine hundred and thirty-eight, Federal funds subsidizing the State under the Social Security Act, and such other Federal funds used to match State appropriations in P.W.A. and W.P.A. projects, moneys received from tuition for extension in summer school courses, which last named moneys shall be paid pursuant to the laws applicable thereto; moneys received representing insurance to cover losses by fire and other casualties; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of previous years; moneys received by the Department of Conservation and Develop-

Construing.

ment from the sale or lease of forest reserve lands pursuant to R. S. 13:8–9; moneys received by the Quartermaster-General under the provisions of article 3, chapter 2–38 of R. S.; 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.

When act not applicable.

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.

Transfers of items.

Proviso.

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 thereof, shall be legally binding and of full force and virtue.

Corrections made to comply with intention.

7. No increase in the rate of compensation of any officer or employee in the State service beyond that received by him or her as the incumbent of any State office or position at the end of the fiscal year

No increase in compensation.

one thousand nine hundred and thirty-nine, 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 authorized and 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 authorized in this act and promotions shall not be made or authorized as a means of compensation advancement.

Promotions.

Application of section.

The provisions of this section shall apply to all officers and employees of the State whether paid from appropriations made from the general fund, from special funds or from other funds received by the State and available for the payment of salaries and wages from whatever source derived.

Order of disbursing funds.

8. 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.

Transfers from various appropriations.

9. 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.

Petty cash fund.

10. 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 ten dollars ($10.00). The allotments 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 therefor, and the money thus allotted shall be disbursed by such custodian, who shall require from all persons obtaining money from said fund a 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.

Empowered to transfer appropriations.

11. 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.

12. This act shall take effect on the first day of July, one thousand nine hundred and thirty-nine.

Approved June 30, 1939.

New Jersey State Library

CHAPTER 103

AN ACT concerning the licensing of real estate auctioneers, and amending section 45:15–30 of the Revised Statutes.

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

Section amended.

1. Section 45:15–30 of the Revised Statutes is hereby amended to read as follows:

Auctioneers licensed.

45:15–30. A person who, for pecuniary gain, conducts a public or private competitive sale of lands or any interest in lands, shall be licensed as an auctioneer by the New Jersey Real Estate Commission; *provided, however,* that this act shall not be construed to affect the powers heretofore granted to municipalities to regulate and license auctioneers and to regulate auction sales of real estate, and notwithstanding the provisions of this act or any other act, said powers are hereby expressly given to municipalities in the manner as defined in section 40:52–1 of the Revised Statutes.

Proviso.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 104

AN ACT to provide that beekeepers shall use only modern, movable, frame hives for maintaining honey bees to permit the thorough examination of every comb in order to detect the presence of bee diseases.

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

1. Section 4:6–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

4:6–10. On and after July first, one thousand nine hundred and thirty-nine, it shall be unlawful for any person, firm or corporation to keep or to maintain honey bees in any hives other than modern, movable, frame hives which permit the thorough examination of every comb in order to detect the presence of bee diseases. All other types of boxes or receptacles for bees which are in use after July first, one thousand nine hundred and thirty-nine, are hereby declared to be a public nuisance, and a menace to the community, and the Department of Agriculture may seize and destroy the same without remuneration to the owner. Use of certain hives compelled. Certain types of hives destroyed.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 105

AN ACT to add Route 101 to the State Highway System.

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

Route 101 to be constructed.

1. The State Highway Commissioner shall as soon as practicable and in accordance with the procedure set forth in article one of chapter seven of Title 27 of the Revised Statutes add to the present highway system the following described route:

Route 101.

Route No. 101. Beginning at Route No. 3 in the borough of Carlstadt in the county of Bergen and State of New Jersey and from thence in a general northerly direction through the Hackensack valley and passing in the vicinity of the borough of Hillsdale and through the borough of Montvale, Bergen county, to New York State Line and connecting with Route No. 305 of the State of New York.

Details.

Said route shall be laid out and constructed as soon as practicable by the commissioner in the same manner and subject to the same procedure as other State highways. It shall be constructed from moneys forwarded by the Commissioner of Motor Vehicles to the State Treasurer of this State to be used by the State Highway Commissioner for the construction of roads and bridges, which moneys are derived pursuant to the provisions of chapter thirty-nine of the Title Taxation (Section 54:39–1 et seq.).

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 106

AN ACT to prohibit interference with officers authorized to make arrests under the fish and game laws, and amending section 23:10–5 of the Revised Statutes.

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

1. Section 23:10–5 of the Revised Statutes is hereby amended to read as follows: Section amended.

23:10–5. Any constable, police officer, fish and game warden, protector, or deputy warden, or any officer or member of any incorporated game protective society may, for a violation of any provision of this Title committed within the view of any such officer or person, arrest, without warrant, the offender and carry him before a court of the county wherein such arrest is made, which court shall summarily hear and determine the guilt or innocence of such person, after receiving from the officer or person making the arrest, a complaint in writing, duly verified, setting forth the nature of the offense, and any person or persons who shall, by threat, menace or force, or in any manner, attempt to deter or prevent any fish and game warden or other person authorized to make arrests for violation of the fish and game laws of this State from enforcing or carrying into effect any provisions of this Title or who shall resist arrest or the seizure of boats or nets or other apparatus illegally used, shall be subject to a fine of one hundred dollars. Arrests for violations of fish and game laws. Hearing and determination. Obstructing enforcement of law. Penalty.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 107

AN ACT concerning grand juries, and amending section 2:89–5 of the Revised Statutes.

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

Section amended.

1. Section 2:89–5 of the Revised Statutes is hereby amended so that the same shall read as follows:

Stenographer to grand jury.

2:89–5. In any county of the first, second, third and fifth classes the justice of the Supreme Court holding the circuit for such county may designate one or more competent stenographers who are regularly employed at a stated salary in the office of the prosecutor of the pleas of such county, to act, if and when required in addition to their regular duties, as an assistant to the clerk of the grand jury of such county. The person, or persons, so designated shall, when requested by the grand jury attend its sessions and take minutes of the evidence there adduced. The person or persons so designated shall not be entitled to any extra compensation for their services as assistant to the clerk of the grand jury.

Approved July 1, 1939.

CHAPTER 108

AN ACT concerning the practice of dentistry, and amending sections 45:6–3 and 45:6–10 of the Revised Statutes.

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

1. Section 45:6–3 of the Revised Statutes is amended to read as follows: Section amended.

45:6–3. The board shall from time to time adopt rules for its own government and for the examination of candidates for licenses to practice dentistry. Any rule altering the nature or increasing the severity of the examination or the subjects to be included therein shall not be enforced until six months after its adoption and public promulgation. The examination of applicants shall be confined to written or oral, or both written and oral, examinations upon subjects properly relating to the science of dentistry, the knowledge of which is necessary to the proper and skillful practice of said science. The board may also require from applicants, as part of the examination, demonstration of their skill in operative and prosthetic dentistry. No person shall be examined by the board unless he is a citizen of the United States of America, at least twenty-one years of age, of good moral character, and shall present to the board a certificate from the Commissioner of Education of this State, showing that before entering a dental college he 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, unless he has been graduated in course with a dental degree from a dental school, college or department of a university approved by the board, or holds a diploma or license conferring full right to practice

Rules and examinations.

Enforcement.

Nature of examinations.

Operative skill shown.

Details of requirements.

dentistry in some foreign country and granted by some authority recognized by the board. Any member of the board may inquire of any applicant for examination concerning his qualifications, and may take testimony of anyone in regard thereto, under oath, which he is hereby empowered to administer.

Inquiry by board.

Section amended.

2. Section 45:6–10 of the Revised Statutes is amended to read as follows:

Certificate of registration.

45:6–10. Every licensed dentist shall procure from the secretary-treasurer of the board on or before November first each year an annual certificate of registration. Such certificate shall be issued by the secretary-treasurer upon payment of a fee of two dollars, and all certificates so issued shall be prima facie evidence of the right of the holder to practice dentistry in this State. The secretary-treasurer of the board shall, on or before October first each year, mail to each licensed dentist, a printed blank form to be properly filled out and returned by such licensed person to said secretary-treasurer, together with the fee herein fixed for such annual registration. Upon receipt of such form and fee, the annual certificate of registration shall be issued and transmitted. The board shall cause a notice to be inserted in not less than three newspapers, one in the city of Trenton, one in the city of Camden, and one in the city of Newark, to the effect that such annual registration will be required. Such notice shall be printed in such papers, once a week for three consecutive weeks between September first and October first, each year. Any person who for at least twenty-five years shall have been licensed to practice dentistry in New Jersey and who desires to retire from the practice thereof, and during his retirement to refrain from practicing dentistry, upon application to the secretary-treasurer of the board, may be registered annually, without the payment of any registration fee, as a retired dentist. The certificate of registration which shall be issued to a re-

Fee.

Form of application.

Public notice.

Retirement from practice.

Annual registration.

tired dentist shall state, among other things, that the holder has been licensed to practice dentistry in New Jersey but that during his retirement he shall not practice dentistry. The holder of a certificate of registration as a retired dentist shall be entitled to resume the practice of dentistry at any time; *provided,* he first shall have obtained from the secretary-treasurer an annual certificate of registration as hereinbefore provided. The license of any person who fails to procure any annual certificate of registration, or in lieu thereof an annual certificate of registration as a retired dentist, at the time and in the manner required by this section may be suspended by the board in the manner proveded by sections 45:6–7 to 45:6–9 of this Title. Any license so suspended shall be reinstated at any time within three years from the date of such suspension upon the payment of all past due annual registration fees and an additional reinstatement fee of twenty-five dollars. Any person whose license shall have been suspended for such cause shall, during the period of such suspension, be regarded as an unlicensed person and, in case he shall continue or engage in the practice of dentistry during such period, shall be liable to the penalties prescribed by section 45:6–13 of this Title for practicing dentistry without a license. Any person to whom a certificate of registration as a retired dentist shall have been issued who shall continue or engage in the practice of dentistry without first having obtained a certificate of registration authorizing him to resume the practice of dentistry, shall be liable to the penalties prescribed by section 45:6–13 of this Title for practicing dentistry without a license.

Resuming practice.

Proviso.

Suspension.

Reinstatement.

Fee.

Status of suspended dentist.

Penalty for practicing without authority.

3. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 109

AN ACT concerning investments of cemetery associations, and amending section 8:2–37 of the Revised Statutes.

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

Section amended.

1. Section 8:2–37 of the Revised Statutes is hereby amended to read as follows:

Investments by cemetery associations.

8:2–37. The trust funds and special funds of any cemetery association, or any part thereof, may be invested by the board of managers or trustees of such association in any of the securities which are or hereafter may be made lawful investments under the statutes of this State for executors, administrators, guardians or trustees, and no board of managers or trustees shall be held liable for any loss resulting in any such case.

Exceptions.

This section shall not apply where the deed of trust or the last will and testament of any testator specially directs in what securities the funds so given or bequeathed shall be invested.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 110

AN ACT concerning municipalities located in counties of the sixth class, and empowering such municipalities to convey and reacquire lands for the purpose of creating restrictions on the use thereof.

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

Conveying and reacquiring land.

1. The several municipalities located in counties of the sixth class are hereby empowered to convey any and all lands owned by said municipalities, and to reacquire the same, for the purpose and in the manner as hereinafter provided.

Method.

2. Any such lands may be conveyed, without the necessity of advertising the same for sale, and may be reacquired by said municipalities without condemnation proceedings or any other proceedings now required of municipalities pertaining to land; for the purpose or purposes only of placing said lands under the restrictions that no spirituous, malt, intoxicating or vinous liquors, preparations or substances in the nature thereof, shall be manufactured, bought, sold or kept for sale as a beverage, on the said lands.

Alcoholic beverages excepted.

Restrictions.

3. Any lands conveyed by a municipality pursuant to the provisions of this act shall be immediately reconveyed to the said municipality, subject to said restrictions, otherwise the conveyance or conveyances made by the municipality shall be considered null and void.

No dispute.

4. That the legal consideration supporting any such conveyance or conveyances shall not be subject to dispute.

Authorization.

5. Any provision of law to the contrary notwithstanding, the governing bodies of said municipalities, by the proper officers thereof, are hereby empowered to make conveyances pursuant to this act

and then reacquire said lands in the manner as hereinbefore provided.

When act void.

6. This act shall take effect immediately, and the powers granted hereby shall become null and void on and after the first day of January, one thousand nine hundred and forty-one.

Approved July 1, 1939.

CHAPTER 111

AN ACT concerning the office of deputy commissioner of compensation.

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

Appointment of deputy commissioner of compensation.

1. When a vacancy exists, or shall hereafter exist, in the office of deputy commissioner of compensation, the same shall be filled by appointment of the Commissioner of Labor, without reference to the civil service law, and thereafter the person so appointed shall be in the exempt class of the civil service, and shall be subject to the provisions of Title 11 of the civil service law, and shall not be removed from his said office except in accordance with such law.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 112

AN ACT to validate proceedings of school district meetings heretofore held and bonds issued or to be issued in pursuance thereof.

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

Validating bond issues by school districts.

1. All proceedings of school district meetings heretofore held in any school district in this State for the purpose of authorizing the issuance of bonds, and all bonds issued or to be issued in pursuance of such proceedings, are hereby validated and confirmed notwithstanding that in the printed and posted notices of said meetings no notice was given that it was the intention of the school district to use unused borrowing power of the municipality in which the school district was located as required by section 18:5–84 and section 18:5–85 of the Revised Statutes, as amended; *provided,* that the said proceedings are in all respects otherwise correct, and that the said bonds have not been or shall not be sold for less than par and accrued interest.

Proviso.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 113

AN ACT relating to the public schools of this State, and supplementing chapter eight of Title 18 of the Revised Statutes.

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

Purchasing school buildings in regional districts.

1. Whenever the boards of education of two or more school districts shall deem it advisable to unite to create a regional school district, and maintain a regional board of education, pursuant to the school law, and there shall be one or more high school buildings in one or more of the districts proposing to unite, it shall be lawful to place upon the ballot a notice of intention to acquire by purchase such high school building or buildings; *provided,* notice thereof shall also be given in the printed and published notices of election; and if the legal voters of the said several districts proposing to unite, shall agree to the purchase of said high school building or buildings, then the board of education of such regional school district shall purchase such building or buildings and shall issue and sell bonds for the amount set forth in the ballot and in the printed and published notices of election. Such bonds shall be issued and sold in all respects in accordance with the existing school law, and shall mature within the limit of time prescribed by law, based upon the character of the construction of such building or buildings.

Proviso.

Bond issue.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 114

AN ACT to continue for a period of one year the commission created for the purpose of studying the causes of juvenile delinquency, and supplementing Title 9, chapter twenty, of the Revised Statutes.

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

Commission continued.

1. The commission to investigate and determine the causes of juvenile delinquency created by Title 9, chapter twenty, of the Revised Statutes is hereby continued for a period of one year from the effective date of this act.

No pay; powers and duties.

2. The members of the commission heretofore appointed shall continue to serve in their respective capacities without compensation for the additional year of the existence of the commission and shall be vested with all powers and duties heretofore enjoined upon them.

Act effective.

3. This act shall take effect June fifth, one thousand nine hundred and thirty-nine.

Approved July 1, 1939.

CHAPTER 115

AN ACT concerning the regulation of the practice of medicine and surgery, the licensing of physicians and surgeons, the punishment of persons violating the provisions thereof, and making uniform the requirements for license for all persons who practice any branch of medicine or surgery or use any method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition, except as to those persons legally holding or obtaining licenses under chapters five and twelve of Title 45 of the Revised Statutes, and preserving the right to practice of all of those persons holding limited licenses under chapter thirteen of Title 45 of the Revised Statutes, and under articles two and three of chapter nine of Title 45 of the Revised Statutes, or any acts superseded thereby, and amending sections 45:9–1 to 45:9–3, inclusive, 45:9–5 to 45:9–14.1, inclusive, 45:9–15 to 45:9–17, inclusive, 45:9–21 to 45:9–23, inclusive, and 45:9–26 of the Revised Statutes, and supplementing article one of chapter nine of Title 45 of the Revised Statutes by adding thereto sections 45:9–5.1, 45:9–14.3 to 45:9–14.10, inclusive, and 45:9–27.1, and repealing chapter thirteen of Title 45 of the Revised Statutes, and articles two and three of chapter nine of Title 45 of the Revised Statutes and section 45:9–14.2 of the Revised Statutes.

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

1. Section 45:9–1 of the Revised Statutes is hereby amended to read as follows: Section amended.

45:9–1. The State Board of Medical Examiners, hereinafter in this chapter designated as the "board," created and established by the 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 (L. 1894, c. 306, p. 454), as supplemented by an act approved April second, one thousand nine hundred and thirteen (L. 1913, c. 224, p. 408), and by an act approved March thirty-first, one thousand nine hundred and twenty-one (L. 1921, c. 136, p. 263), is continued and the members and officers of said board as constituted pursuant to said act, and the amendments and supplements of said act, shall continue to hold office until the expiration of their terms. The board shall consist of eleven members, who shall be persons of recognized professional ability and honor, and who shall be appointed by the Governor from a list to be furnished within thirty days after any vacancy occurs in the membership of said board by the society or organization of whom the persons nominated are members, if there be such a society or organization, or if such society or organization has a membership in good standing of not less than one hundred, and for every membership filled in said board at least three names shall be submitted to the Governor, and from the names thus submitted the Governor shall select one person to be a member of said board; *provided, however,* that the said board shall consist of nine graduates of schools of medicine who shall possess the degree of M.D., of whom five shall be old school physicians, three shall be homeopaths, and one an eclectic, and in addition the membership of said board shall comprise one

Board of medical examiners continued.

Membership.

Appointment.

Proviso.

Terms.

osteopath and one chiropractor. The term of office of members of the board hereafter appointed shall be three years or until their successors are appointed. Said appointees shall, within thirty days after the receipt of their respective commissions, take and subscribe the oath or affirmation prescribed by law and file the same in the office of the Secretary of State.

Qualifying.

Section amended.

2. Section 45:9–2 of the Revised Statutes is hereby amended to read as follows:

Organization.

45:9–2. The board shall elect a president, a secretary and a treasurer from its membership and shall have a common seal, of which all courts of this State shall take judicial notice. Its president, or secretary, may issue subpœnas to compel attendance of witnesses to testify before the board and administer oaths in taking testimony in any matter pertaining to its duties, which subpœnas shall issue under the seal of the board and shall be served in the same manner as subpœnas issued out of the court of common pleas of this State, and every person who refuses or neglects to obey the command of such subpœna, or who, after appearing, refuses to be sworn and testify shall, in either event, be liable to a penalty of fifty dollars to be sued for in the name of the board in any court of competent jurisdiction, which penalty when collected shall be paid to the treasurer of said board. It shall make and adopt all necessary rules, regulations and by-laws not inconsistent with the laws of the State or of the United States, whereby to perform the duties and to transact the business required under the provisions of this article (section 45:9–1, et seq.)

Witnesses.

Subpœnaed.

Penalty for not answering subpœna.

Rules and regulations.

Section amended.

3. Section 45:9–3 of the Revised Statutes is hereby amended to read as follows:

Medical inspector.

45:9–3. The board may appoint an agent, whose title shall be "inspector of the State Board of Medical Examiners," who shall hold office during the pleasure of the board, and shall, during his continuance in office, be authorized to serve and

execute any process issued by any court of record under the provisions of this article (45:9–1, et seq.). Such agent shall receive such compensation as the board shall fix, and his appointment shall not be subject to the provisions of the civil service law.

Section amended.

4. Section 45:9–5 of the Revised Statutes is hereby amended to read as follows:

Monthly meetings.

45:9–5. The board shall hold meetings once a month, and shall hold meetings for examinations on the third Tuesday of June and October of each year, which shall be held at the capitol of this State and at such other times and places as it may deem expedient. The secretary of the board shall receive an annual salary as provided by section 45:1–4 of this Title, and each member thereof, including said secretary, shall receive the sum of two hundred and fifty dollars for each regular examination so held, which sum shall be paid from the receipts of the board before any unused balances are paid over to the State Treasurer; but if an appropriation is made for the expenses of the board such sums shall be paid from such appropriation. The board shall keep an official record of all its meetings and an official register of all applicants for a license to practice medicine and surgery in this State. The register shall show the name, age, nativity, last and intended place of residence of each applicant, the time he has spent in obtaining a competent academic and professional education as hereinafter provided, and the names and location of all professional schools or colleges, or examining and licensing boards which have granted the applicant any degree or certificate of attendance upon lectures upon medicine and surgery or State examinations. The register shall also show whether the applicant was licensed or rejected under this article; if licensed, whether the applicant was examined or licensed without examination, and the register shall be prima facie evidence of all matters therein contained.

Secretary's salary.

Records.

Applicants.

Register.

Information supplied.

Section added.

5. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–5.1, which shall be as follows:

Definition of terms.

45:9–5.1. Within the meaning of this chapter (45:9–1 et seq.), except as herein otherwise provided, and except for the purposes of the exemptions hereinafter contained in sections 45:9–14.1 to 45:9–14.10, inclusive, the phrase "the practice of medicine or surgery" and the phrase "the practice of medicine and surgery" shall include the practice of any branch of medicine and/or surgery, and any method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition, and the term "physician and surgeon" or "physician or surgeon" shall be deemed to include practitioners in any branch of medicine and/or surgery or method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition. Within the meaning of this act, except as herein otherwise specifically provided, and except for the purposes of the exemptions hereinafter contained in sections 45:9–14.1 to 45:9–14.10, inclusive, the practice of medicine and/or surgery shall be deemed to include, inter alia, the practice of osteopathy and chiropractic, and nothing herein contained shall be construed to exempt the holder of a license issued under or validated by the provisions contained in sections 45:9–14.1 to 45:9–14.10, inclusive, from the operation of the provisions contained in section 45:9–16 of this Title.

Inclusive practices.

Medical school.

A professional school or college shall be taken to mean a medical school or college or other school or college having purposes similar to a medical school or college; *provided, however,* that as to any applicant for a license under the provisions of this chapter who, prior to October first, one thousand nine hundred and thirty-five, matriculated in such a school or college, a professional school or college shall, for the purposes of the provisions contained in sections 45:9–6 to 45:9–11, inclusive, be taken to

Proviso.

mean a medical school or college which required the study of medicine and surgery in all of its branches. In all instances, unless otherwise provided, such school or college shall be approved by the board. Approval.

6. Section 45:9–6 of the Revised Statutes is hereby amended to read as follows: Section amended.

45:9–6. All persons commencing the practice of medicine or surgery in this State shall apply to the board for a license so to do. The board shall, except as herein otherwise provided, examine all qualified applicants for such a license. Every applicant shall present to the secretary of the board, at least twenty days before the commencement of the examination at which he desires to be examined, a written application for admission to the examination on a form provided by the board, together with satisfactory proof that he is more than twenty-one years of age, of good moral character, and a citizen of the United States. He shall also present to the board a certificate of the Commissioner of Education of this State showing that, before entering a professional school or college, he 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. Practitioners licensed. Application. Academic education.

7. Section 45:9–7 of the Revised Statutes is hereby amended to read as follows: Section amended.

45:9–7. Except as otherwise provided in this chapter (45:9–1 et seq.), every applicant for admission to examination for a license to practice medicine and surgery shall also present to the board a certificate from the Commissioner of Education of this State showing that in addition to, and subsequent to, obtaining the preliminary education specified in section 45:9–6 of this Title, and prior to commencing his study in a professional school or college, he had completed a satisfactory course in a college or school of arts and science approved by said commissioner, the duration of such course to have been one year if he matric- Additional scholastic qualifications.

ulated in a professional school or college after July first, one thousand nine hundred and sixteen, and not later than July first, one thousand nine hundred and seventeen, and two years if he matriculated in a professional school or college after said July first, one thousand nine hundred and seventeen, during which year, or two years, as the case may be, he had studied either French, German, Italian or Spanish, and also chemistry, physics and biology; but the board may, in its discretion, admit to examination for a license to practice medicine and surgery any person not meeting the educational requirements of this section, who by reason of having been engaged in the naval or military service of the United States was unable to appear before the board for examination prior to July first, one thousand nine hundred and nineteen. The additional requirements provided for in this section shall not obtain with respect to any applicant who matriculated in a professional school or college prior to July first, one thousand nine hundred and sixteen.

As to military service.

Prior period.

Section amended.

8. Section 45:9–8 of the Revised Statutes is hereby amended to read as follows:

Diploma required.

45:9–8. Except as otherwise provided in this chapter (45:9–1 et seq.), every applicant for admission to examination for a license to practice medicine and surgery shall, in addition to the requirements set forth in sections 45:9–6 and 45:9–7 of this Title, prove to the board that he has received a diploma from some legally incorporated professional school or college of the United States, which school or college, in the opinion of the board, was in good standing at the time of the issuance of the 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 shall further prove that, prior to the receipt of such diploma from any such professional school or college of the United States, or such diploma or license, as aforesaid, he had studied not less than

Years of study.

four full school years, including four satisfactory courses of lectures of at least eight months each, in four different calendar years, in some legally incorporated and registered American or foreign professional school or schools, college or colleges in good standing in the opinion of the board, which courses shall have included a thorough and satisfactory course of instruction in medicine and surgery; and such applicant, if he has graduated from a professional school or college after July first, one thousand nine hundred and sixteen, shall further prove to the board that, after receiving such diploma or license, he has completed an interneship acceptable to the board for at least one year in a hospital approved by the board, or in lieu thereof he has completed one year of post-graduate work acceptable to the board in a school or hospital approved by the board. Any applicant who after July first, one thousand nine hundred and thirty-nine, commences the service of an interneship in a hospital situate in this State, or in lieu thereof enters upon a course of post-graduate study, as hereinbefore provided, shall, before commencing such interneship or course of post-graduate study, apply to the board on a form or forms provided by the board for a certificate which shall certify said applicant has qualified to commence said interneship or for permission to attend courses of study in post-graduate work in lieu of interneship, as the case may be, and upon presentation of the application for such certificate the applicant shall pay to the board a fee of ten dollars. The certificate required by this section shall be presented by any such applicant to the board when he applies for admission to examination for a license to practice medicine and surgery.

Interneship.

Evidence of qualification to pursue post-graduate course.

Fee.

9. Section 45:9–9 of the Revised Statutes is hereby amended to read as follows:

Section amended.

45:9–9. Any candidate for a license to practice medicine and surgery who was graduated from an approved professional school or college prior to

Regarding early practitioners.

July fourth, one thousand nine hundred and three, and has been in continuous and reputable practice of medicine and surgery 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 is a citizen of the United States, and of the fact that such applicant has completed three courses of medical lectures in an approved professional school or 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. The records of the board and the license shall state that the license was issued under the exemption contained in this section.

Section amended

10. Section 45:9–10 of the Revised Statutes is hereby amended to read as follows:

Practitioners prior to 1894.

45:9–10. Any candidate for a license to practice medicine and surgery who was graduated from an approved professional school or college prior to July fourth, one thousand eight hundred and ninety-four, and has 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 that he is a citizen of the United States, and of the fact that he has completed two courses of medical lectures in an approved professional school or college in different calendar years, and of the fact that he 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. The records of the board and the license shall state that the applicant was licensed under the exemption contained in this section.

11. Section 45:9–11 of the Revised Statutes is hereby amended to read as follows: Section amended.

Entering professional school before 1912.

45:9–11. Any applicant for admission to examination for a license to practice medicine and surgery, who shall prove to the satisfaction of the board that he entered a professional school or college in good standing in the opinion of the board prior to March twenty-fifth, one thousand nine hundred and twelve, and shall present to the board a certificate from the Commissioner of Education of this State, showing that before commencing the second year of his medical education he 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, shall be admitted to such examination, notwithstanding the fact that his preliminary education was not completed within the time provided by this chapter (45:9–1 et seq.), if in all other respects he is eligible to such examination under the provisions of this chapter. The records of the board and the license shall state that the applicant was licensed under the exemption contained in this section.

12. Section 45:9–12 of the Revised Statutes is hereby amended to read as follows: Section amended.

Examination fee.

45:9–12. The fee for all examinations provided for by this chapter (45:9–1 et seq.) shall accompany every application and shall be as follows: for the first or initial examination twenty-five dollars and for every re-examination twenty-five dollars. Upon the approval of the application for examination, such applicant shall thereupon be entitled to admission to such examination. If said applicant fails to pass the examination, he may be re-examined at the next regular examination. Each applicant shall sign his name opposite a number in a book kept for that purpose by the secretary of the board and shall mark his examination paper with said number, and shall be known to the members of the board only by such number until his papers have been examined and marked.

Examination number.

Section amended.

13. Section 45:9–13 of the Revised Statutes is hereby amended to read as follows:

Examined elsewhere.

45:9–13. Any applicant for a license to practice medicine and surgery, upon proving that he has been examined and licensed by the examining and licensing board of another State of the United States or by the National Board of Medical Examiners, may, in the discretion of the board of medical examiners of this State, be granted a license to practice medicine and surgery without further examination upon payment to the treasurer of the board of a license fee of one hundred dollars; *provided,* such applicant shall furnish proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination. In any such application for a license without examination, all questions of academic requirements of other States shall be determined by the commissioner of education of this State.

Proviso.

Section amended.

14. Section 45:9–14 of the Revised Statutes is hereby amended to read as follows:

Citizenship requirements.

45:9–14. Any applicant who shall have been examined and licensed in accordance with the provisions of this chapter, who, when admitted to the licensing examination or when granted a license without examination was a citizen of a foreign country and had declared his intention of becoming a citizen of the United States and who shall have been issued a license or shall have become entitled to a license valid for six years from the date of such declaration of intention and who shall fail to furnish to the State Board of Medical Examiners prior to the expiration of said six years evidence of his having actually become a citizen, shall be required to surrender his said license, which said license shall for such reason become invalid and automatically revoked and his registration shall be annulled.

15. Section 45:9–14.1 of the Revised Statutes is hereby amended to read as follows: Section amended.

45:9–14.1. 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 the board for a license to do so. Such applicant for examination shall present to the secretary of the board, at least twenty days before the commencement of the examination at which he is to be examined, a written application on a form or forms provided by said board, and a fee of twenty-five dollars, together with satisfactory proofs that the applicant has completed an interneship acceptable to the board for a period of two years in an osteopathic or medical hospital approved by the board or has served in a manner acceptable to the board for a period of two years as a resident surgeon in an osteopathic or medical hospital approved by the board, or has completed a post-graduate course of two years acceptable to the board in a school or college of osteopathy or medicine approved by the board; *provided,* that any person duly registered or licensed to practice osteopathy in the State of New Jersey who presents satisfactory proof that he has had at least three years of practice in surgery acceptable to the board in a hospital approved by the board, shall be admitted by the board to examination as to his qualifications for the practice of medicine and surgery without being required to prove that he has had two years' experience as an interne or a resident surgeon or has completed a two years' post-graduate course in surgery. Such examinations shall consist of the subjects, pharmacology and 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 ap-

Application of osteopath to practice medicine.

Fee.

Proofs submitted.

Proviso.

Subjects of examination.

Grade requirement.

plicant for a license to practice medicine and surgery receiving a grade of not less than seventy-five per centum, the board shall forthwith issue a license to practice medicine and surgery in this State. The records of the board and the license shall state that the applicant was licensed under the exemption contained in this section.

Records.

Section repealed.

16. Section 45:9–14.2 of the Revised Statutes is hereby repealed.

New section.

17. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.3, which shall be as follows:

Practice of osteopathy.

45:9–14.3. Within the meaning of the provisions of section 45:9–14.4, the practice of osteopathy shall include the diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity, mental or physical condition; *provided, however,* that a license to practice osteopathy shall not permit the holder thereof to prescribe, administer or dispense drugs for internal use in the treatment of any human ailment, disease, pain, injury, deformity, mental or physical condition or to perform such surgical operations as require cutting.

Proviso.

New section.

18. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.4, which shall be as follows:

Continuance of practice by osteopath.

45:9–14.4. Any person holding a valid license issued prior to May twenty-third, one thousand nine hundred and thirty-five, in due course by virtue of the provisions of an act entitled "An act to regulate the practice of osteopathy," approved April second, one thousand nine hundred and thirteen, and/or of any act supplementary thereto and amendatory thereof, shall be authorized to continue to practice osteopathy, as herein defined, pursuant to said license, as though the act under which said license had been issued had not been repealed.

New Section.

19. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.5, which shall be as follows:

Vertebral subluxations.

45:9–14.5. Within the meaning of the provisions of sections 45:9–14.6, 45:9–14.7, 45:9–14.8 and 45:9–14.9 hereof, the practice of chiropractic is defined as follows: "The detecting and adjusting, by hand only, of vertebral subluxations."

New section.

20. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.6, which shall be as follows:

Continuance of practice by chiropractic.

45:9–14.6. A person holding a valid license issued in due course by virtue of the provisions of an act entitled "An act to regulate the practice of chiropractic," approved March third, one thousand nine hundred and twenty (L. 1920, c. 4, p. 15), or any acts supplementary thereto or amendatory thereof, shall be authorized to continue to practice pursuant to said license as though the act under which said license had been issued had not been repealed.

New section.

21. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.7, which shall be as follows:

Advanced training.

45:9–14.7. Any person who, on March thirty-first, one thousand nine hundred and twenty-one, was a graduate of a legally incorporated school, institution or college teaching chiropractic and has attended a total of three courses of chiropractic study consisting of six months each, in a school or college teaching chiropractic, whether such attendance shall have been completed prior to his graduation or partially thereafter, and who, on said date was a resident of this State and actively engaged in the practice of chiropractic, and who is a citizen of the United States, upon proof of said facts by affidavit and the filing of his diploma from said institution and his application with the board,

Additional subjects in examination.

shall be permitted to take an examination in the science of chiropractic before the board in the following subjects: Anatomy, physiology, symptomatology, diagnosis of disease, hygiene, chiropractic, orthopedy, histology, neurology, and principles of chiropractic and be required to give a clinical demonstration of vertebral palpation, nerve tracing and adjusting. Upon receiving a general average of not less than seventy-five per centum said applicant shall receive from the board a license to practice the system of chiropractic, as hereinbefore defined. The records of the board and the license shall state that the applicant was licensed under the exemption contained in this section. This section shall cease to be effective on and after January first, one thousand nine hundred and forty.

Required average.

When section void.

New section.

22. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.8, which shall be as follows:

Regarding military service.

45:9–14.8. Any person who served in the military or naval forces of the United States in the world war, and who at the time of entering said service was a resident of the State of New Jersey, and who on March twenty-second, one thousand nine hundred and twenty-three, was a student or in training in a legally incorporated college of chiropractic under the jurisdiction of the Federal Board of Vocational Training, shall, upon being graduated from any such institution and furnishing evidence thereof, satisfactory to the board, be entitled to a license under the provisions of section 45:9–14.7. Any person who is a veteran of the Spanish-American war, with an honorable discharge from the United States government, and who at the time of entering said service was a resident of the State of New Jersey, and who has pursued a course of study of not less than eighteen months in an incorporated school or college teaching chiropractic and graduated therefrom, may in the discretion of the board, be granted a license to practice chiro-

practic in this State. The records of the board and the license shall state that the applicant was licensed under the exemption contained in this section. This section shall cease to be effective on and after January first, one thousand nine hundred and forty.

Record to show.

When section void.

23. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.9, which shall be as follows:

New section.

45:9–14.9. Any person who has, subsequent to March thirty-first, one thousand nine hundred and twenty-one, graduated from any legally incorporated school or college of chiropractic in good standing in the opinion of the board and requiring personal attendance during four full school years, including four courses of lectures satisfactory to the board of at least seven months each in four different calendar years and who is a citizen of the United States and more than twenty-one years of age, of good moral character, and who has obtained a certificate from the Commissioner of Education of this State showing that such person before entering such school or college of chiropractic has obtained an academic education consisting of a four years course of study in an approved public or private high school, or the equivalent thereof, may upon proof of such facts and application filed with the board upon a form or forms provided by the board, at least twenty days before the examination at which he is to be examined, be admitted to an examination for a license to practice chiropractic as hereinbefore defined. The examination shall be in the following subjects: medical and surgical diagnosis, anatomy, physiology, chemistry, histology, pathology, bacteriology, hygiene and medical jurisprudence, chiropractic and principles of chiropractic and be required to give a clinical demonstration of vertebral palpation, nerve tracing and adjusting, and such other subjects as the board may elect. To each

As to additional academic training.

Subjects of examination.

Grade requirements.

applicant for a license to practice chiropractic under the provisions of this section receiving a grade of not less than seventy-five per centum the board shall forthwith issue a license to practice chiropractic as hereinbefore defined. The records of the board and the license shall state that the applicant was licensed under the exemption contained in this section. This section shall cease to be effective on and after July thirty-first, one thousand nine hundred and forty-four.

Records.

When section void.

New section.

24. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–14.10, which shall be as follows:

Continuance of practice.

45:9–14.10. Any person holding a valid license heretofore issued in due course by virtue of the provisions of article two of chapter nine of Title 45 of the Revised Statutes, or any acts superseded thereby, shall be authorized to continue to practice pursuant to said license as though article two of chapter nine of Title 45 of the Revised Statutes, or any acts superseded thereby, under which said license had been issued had not been repealed.

Section amended.

25. Section 45:9–15 of the Revised Statutes is hereby amended to read as follows:

Examinations in English.

45:9–15. All examinations shall be written in the English language, and, except as otherwise provided in the exemptions contained in this chapter (45:9–1, et seq.), the questions shall be such as can be answered in common by all schools of practice.

General subjects of examinations.

The examinations shall be in the following subjects: Pharmacology and therapeutics; obstetrics and gynecology; diagnosis, including diseases of the skin, nose and throat; surgery, including surgical anatomy and diseases of the eye, ear and genito-urinary organs; anatomy; physiology; chemistry; histology; pathology; bacteriology; hygiene; medical jurisprudence; and such other subjects as the board may decide.

Particular subjects.

If any applicant has completed a course of four full school years of study in and has been regularly graduated from

a school of homeopathy or eclecticism, the member or members of the board of those schools, respectively, shall examine such applicant in the pharmacology and therapeutics of the school from which such applicant has been so graduated. All examinations shall be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice medicine and surgery. If the examination is satisfactory, the board shall issue a license entitling the applicant to practice medicine and/or surgery in this State. Said application and examination papers shall be retained in the files of the board for a period of five years, and shall be prima facie evidence of all matters therein contained. All licenses shall be signed by the president and secretary of the board and attested by the seal thereof. All licenses granted under the exemptions contained in this chapter (45:9–1, et seq.) shall bear indication of the school of practice in which the licensee is limited by virtue of said license to practice.

Required fitness.

Licensed.

Papers kept.

Authorization of licenses.

26. Section 45:9–16 of the Revised Statutes is hereby amended to read as follows:

Section amended.

45:9–16. The board may refuse to grant or may suspend or revoke a license or the registration of a certificate or diploma to practice medicine and surgery filed in the office of any county clerk in this State under any act of the Legislature, upon proof to the satisfaction of the board that the holder of such license (a) has been adjudicated insane, or (b) habitually uses drugs or intoxicants, or (c) has practiced criminal abortion, or been convicted of the crime of criminal abortion, or has been convicted of crime involving moral turpitude, or (d) has advertised fraudulently, (e) becomes employed by any physician, surgeon, homeopath, eclectic, osteopath, chiropractor, or doctor who advertises fraudulently, or (f) shall have presented to the board any diploma, license or certificate that shall have been illegally obtained or shall have been signed or issued unlawfully or under fraudulent

Granting, suspending, revoking licenses.

Reasons for action.

representations, or obtains or shall have obtained a license to practice in this State through fraud of any kind, or (g) has been guilty of employing unlicensed persons to perform work which, under this chapter (45:9–1, et seq.) can legally be done only by persons licensed to practice medicine in this State, or (h) has been convicted of a violation of any Federal or State law relating to narcotic drugs. Before any license, or registration of a certificate or diploma to practice medicine or surgery filed in the office of any county clerk of this State under any act of the Legislature, shall be suspended or revoked, except in the case of convictions of criminal abortions or convictions of a crime involving moral turpitude or convictions of violations of any Federal or State law relating to narcotic drugs, the accused person shall be furnished with a copy of the complaint and be given a hearing before said board in person or by attorney, and any person whose license shall be suspended or revoked in accordance with this section shall be deemed an unlicensed person during the period of such suspension or revocation, and as such shall be subject to the penalties hereinafter prescribed for persons who practice medicine and/or surgery, without first having obtained a license so to do. Any person whose license, or registration of a certificate or diploma to practice medicine and/or surgery filed in the office of any county clerk of this State under any act of the Legislature, shall be suspended or revoked under the authority of this chapter (45:9–1, et seq.) may, in the discretion of the board, be relicensed at any time to practice without an examination, or have his registration of a certificate or diploma, as aforesaid, reinstated, on application being made to the board.

Copy of complaint furnished.

Relicensing.

Section amended.

27. Section 45:9–17 of the Revised Statutes is hereby amended to read as follows:

License filed with county clerk.

45:9–17. Any person receiving a license under the provisions of this article shall file it, or a certified copy thereof, with the clerk of the county in

which he resides, and the clerk shall file the same and enter a memorandum thereof in a book to be approved by the board and to be kept for that purpose, giving the date of said license, the name and address of the licensee and the date of filing, for which registry said clerk shall be entitled to a fee of one dollar. If the licensee moves into another county, he shall procure from said clerk a certified copy of such registration and file the same with the clerk of the county to which he removes, who shall file and enter the same with like effect as if the same were an original license, and for which registry the clerk shall be entitled to a fee of one dollar. Upon each registry or reregistry, the registrant shall make an affidavit that he is the person described in the license or registration copy. Each county clerk shall, upon the last day of November of each year, furnish the secretary of the board a list of all licenses, and certified copies of licenses and registration of licenses of the board filed in his office during the previous year, together with any certified copies of registrations issued by him as above provided, and upon notice to him of the change of location or death of a licensee or of the revocation of a license, the clerk shall enter, at the appropriate place in the records so kept by him, a memorandum of the fact, which memorandum shall be furnished by said clerk to the secretary of the board in the annual report above required.

Record kept.

Fee. Changing counties.

Affidavit of identity.

Information supplied by county clerk.

28. Section 45:9–21 of the Revised Statutes is hereby amended to read as follows:

Section amended.

45:9–21. The prohibitory provisions of this chapter shall not apply to the following:

Exceptions to act:

a. A commissioned surgeon or physician of the regular United States army, navy or marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States army, navy or marine corps, or to any officer of the National Guard of any State or of the United States;

Military service;

Temporary practice;

b. A lawfully qualified physician or surgeon of another State taking charge temporarily of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the Board for permission so to do;

No office;

c. A physician or surgeon of another State of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;

Hospital service;

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of two years, and such exemption of resident physicians, except with respect to persons who shall have commenced service as resident physicians prior to July first, one thousand nine hundred and thirty-nine, shall apply only to persons who have been issued certificates under provisions contained in section 45:9–8 of this Title;

Dentists;

e. The practice of dentistry by any legally qualified and registered dentist;

Faith cures;

f. 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;

Optometrists;

g. The practice of optometry by any legally qualified and registered optometrist;

Chiropodists;

h. The practice of chiropody by any legally licensed chiropodist;

Pharmacists;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the

dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

Practitioners before 1890;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July fourth, one thousand eight hundred and ninety, if 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 the board, was in good standing at the time the diploma was issued;

Nurses, masseurs, etc.;

k. A professional nurse, or a graduate physiotherapist, masseur, electro-therapist, or hydrotherapist, while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses; or

Emergencies.

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician or surgeon or under the direction thereof.

Section amended.

29. Section 45:9–22 of the Revised Statutes is hereby amended to read as follows:

Imposters.

45:9–22. Any person commencing or continuing the practice of medicine and/or surgery in this State without first having obtained a license, as provided in this article, or contrary to any of the provisions of this article, or who practices medicine and/or surgery under a false or assumed name, or falsely impersonates another practitioner of a like or different name, or buys, sells or fraudulently obtains a diploma as a doctor of medicine and/or surgery or any branch thereof, or method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition or a license to practice medicine and/or surgery, record or registration pertaining to the same, or any person, company or association who shall employ for a stated salary or otherwise, or aid or assist any

person not regularly licensed to practice medicine and/or surgery in this State, to practice medicine and/or surgery therein, or who violates any of the provisions of this chapter, shall be liable to a penalty of two hundred dollars, which penalty shall be recovered in the manner hereinafter provided. Every person violating any of the foregoing provisions of this section shall be subject to a penalty of two hundred dollars for the first offense. Every person practicing medicine and/or surgery under a firm name and every person practicing medicine and/or surgery or as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice shall be conducted, and any person who shall neglect to cause his name to be displayed as herein required, shall be liable to a penalty of one hundred dollars. The penalties provided for by this section shall be sued for and recovered by and in the name of the State Board of Medical Examiners of New Jersey. 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 any member of the board, or by any member of any incorporated medical society of this State or of any county thereof, may be made upon information and belief, that any person has violated any provision of this chapter, to issue process at the suit of the board 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, 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 entire days; and such process shall state what provision or provisions of the law are alleged to have been violated by the defendant. The officers to serve and execute all process under this chapter

Penalty.

Firm name.

Name displayed.

Penalty.

Recovery of penalties.

Jurisdiction.

Process.

Service.

shall be the officers authorized to serve and execute process in said courts.

Section amended.

30. Section 45:9–23 of the Revised Statutes is hereby amended to read as follows:

Summary hearing and determination.

45:9–23. 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 in the matter 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 a period of not less than ten days and not exceeding one hundred 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 judges thereof to detain the defendant in safe custody, unless he shall enter into bond to the board, 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 to abide by the judgment of the court. The bond, if forfeited, may be prosecuted by the board.

Action in unpaid judgment cases.

Adjournment of court.

Bond.

Section amended.

31. Section 45:9–26 of the Revised Statutes is hereby amended to read as follows:

Penalty on reconviction.

45:9–26. In case a person shall, after conviction of any violation of this chapter, be again convicted of another violation thereof or of continuing the violation for which such offender was previously convicted, such offender 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

Jailed on failure to pay.

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 a period of not less than thirty days and not exceeding two hundred days. A penalty recovered for any violation of this chapter shall be paid to the State Board of Medical Examiners.

Disposition of penalty.

Hearing in court of common pleas.

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.

New section.

32. Article one of chapter nine of Title 45 of the Revised Statutes is hereby supplemented by the addition of a new section, 45:9–27.1, which shall be as follows:

Jurisdiction of Court of Chancery.

45:9–27.1. The Court of Chancery of this State is hereby vested with jurisdiction and discretionary power at the suit of the Attorney-General or of the State Board of Medical Examiners to prevent and restrain the practice of medicine and/or surgery in this State by any person who has not first obtained and filed the license herein provided for, or the violation by any person of the provisions of this act; or of the practice of medicine and/or surgery by any person under a false or assumed name; or the false presentation of another practitioner of a like or different name; or the employment of or giving aid or assistance to any person not regularly licensed to practice medicine and/or surgery by any person, firm or corporation; upon bill being presented to it.

Chapter 13 repealed.

33. Chapter thirteen of Title 45 of the Revised Statutes is hereby repealed.

Article 2, chapter 9 repealed.

34. Article two of chapter nine of Title 45 of the Revised Statutes is hereby repealed.

Article 3, chapter 9 repealed.

35. Article three of chapter nine of Title 45 of the Revised Statutes is hereby repealed.

36. All acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed to the extent of such inconsistencies only. Repealer.

37. If any part or parts of this act shall be held to be invalid or unconstitutional the validity of the other parts hereof shall not thereby be affected or impaired. Validity of act.

38. This act shall take effect on July thirty-first, one thousand nine hundred and thirty-nine. Act effective.

Approved July 1, 1939.

CHAPTER 116

AN ACT to regulate the distribution, sale, receipt, acceptance, importation and exportation of eggs removed from incubators for hatching purposes, and supplementing subtitle one of Title 24, Revised Statutes, by adding new sections.

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

1. No person or persons, firm, partnership or corporation shall knowingly distribute, sell, receive, accept, import or export any eggs for human consumption which have been removed from incubators used for hatching purposes, unless such eggs have been broken, crushed or smashed and then denatured with kerosene, creolin or other substance approved of by the State Department of Health, before leaving the premises on which the incubator or incubators from which the eggs were removed are located; *provided,* that nothing contained in this act shall prohibit the distributing, selling, receiving, accepting or exporting of eggs which have been removed from any incubator or Taking eggs from incubators. Destroyed. Proviso.

incubators, when such eggs are to be used for biological, scientific, chemical or experimental purposes, other than for human food purposes; *and provided, further,* that the containers of the eggs mentioned in the first proviso herein shall be labelled for the purpose for which they are to be used, and placed thereon shall be the names and addresses of the buyers and shippers thereof.

Proviso.

Penalty.

2. Every person who shall violate any of the provisions of this act shall be liable to a penalty of fifty dollars ($50.00) for the first offense, one hundred dollars ($100.00) for the second and each subsequent offense.

Enforcement.

3. This act shall be enforced by the same boards or agencies and in the same manner as the subtitle to which this act is a supplement, and all penalties incurred under this act shall be sued for and recovered by the same boards or agencies and in the same manner as penalties incurred under provisions of the subtitle to which this act is a supplement.

4. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 117

AN ACT to constitute as trust funds security moneys deposited by employees with employers and to assure the payment thereof.

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

Holding trust funds received from employees.

1. Any and all sums of money taken or received by any employer from any employee as deposit or security for the faithful performance by such employee of his duties shall be deemed to be trust funds held in trust by such employer for and on

behalf of such employee, to be repaid upon the termination of employment or the balance thereof in accordance with the provisions of any contract of employment. Such employer shall not be required to segregate such moneys nor deposit such moneys in separate accounts; *provided, however,* that such employer shall at all times have available in cash, on deposit or in readily negotiable securities a sum not less than the aggregate amount of such trust funds.

Account.

Proviso.

2. The failure of any employer to segregate such moneys or to deposit such moneys in separate accounts shall not be deemed or taken to constitute a discontinuance of such relationship of trust, and the inability to trace any such trust funds shall not be deemed or taken as a discontinuance of such relationship of trust. Upon the bankruptcy or insolvency of any such employer who shall not have segregated such moneys or deposited such moneys in separate accounts, the first moneys realized from the assets of any such employer shall be taken and set aside in an amount equal to the sums of money taken or received by said employer as deposit or security aforesaid, and dealt with as if such moneys had been segregated by said employer or deposited in separate accounts and the trust aforesaid shall be impressed thereon.

Segregation of money.

In case of bankruptcy.

Assets set aside.

3. Any employer who shall fail to pay back to an employee such deposit or security moneys or so much thereof as may be due upon the termination of employment, or in accordance with the provisions of the contract of employment shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a period not exceeding one year, or both.

Failure to return deposit.

Penalty.

4. Any contract or agreement between any employer and employee whereby the provisions of section one (1) and two (2) hereof are waived or whereby said employee may agree that any or all sums of money paid by him to his employer as

Agreement.

deposit or security for the faithful performance of his duties shall not constitute a trust fund in accordance with the provisions of section one (1) and two (2) shall be void.

Employer defined.

5. The term employer shall include any individual, or members of firms or partnerships, and all officers of corporations having to do with the management of such corporations or the financial affairs thereof.

6. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 118

AN ACT to ratify, confirm, validate and make legal and effectual certain affidavits, acknowledgments and other papers taken by officers of a corporation wherein the authority to do so was not set forth in the said affidavits, acknowledgments and other papers.

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

Validating affidavits, etc., by officer of corporation.

1. All affidavits, acknowledgments, proofs and other writings heretofore taken or made by an officer of a corporation and the authority for taking such affidavits, acknowledgments and proofs, and other writings, was not recited in said affidavits, acknowledgments and proofs, and other writings are hereby ratified, confirmed and made valid and made legal and effectual to the extent that the same would have been valid legal and effectual as if the authority for so doing had been set forth in the said affidavits, acknowledgments and proofs, and other writings; *provided, however,* at the time of making such affidavits, acknowledgments, proofs, and other paper writings, the officer taking the same had authority so to do.

Proviso.

Approved July 1, 1939.

CHAPTER 119

AN ACT authorizing and empowering the board of directors of the Morris Canal and Banking Company to convey to the Quartermaster-General lands situate in the city of Jersey City, in the county of Hudson, for the construction and maintenance of a naval militia armory.

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

Little Basin conveyed to State.

1. The board of directors of the Morris Canal and Banking Company, as trustees for the State of New Jersey, are hereby authorized and empowered to convey to the Quartermaster-General the following described premises, being a portion of property of the Morris canal known as the Little Basin, situate in the city of Jersey City, in the county of Hudson:

Plot set out.

Plot "C," City Block two, Jersey City, Hudson county, New Jersey, together with lands adjacent thereto under tidal water and extending easterly to the bulkhead line for solid filling and extending further easterly to the pierhead line for the construction of piers, more particularly described as follows:

Boundaries of conveyance.

Beginning at a point in the easterly line of Hudson street, which point is distant one hundred feet southerly from the intersection of the aforesaid easterly line of Hudson street with the southerly line of Essex street, running thence (1) southerly along the aforesaid easterly line of Hudson street to its southerly terminus and continuing along the aforesaid easterly line of Hudson street produced southerly, which is along a westerly line of the Little Basin, two hundred and twenty-five feet more or less to a point in the southwesterly corner of Block 2; thence (2) easterly and along the di-

vision line between Block 2 and the Little Basin four hundred and three feet more or less to its intersection by the bulkhead line; thence (3) continuing easterly on the aforesaid division line produced easterly five hundred and twelve feet more or less to its intersection with the pierhead line; thence (4) northerly and along the pierhead three hundred and sixty feet more or less to a point where it is intersected by the center line of Essex street produced easterly; thence (5) westerly and along the center line of Essex street produced easterly five hundred and thirty-five feet more or less to its intersection with the bulkhead line; thence (6) continuing westerly and along the center line of Essex street produced easterly eighty-five feet more or less to its intersection with the easterly terminus of Essex street; thence (7) southerly and along the easterly terminus of Essex street thirty feet to its intersection with the southerly line of Essex street; thence (8) westerly and along the aforesaid southerly line of Essex street one hundred and sixty feet more or less to a point distant one hundred and fifty feet easterly from the intersection of the aforesaid southerly line of Essex street with the easterly line of Hudson street; thence (9) southerly and parallel with the aforesaid easterly line of Hudson street one hundred feet to a point; thence (10) westerly and parallel with the aforesaid line of Essex street one hundred and fifty feet to the point or place of beginning.

Wharfage and rights.

Together with all piers and premises existing upon the land above described and together with such rights for use and wharfage of the lands under water to the center line of the Little Basin adjoining the lands and premises above described.

Deed.

Such conveyance shall be by appropriate deed reciting that it is made in accordance with the provisions of this act and the Quartermaster-General shall hold such title for the use and in the name of the State of New Jersey and is authorized and em-

powered to construct a naval militia armory in accordance with the statutes of this State in such case made and provided.

2. All acts and parts of acts inconsistent herewith are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 120

AN ACT to extend the closed season for certain game, and amending section 23:4–8 of the Revised Statutes.

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

1. Section 23:4–8 of the Revised Statutes is hereby amended to read as follows: Section amended.

23:4–8. No person shall, for five years from the passage of this act, hunt for, pursue, capture, kill, injure or destroy any female English or ring-necked pheasant under a penalty of twenty dollars for each female pheasant hunted for, pursued, captured, killed, injured, or destroyed. Closed season for pheasants.

This section shall not apply to a licensee operating under the terms of sections 23:3–28 to 23:3–39 of this Title, or to any other person or persons authorized by said licensee to shoot female pheasants on the lands described in such license. Exceptions.

Approved July 1, 1939.

CHAPTER 121

AN ACT concerning the administration of estates of decedents domiciled in the State of New Jersey, and supplementing Title 3 of the Revised Statutes.

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

Issuing letters of intestacy.

1. When any person domiciled in the State of New Jersey shall die intestate, it shall be the duty of the applicant for the grant of letters of administration upon the estate of such decedent to make application therefor to the surrogate of the county in which the intestate was domiciled at the time of his death, or to the prerogative court of this State.

Knowledge of foreign action furnished surrogate.

2. Any person having knowledge of the original grant in a foreign jurisdiction of original letters of administration upon the estate of a person dying domiciled in New Jersey, shall give information thereof to the orphans' court of the county in which the decedent died domiciled, or to the ordinary of this State; and the court so informed, upon receipt by it of such information, may direct the clerk of the court to issue citations commanding the appearance before it, at the time fixed, of any persons having any interest in the estate, and commanding them to abide by the order of the court.

Citation issued.

Court's jurisdiction.

3. Whenever a court shall direct that such citations issue, the matter of the grant of letters of administration shall be wholly within the jurisdiction of such court.

4. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 122

AN ACT prohibiting the State Tax Commissioner from issuing consents to transfer assets of decedents domiciled in New Jersey, in certain cases, and supplementing Title 54 of the Revised Statutes.

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

Transferring assets of estates.

1. Before the State Tax Commissioner shall issue any consents to transfer assets of a person dying domiciled in the State of New Jersey, he shall require that proof be submitted to him that the will of such decedent was originally probated in New Jersey, or that letters of administration upon the estate of such decedent were originally granted in New Jersey; and if it shall appear that original probate or that original administration was had in a foreign jurisdiction, the State Tax Commissioner shall withhold issuance of all consents to transfer the decedent's assets, and shall make report thereof to the orphans' court of the county in which the decedent died domiciled, and shall await the further order of the court; *provided, however,* that this section shall not apply in cases where it shall appear to the State Tax Commissioner that neither the probate of a decedent's will nor the grant of letters of administration shall be required by the laws of this State respecting administration of estates.

Proviso.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 123

AN ACT concerning foreign banking institutions, and supplementing chapter sixteen of Title 17 of the Revised Statutes by adding sections 17:16–3.1 and 17:16–3.2 thereto.

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

Before authority granted proof of not taking probate proceedings in foreign jurisdiction required.

1. 17:16–3.1. The Commissioner of Banking and Insurance shall not issue certificates of authority to transact business in this State under the provisions of chapter sixteen of Title 17 of the Revised Statutes unless proof shall be made to his satisfaction that subsequent to July fourth, nineteen hundred thirty-nine, the applicant corporation had not originally probated in a foreign jurisdiction the will of any person known to it to have died domiciled in this State, or had not, subsequent to July fourth, nineteen hundred thirty-nine, applied in a foreign jurisdiction for original letters of administration of the estate of any such person. Every application for such certificate must be accompanied by the affidavit of an officer of the applicant corporation satisfactorily indicating compliance with the conditions hereof.

Affidavit.

When certificate of authority revoked.

2. 17:16–3.2. If any foreign corporation authorized pursuant to law to do business in this State shall, after July fourth, nineteen hundred thirty-nine, originally probate in a foreign jurisdiction the will of, or shall apply in a foreign jurisdiction for original letters of administration of the estate of, a person known to it to have died domiciled in this State, the certificate of authority of such corporation to transact business in this State shall be revoked upon proof of such probate or application in a foreign jurisdiction.

3. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 124

AN ACT concerning the expenses of receivers for the safe-keeping of the securities of their trusts, and amending section 2:26–203 of the Revised Statutes.

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

1. Section 2:26–203 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:26–203. Any receiver may include as a part of the lawful expense of executing his trust such reasonable sum paid to a bank, trust company or safe deposit company organized under the laws of this State, or to a national bank doing business in this State, for safe deposit box rental for the safe-keeping of the securities of the trust, as may be allowed by the court in which he is required to account. Any receiver who holds under a lease or owns a vault within this State may include as a part of the lawful expense of executing his trust such reasonable sum for the safe-keeping of the securities and other property of the trust in said vault as may be allowed by the court in which he is required to account. Safe deposit box. Rental. Expense authorized.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 125

AN ACT concerning the expenses of fiduciaries for the safe-keeping of the securities of their trusts, and amending section 3:10–22 of the Revised Statutes.

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

Section amended.

1. Section 3:10–22 of the Revised Statutes is hereby amended to read as follows:

Safe deposit box.

3:10–22. A fiduciary may include as a part of the lawful expense of executing his trust such reasonable sum paid to a bank, trust company or safe deposit company organized under the laws of this State, or to a national bank doing business in this State, for safe deposit box rental for the safe-keeping of the securities of the trust, as may be allowed by the court in which he is required to account. A fiduciary who holds under a lease or owns a vault within this State may include as a part of the lawful expense of executing his trust such reasonable sum for the safe-keeping of the securities and other property of the trust in said vault as may be allowed by the court in which he is required to account.

Rental.

Expenses authorized.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 126

AN ACT concerning building and loan associations of this State, and further amending section 17:12–11 of the Revised Statutes.

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 amendatory is hereby amended to read as follows: Section 11 amended.

17:12–11. The association may borrow money from any source in or out of the State on the note, bond and mortgage or other evidence of indebtedness of the association, upon such terms and conditions as the board of directors may, from time to time, prescribe by resolution adopted by at least a majority of all the members of the board and duly recorded on the minutes, and may pledge, assign or transfer bonds and mortgages owned by the association, together with the shares if any pledged as collateral therefor, or any other real or personal property, as security for the repayment of money so borrowed. Money so borrowed on obligations, other than on obligations to the Federal Home Loan Bank of New York secured by mortgages or other than on bonds secured by mortgages on real estate owned by the association, shall, at no time, exceed twenty-five per centum of the principal amount of the bond and mortgage assets of the borrowing association. Borrowing money. Pledge of security. Amount borrowed limited.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 127

AN ACT concerning building and loan associations of this State, amending section 17:12–115 of the Revised Statutes.

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

Section amended.

1. Section 17:12–115 of the Revised Statutes be and the same is hereby amended to read as follows:

Transfer of assets.

17:12–115. Any association of this State shall have power, as one transaction, not in the regular and usual course of its business, to transfer, sell or exchange all or part of its assets, including its name and good will, to any other association, and may accept in return therefor cash, shares, share accounts and accounts of the purchasing association upon such terms as may be agreed upon by the affirmative vote of at least a majority of the directors of such association and by the affirmative vote of a majority of the votes cast by members present, in person or by proxy, at any annual meeting or special meeting called for such purpose; but no such bulk transfer, sale, or exchange of property shall be effective unless approved by the commissioner. The consideration received upon any such disposition of bulk property shall be distributed to members pro rata after the discharge of all liabilities of such association. In the event of the disposition of all or substantially all of the property of an association pursuant to this section, or in the event that an association shall sell, transfer or assign all, or a substantial part of its mortgage assets pursuant to this section, the association shall thereupon, without further act of its members, directors, or officers, be constituted a liquidating corporation within the meaning and purpose of paragraph "e" of section 17:12–107 of this Title, with all the powers, duties and limitations conferred and imposed by sections 17:12–109,

Approval.

Consideration distributed to members.

Liquidating corporation.

17:12–110 and 17:12–111 of this Title. Upon such transfer, a certificate in the form described in paragraph "j" of section 17:12–107 of this Title shall be recorded and filed in the manner provided by the said paragraph "j" of the said section 17:12–107; *provided, however,* that the vote of the directors and members taken in pursuance of this section shall be deemed to be a vote for liquidation by the liquidating corporation and no further vote thereon shall be required. Any such association may, with the approval of the commissioner, make a bulk sale of its assets in lieu of merging or consolidating with one or more other associations or in lieu of reorganizing under the provisions of this article.

Transfer recorded.

Proviso.

Bulk sale permissible.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 128

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "A supplement to an act entitled 'An act concerning building and loan associations' (Revision of 1925), approved March twelfth, one thousand nine hundred and twenty-five," approved March tenth, one thousand nine hundred and thirty-three,' approved May eleventh, one thousand nine hundred and thirty-three," approved June twenty-first, one thousand nine hundred and thirty-three, appearing as section App. A:7–3 of the Revised Statutes.

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.

When act ceases.

5. This act shall take effect immediately, but shall become inoperative after September fifth, one thousand nine hundred and forty, but all orders or regulations made and all acts and things done under the provisions of this act shall be and remain valid and operative.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 129

AN ACT to authorize the insurance of mortgage loans made by building and loan associations of this State, and supplementing chapter twelve of Title 17 of the Revised Statutes.

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

Authorizations:

1. Subject to the limitations of section 17:12–45 of this Title, a building and loan association of this State may:

Mortgage loans;

(a) Make such real estate mortgage loans as the Federal Housing Administrator insures or makes a commitment to insure;

Investments;

(b) Invest in, purchase or otherwise acquire, own or hold, mortgage notes or bonds so insured;

Insurance of mortgage loans;

(c) Cause such mortgage loans to be insured by the Federal Housing Administrator, to pay the cost of such insurance, which shall not be deemed an expense within the meaning of section 17:12–17 of this Title, and receive the benefits of such insurance;

Assign insured mortgages.

(d) Assign such insured mortgages and service such mortgages after assignment;

The Commissioner of Banking and Insurance shall have power to make, alter and repeal regulations: Changing regulations:

(a) Governing the aggregate total of such insured mortgages which an association may assign within a stated period to be fixed by him; Total insured mortgages;

(b) Regulating the terms of any contract of servicing entered into by an association upon such assignments of insured mortgages. Regulating servicing.

2. This act shall take effect immediately.
Approved July 1, 1939.

CHAPTER 130

AN ACT concerning the dissolution and liquidation of building and loan associations of this State, amending sections 17:12–81, 17:12–82, 17:12–83, 17:12–86 and 17:12–87 of the Revised Statutes, and supplementing chapter twelve of Title 17 of the Revised Statutes.

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

1. Section 17:12–81 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

17:12–81. When the board of directors or managers of an association of this State deems it advisable and for the interests of the members of the association that the same be dissolved and its business liquidated, the board of directors or managers shall adopt a resolution to that effect and fix therein a time and place for a meeting of the members to take action thereon. Notice of the adoption of the resolution shall be mailed to each member Resolution looking to dissolution. Members advised.

whose post-office address appears on the books of the association. The meeting may, on the appointed day, be adjourned from time to time. If at the meeting two-thirds in interest of the members present in person or by proxy vote that dissolution and liquidation of the association take place, a copy of the resolution to dissolve and liquidate shall be filed by an officer of the association in the office of the commissioner. If the commissioner is satisfied that notice has been given and the resolution adopted, he shall issue a certificate to the trustees provided for in section 17:12–82 of this Title that the resolution has been filed. Thereupon the association shall be dissolved and its business liquidated by the trustees, as hereinafter provided.

Determination.

Certificate of dissolution.

Section amended.

2. Section 17:12–82 of the Revised Statutes be and the same is hereby amended to read as follows:

Trustees in liquidation.

17:12–82. Trustees to wind up affairs. If the members adopt the resolution at such meeting or any adjourned meeting, they shall by the vote of a majority of those present and voting in person or by proxy, elect at least three trustees from among the members of the association to wind up and liquidate the affairs of the association. No more than three trustees shall be elected unless the written consent of the commissioner for the election of a greater number is previously obtained by the directors. Each trustee shall, before entering upon his duties, give a bond to the association, in the sum the commissioner shall fix, conditioned for the faithful performance of his duties, which bonds shall be filed in the commissioner's office. The Court of Chancery may, upon the application of the commissioner, remove any of the trustees for cause and appoint another or others in his or their place, and in case of any vacancy caused by the failure of a trustee to qualify, or otherwise, may fill it. No person who is not a member of the association shall be appointed trustee unless it shall be made to appear to the court that no member who consents to accept the trust is qualified to act.

Number of trustees.

Trustee bonded.

Removal of trustees.

Membership.

Everything required by sections 17:12–81 to 17:12–88 of this Title to be done by the trustees shall be good and effectual to all intents and purposes if performed by a majority. The election or appointment of trustees pursuant to sections 17:12–81 and 17:12–82 of this Title shall not operate to divest the association of title to any real or personal property, or to vest title in the trustees or any of them. Transactions valid. Title not affected.

3. Section 17:12–83 of the Revised Statutes be and the same hereby is amended to read as follows: Section amended.

17:12–83. In addition to such other powers as they may exercise, pursuant to statute or otherwise, the trustees may: Additional powers:

a. meet and act under the constitution of the association to the same extent as the board of directors or managers thereof, and under regulations to be made by a majority of them; Meetings;

b. employ such agents or employees, and retain counsel, to assist them in the liquidation and distribution of the assets of the association as they may deem proper, and pay such agents or employees and counsel such reasonable compensation as they shall determine; Agents, counsel, etc.;

c. demand, sue for, collect, receive and take into their possession, all the goods, chattels, rights and credits, moneys and effects, real estate, books, papers, choses in action, bills, notes, bonds and mortgages, and any other property of any and every description, belonging to the association; Demand, receive, hold, etc., books, securities, property;

d. acquire by purchase any real or personal property encumbered by a mortgage forming a part of the assets of the association at a sale of such property upon foreclosure of the mortgage; Purchase assets;

e. acquire by purchase any real or personal property at a sale thereof in satisfaction of any judgment, decree, or other lien forming a part of the assets of the association; Purchase property;

f. acquire any real or personal property encumbered by a mortgage forming a part of the assets of the association through the acceptance Acquire mortgaged property;

of a deed or bill of sale to such property in lieu of foreclosure of such mortgage;

Meeting debts; g. acquire any real or personal property in satisfaction of any debt due the association;

Sell or convey; h. sell or convey, without application to or order of court therefor, any real or personal property of the association, upon such terms and conditions

Payments; as they shall determine. Payment of the purchase price may be deferred upon such sale or conveyance, for a period not to exceed five years, and security may be accepted for the unpaid purchase price. All or part of the consideration for such sale or conveyance may be paid in shares of the association at a valuation fixed by the trustees;

Contracts; i. make any contract necessary or convenient to effect the sale, conveyance, purchase or acquisition of any real or personal property, the sale, conveyance, acquisition or purchase of which is authorized by this article;

Loans; j. apply for and accept a loan or loans of money from any source in or out of the State, including any officer, board, commission, corporation or body created by the Federal Government, without limitation as to amount, on the bond, note, mortgage or other evidence of indebtedness of the association, and upon such terms as the trustees shall by a majority, from time to time determine, and pledge as security for the repayment of any loan or loans so made, all or any part of the securities or assets of the association, but no loan so made shall be construed as the personal obligation of the trustees or any of them;

Letting property; k. make any contract for the letting of any real property for a period not to exceed three years;

Compromising matters pertaining to association. l. compromise and settle with the borrowers of the association, and do any other thing necessary to wind up the association's affairs, and, after paying all allowances, expenses and costs and satisfying all debts presented to them, the trustees, shall divide the moneys and other property among the members, as far as the money and property shall enable them, proportionately, according to their respective claims, interests or demands.

Nothing herein contained shall divest the commissioner of the jurisdiction and supervision vested in him over the association. Supervision.

4. Section 17:12–86 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

17:12–86. The trustees shall give public notice to the creditors of the association to bring in, under oath, their debts, demands and claims against the association within three months from the date of the notice. The notice shall be advertised at least once in each week, for three months, in at least two newspapers published in the county in which the association has its principal office, and shall bear the date of the day of the first publication. The trustees shall, within ten days after the date of the notice, cause a copy thereof to be mailed to each known creditor, by ordinary mail, directed to his address as it appears upon the association's records. The creditors who have not brought in their debts, demands or claims within the time limited in the notice, shall be barred from any action therefor, against the trustees or the association. Proof of such publication and mailing shall be filed in the office of the commissioner. If the trustees to whom a debt, demand or claim is presented dispute it, or any part thereof, and give notice in writing to the creditor, claimant, his attorney or agent, that it, or any part of it is disputed, he shall bring suit therefor within thirty days from the time of giving the notice. If a suit is not commenced before that time, the notice shall bar a recovery of the debt, demand or claim, or part so disputed, as if not presented within the time limited by the notice. Notice to creditors. Advertised. Copy mailed. Barring creditors. Disputed claims. Barring recovery.

5. Section 17:12–87 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

17:12–87. When the trustees have or shall become purchasers of real estate covered by a mortgage forming a part of the assets of the association in their hands, at a sale thereof upon a Real estate as assets.

foreclosure of the mortgage, the real estate so purchased shall be assets in their hands as such trustees, and may be sold and conveyed by them without an order of court in the manner provided by section 17:12–83 of this Title and they shall be accountable for the proceeds of any sale or conveyance thereof as provided by section 17:12–87.1 of this Title, added by this act.

New section.

6. Chapter twelve of Title 17 of the Revised Statutes be and the same is hereby supplemented by the addition thereto of section 17:12–87.1 as follows:

Accountability of trustees.

17:12–87.1. The trustees in administering the assets of the association shall be accountable for such assets and shall use and apply the proceeds thereof in accordance with the laws governing the administration of trusts, insofar as the same are applicable. The trustees shall, at least annually, unless the commissioner, for good cause shown, extends the time therefor, and at such other time or times as the commissioner shall require, file in the Court of Chancery a true report and account of their administration of the assets of the association, and shall, simultaneously therewith, file a copy thereof in the department. The commissioner shall, personally or by an examiner or examiners designated by him, audit the report and account of the trustees, and shall make or cause to be made by an examiner or examiners designated by him such examination of the affairs of the association, including verification of members' accounts, as shall be required in such audit. If, as a result of such audit and examination, the commissioner shall find that the report and account of the trustees is correct, he shall report accordingly to the Court of Chancery, and the court shall thereupon, without further inquiry or verification, approve and allow such account. If, as a result of such audit and examination, or otherwise, the commissioner shall find that the account is incorrect, or that the trustees have violated any provision of this chapter, or that the affairs of the association

Report to be filed.

Report audited.

Approval of report.

If incorrect report to court.

are mismanaged, he shall report accordingly to the Court of Chancery, and the court shall thereupon, upon motion of the commissioner or upon its own motion, upon notice, make such inquiry and order as justice and equity shall require in the interests of members and creditors of the association. The commissioner shall charge for all services performed by him pursuant to sections 17:12–81 to 17:12–87 of this Title the fees which are fixed by law for like services performed by him in connection with associations not in dissolution and liquidation.

Commissioner's charges.

At least ten days before the filing of their report and account as herein provided, the trustees shall mail to each member of the association at his address as it appears upon the records of the association a report of the operations of the association for the period of the accounting in the form now provided by law for associations not in dissolution. The report shall state the date and place of filing of the report and account, and shall contain a statement of the allowances for compensation to be requested. The mailing of the report to members, evidenced by affidavit of the trustees, or one of them, or by their agent for that purpose, filed in the Court of Chancery simultaneously with the report and account, shall be in lieu of all other notice to members for all proceedings connected with such account. The court may, if it shall appear that the interests of creditors of the association so require, prescribe reasonable notice to be given them of the filing of the account and the request for allowances. Any person aggrieved by any decree or order of the Court of Chancery made in proceedings attendance upon the filing of the report and account may, within thirty days after the making of such decree or order, appeal to the Court of Errors and Appeals.

Report mailed to members.

Effect of mailing notice.

Appeal may be taken to court of errors.

7. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 131

AN ACT to provide for changes in location of building and loan association offices, supplementing chapter twelve of Title 17 of the Revised Statutes.

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

Principal office.

1. Change in location of principal office. A building and loan association may change the location of its principal office to a new location anywhere within the State, as its board of directors shall determine. Where the office is to be removed from one municipality or county to another, the approval of the commissioner shall be obtained before such change is made, but the commissioner shall not withhold his approval unless it shall appear that the interests of the members or of the public will be adversely affected by such change.

Certificate to show:

A certificate of change of location shall be made by the Secretary of the association setting forth

Date of change;

a. the date of the meeting of the directors at which the change of location was authorized;

Former office;

b. the location of the office from which the change is made;

New office;

c. the location of the office to which the change is made;

Agent.

d. the name and address of the agent upon whom process against the association may be served.

Certificate of change filed with county clerk.

The certificate shall, within five days after the change in location is effected, be recorded in the office of the clerk of the county in which the office of the association is located, and where the location has been changed from one county to another, it shall be recorded in the office of the clerk of each such county, and, after being so recorded, shall be filed in the department. There shall be paid to

Fee.

the commissioner a fee of five dollars ($5.00) upon the filing of each certificate of change of location.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 132

AN ACT concerning building and loan associations of this State, amending sections 17:12–107, 17:12–108, 17:12–109, 17:12–110 and 17:12–111 of the Revised Statutes, and supplementing Title 17, chapter twelve, of the Revised Statutes.

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

1. Section 17:12–107 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

17:12–107. Without limiting the generality of the methods by which an association may reorganize, any plan of reorganization may provide: Plan to reorganize:

a. For reorganization under the existing name of the association or under a different name; Name;

b. For the date upon which the reorganization shall be effective. If the plan fails to fix an effective date, the effective date, shall be the date upon which the proposed plan is approved by the members of the association as set forth in section 17:12–106 of this Title. Where a petition of dissent has been filed pursuant to section 17:12–106 of this Title, and the Court of Chancery has made an order approving the plan, the date of the order shall be the effective date of reorganization, unless the court has, in its order, fixed a date upon which the plan shall be effective, in which event the date so fixed shall be the effective date of reorganization; Date;

Book value of shares;

c. For the crediting of the book value of shares pledged to secure mortgage loans against the principal amount of such loans, in reduction thereof;

Notice of withdrawal;

d. For the cancellation of or the postponement of notices of withdrawal on file with the association, for a period not to exceed two years from the effective date of reorganization;

Transfer of assets;

e. For the transfer of such assets, including real estate and defaulted bonds and mortgages, as may be determined by the board of directors with the approval of the commissioner, to a corporation organized pursuant to section 17:12–109 of this Title for the sole purpose of liquidating such assets in an orderly manner;

Participating reserve;

f. For the transfer of such assets, including real estate and defaulted bonds and mortgages, as may be determined by the board of directors with the approval of the commissioner, to a "participating reserve" account to be set upon the books of the association for the purpose of liquidating such assets in an orderly manner;

Reserve charged off or transferred;

g. If the association shall make a transfer of assets as authorized by paragraphs "e," "f," or "j" of this section, any part of the reserve accounts of the association as shall be set forth in the plan of reorganization may be either charged off against the value of the assets so transferred, or transferred together with such assets, to such corporation, participating reserve account, or association created to receive such assets, as the plan of reorganization shall provide;

Reduction of share liability;

h. For the reduction of the share liability of the association to its members to the extent required to meet actual or anticipated losses and to create a reserve for such purposes;

Expenses;

i. For the manner in which expenses of reorganization shall be paid;

Transfer of good assets;

j. For the transfer of such sound or liquid assets, including bonds and mortgages in good standing, as the board of directors shall determine with the approval of the commissioner, to a building and loan association to be organized pursuant to

the provisions of section 17:12–109.1 of this Title, or to an association already organized or to be organized pursuant to said section 17:12–109.1 by another building and loan association in reorganization pursuant to this article. Upon such transfer, the reorganizing association shall, without further act of its members, directors, or officers, other than the filing of the certificate hereinafter mentioned, continue as an association for the sole purpose of effecting the plan of reorganization adopted. A certificate by the association certifying that it has made the transfer of assets authorized by this paragraph, and that thereafter the purposes of the association are limited to carrying out the plan of reorganization, shall be recorded in the office of the clerk of the county wherein the association has its office, and, after being so recorded, shall be filed in the office of the commissioner. Thereafter, the existing constitution of the association, as modified by the aforesaid certificate and the plan of reorganization, shall determine and regulate the powers and conduct of the business of the reorganizing association. In addition to such powers as may be conferred upon the association by its constitution, as modified by the aforesaid certificate and plan of reorganization, the association shall possess all the powers necessary or convenient to accomplish an orderly liquidation of the assets retained by it pursuant to the plan of reorganization, including, by way of description and not by way of limitation, power (a) to borrow money, from any source whatsoever, whether within or without the State, without limitation as to amount, and upon such terms and upon such security as the board of directors shall determine; (b) to convey its property, real and personal, upon terms and for a consideration, cash or otherwise, as the board shall determine; and (c) to defer the payment of the purchase price upon such conveyance and to accept security thereof. The commissioner shall have the same powers of supervision and regulation of the re-

Powers to liquidate;

organizing association after the transfer of assets pursuant to this paragraph as prior to adoption of the plan of reorganization.

Borrowing;

k. For the borrowing, from any source whatsoever, whether within or without the State, of any sums of money necessary or convenient to effect the reorganization, without limitation as to amount, and upon such terms and upon such security as the plan of reorganization shall provide.

Suspension of payments.

l. For the suspension, for the period beginning with the adoption by the board of directors of a resolution to reorganize the association and ending with the rejection or the going into effect of the plan pursuant to section 17:12–106 of this Title, of payments on account of shares withdrawn and shares matured, and for the segregation by the association, for the same period, of all share dues paid by members, except where such dues are applied in reduction of a debt to the association. If the plan of reorganization becomes effective, the dues so paid shall be credited to the accounts of those members who paid them, without decrease or impairment for any cause. If the plan of reorganization does not become effective for any reason whatsoever, the dues so paid shall, at the option of the members who have paid them, be returned to them in cash or credited to their share accounts without decrease or impairment, except that dues paid by members indebted to the association shall be credited, without impairment, against such indebtedness in reduction thereof.

As to dues.

Section amended.

2. Section 17:12–108 of the Revised Statutes be and the same is hereby amended to read as follows:

Handling participating reserve account.

17:12–108. A participating reserve account created in the manner authorized by paragraph "f" of section 17:12–107 of this Title shall be administered by the association for the sole benefit of those members whose share liability has been reduced by reason of the creation of the account. Such members shall receive participating certifi-

cates from the association evidencing their pro rata interest in the assets transferred, the aggregate value of which shall equal the value of the assets so transferred. The assets at any time comprising the participating reserve account shall be identified on the books of the association as participating reserve assets and the aggregate book value of such assets shall be reported on any balance sheet of the association. As and when assets transferred to the participating reserve account are liquidated or yield a profit from operations, the proceeds therefrom shall be paid pro rata from time to time as the board of directors may determine, to the holders of such participating certificates, either in cash or by credit upon shares held by such certificate holders in the association; *provided,* that if the association shall make any advances for the purpose of maintaining or preserving any of the assets transferred to the participating reserve account, the proceeds of such liquidation or profits from operation shall be first applied toward the repayment of such advances.

Proceeds paid pro rata.

Proviso.

3. Section 17:12–109 of the Revised Statutes be and the same is hereby amended to read as follows:

Section amended.

17:12–109. A liquidating corporation created pursuant to paragraph "e" of section 17:12–107 of this Title shall be formed as follows: A majority of the board of directors of the association in reorganization shall, as incorporators, sign a certificate which shall set forth:

Certificate of liquidating corporation to show:

a. The name of the liquidating corporation, which may be the same as that of the reorganized association with the addition of the words "liquidating corporation," or such other name as the plan of reorganization shall provide;

Name;

b. The location of the principal office of the liquidating corporation;

Office;

c. The purposes for which the corporation is formed, which shall be limited to the liquidation of the assets transferred to it pursuant to paragraph "e" of section 17:12–107 of this Title;

Purposes;

Agent.

d. The name and address of the agent in charge of the principal office of the corporation, upon whom process may be served.

New section.

4. Title 17, chapter twelve of the Revised Statutes be and the same is hereby supplemented by the addition thereof of section 17:12–109.1 as follows:

Organizing association.

17:12–109.1. An association created pursuant to paragraph "j" of section 17:12–107 of this Title shall be organized in the manner provided by sections 17:12–3 and 17:12–4 of this Title, except that the certificate of incorporation shall be signed by nine members of the reorganizing association who shall be designated in the plan of reorganization as incorporators, and except that the certificate of incorporation need not state the number of shares subscribed for by each incorporator, nor the number of shares to be subscribed for before the association shall begin business, and except further, that the commissioner may forthwith approve the certificate of incorporation without prior notice, hearing, or publication. An association so created shall have all the powers and shall be subject to all the limitations prescribed by the provisions of this chapter.

Section amended.

5. Section 17:12–110 of the Revised Statutes be and the same is hereby amended to read as follows:

Certificate of incorporation.

17:12–110. The certificate of incorporation of the liquidating corporation shall be proved or acknowledged in the same manner as provided for deeds of real property, and recorded in the office of the clerk of the county where the principal office of the corporation is to be located, and after being so recorded, shall be filed in the department. Before the certificate of incorporation is recorded and filed, it shall be submitted to the commissioner, who, if he approves the form thereof as being in accordance with law, shall endorse his approval thereon. For the filing of such certificate of incorporation, there shall be paid to the commissioner the sum of thirty-five dollars. Upon the

Approved by commissioner.

Filing fee.

recording and filing of such certificate, the corporation shall be constituted a body corporate, subject to all the provisions of this chapter, insofar as the same are not inconsistent with the objects for which the corporation is formed. The business and affairs of the corporation shall be managed and directed by a board of directors constituted as hereinafter set forth. The corporation shall possess all the powers necessary or convenient to accomplish an orderly liquidation of the assets transferred to it, including, by way of description and not by way of limitation, power:

General powers:

a. to borrow money, from any source whatsoever, whether within or without the State, without limitation as to amount, and upon such terms and upon such security as the board of directors shall determine;

Borrowing;

b. to convey its property, real and personal, upon terms and for a consideration, cash or otherwise, as the board shall determine;

Deeding;

c. to defer the payment of the purchase price upon such conveyance, and to accept security thereof. The members of the liquidating corporation shall be those to whom its certificates of interest are issued pursuant to section 17:12–111 of this Title, and their personal representatives, and those to whom certificates of interest may be transferred under regulations prescribed by the corporation. The incidents of membership in the corporation shall be the same as now or hereafter provided by law for membership in a building and loan association of this State, and the commissioner shall have the same powers of supervision and regulation thereof as he has or shall have over building and loan associations of this State.

Deferred payment.

Membership.

6. Section 17:12–111 of the Revised Statutes be and the same is hereby amended to read as follows:

Section amended.

17:12–111. For the transfer of assets pursuant to paragraphs "e" or "j" of section 17:12–107 of this Title, the members of the reorganizing association shall receive shares or certificates of interest as follows:

Shares.

Certificates of interest in liquidation.

If assets are transferred to a liquidating corporation as authorized by paragraph "e" of section 17:12–107 of this Title, there shall be issued pro rata to members of the reorganizing association, certificates of interest in the liquidating corporation, the aggregate amount of which shall equal the value of the assets transferred. Distribution of the proceeds of the operation of the liquidating corporation shall be made in the same manner as provided in section 17:12–108 of this Title.

In case of transferred assets.

If assets are transferred to a new association as authorized by paragraph "j" of section 17:12–107 of this Title, there shall be issued pro rata to members of the reorganizing association, shares of the newly created association of the type determined by the plan of reorganization, the aggregate value of which shall equal the value of the assets transferred.

As to directors.

The directors of the liquidating corporation shall be not less than six in number, all of whom shall be members of the corporation. They shall be elected, and shall have tenure, and their offices, shall be subject to the incidents now or hereafter provided by law in the case of directors of building and loan associations of this State. The directors shall elect a president, a vice-president, a secretary, and a treasurer and such other officers as they shall deem necessary, all of whom shall be members of the corporation, and all or any of whom may be officers of the reorganized association or of the newly created association.

Organization.

Certificates separately transferred.

Certificates of interest issued by any association pursuant to this article may be transferred apart from the certificates of the reorganized association in connection with which they have been issued.

7. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 133

AN ACT concerning county park commissions, and supplementing chapter thirty-seven of Title 40 of the Revised Statutes.

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

Freeholders may appropriate moneys for county parks.

1. In any county having a population of more than two hundred thousand and having a county park commission, the members of which shall be appointed, or shall have been appointed by a Supreme Court justice under the provisions of section 40:37–97 of the Revised Statutes; and having established a county park system and having acquired the funds for the establishment of such county park system by public bond issue approved by the voters of said county; and said park commission shall not have funds for the maintenance of said county park system and the voters of said county shall have rejected the adoption of sections 40:37–12, 40:37–13, 40:37–14 and 40:37–15 of the Revised Statutes; the board of chosen freeholders in said county, upon the written request of the county park commission, signed by its president, vice-president and secretary, for funds for the maintenance of said county park system, after a public hearing on said request, and after determining in their discretion that funds for the maintenance of said county park system are necessary, may hereafter annually appropriate funds for the maintenance of said county park system; *provided, however,* that the funds raised and appropriated shall not exceed one-half of one mill on the dollar on the assessed valuation on the total ratables and taxables in said county, the minimum authorized by section 40:37–14 of the Revised Statutes.

Proviso.

Raising funds.

2. The funds so raised and appropriated shall be raised and appropriated in the same manner as the funds for any other department of government

in said county and after the funds shall have been raised and appropriated, shall be paid over to and expended by the said park commission of said county for the maintenance of said county park system in the same manner as any other department of government of said county.

As to referendum.

3. The question of the adoption or rejection of sections 40:37–12, 40:37–14 and 40:37–15 of the Revised Statutes shall not be submitted to the voters of any county within five years after the majority of the legal voters in any county shall have rejected the same.

4. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 134

AN ACT relating to the commissions of certain fiduciaries, and amending sections 3:11–1 and 3:11–2, and repealing sections 3:11–3 and 3:11–4, of the Revised Statutes.

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

Section amended.

1. Section 3:11–1 of the Revised Statutes is hereby amended to read as follows:

Allowance to fiduciaries.

3:11–1. Allowance of corpus commissions to executors, administrators, administrators with the will annexed, guardians and trustees under a will, shall be made with reference to their actual pains, trouble and risk in settling the estate, rather than in respect to the quantum of the estate.

Section amended.

2. Section 3:11–2 of the Revised Statutes is hereby amended to read as follows:

Computing commissions.

3:11–2. On the settlement of accounts of executors, administrators, administrators with the will annexed, guardians, and trustees under a will, ac-

counting in the prerogative or orphans' court, their commissions over and above their actual expenses shall be computed upon the following rates:

Five per centum allowance.

On all income that comes into their hands five per centum, and such executors, administrators, administrators with the will annexed, guardians, and trustees under a will may take such income commissions as of the time or when the income was or is received by them without allowance thereof by the court.

Other rates.

On corpus where the corpus receipts do not exceed fifty thousand dollars, seven per centum on the first one thousand dollars thereof, five per centum on the next nine thousand dollars thereof, four per centum on the next ten thousand dollars thereof, and three per centum on the excess.

Determination by court.

Where the corpus receipts exceed fifty thousand dollars, the court before which the account shall be presented for settlement and allowance shall determine the corpus commissions of executors, administrators, administrators with the will annexed, guardians, and trustees under a will, on the intermediate or final settlement of their accounts according to the actual services rendered, and the commissions on corpus, shall not exceed five per centum on all corpus which comes into their hands.

Sections repealed.

3. Section 3:11–3 and 3:11–4 of the Revised Statutes are hereby repealed.

4. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 135

AN ACT designating the State souvenir of Disabled American Veterans of the World War and regulating the sale thereof.

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

Souvenir.

1. After the passage of this act the forget-me-not, or its replica in any material form, shall be the recognized souvenir of the Disabled American Veterans of the World War.

Use protected.

2. From and after the passage of this act it shall be unlawful for any person, firm or corporation to sell or offer for sale to raise funds dedicated to Disabled American Veterans of the World War forget-me-not or forget-me-nots made up in any material forming a replica of the natural forget-me-not except as hereinafter provided.

Sale restricted.

3. The sale and offering for sale of such forget-me-nots or forget-me-not as heretofore mentioned shall be restricted to Disabled American Veterans of the World War and their auxiliaries, where such funds are devoted exclusively for the benefit of Disabled American Veterans of the World War and their families.

Approved label.

4. All such forget-me-nots or forget-me-not as heretofore designated shall bear a label approved and sanctioned by said Disabled American Veterans of the World War as heretofore set forth and can only be sold by existing chapters of the Disabled American Veterans of the World War as recognized by the Department of New Jersey of the Disabled American Veterans of the World War.

Municipal regulations.

5. Nothing in this act shall in anyway limit or interfere with the right of the governing body or law enforcement agency of any municipality of the State of New Jersey to enact by ordinance, resolution or otherwise, regulations governing the sale

of forget-me-nots within said municipality; *provided,* that no such regulations shall extend the right of sale by persons, or for purposes, other than those mentioned in section three of this act, nor shall permit the sale of forget-me-nots other than those designated in section four of this act. Proviso.

6. The sale or offering for sale of any such forget-me-not or forget-me-nots except as herein provided shall be construed as presumptive evidence of intent to evade the provisions and restrictions of this act and upon conviction any person so charged shall be deemed and adjudged a disorderly person. Evasion.

7. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 136

AN ACT to authorize the Secretary of Agriculture to receive contributions from farmers and farm organizations and to disburse such funds for advertising and general publicity to promote the sale of New Jersey farm products, and to provide for the establishment of brands to identify such products.

WHEREAS, New Jersey farmers are facing serious competition from the advertising and sales promotion activities of producers in other areas seeking to market their products in the markets of New Jersey and nearby States; and Proviso.

WHEREAS, The farmers of New Jersey are more generally adopting the use of official State and Federal grades as well as trade-marks and brands which will serve to positively identify New Jersey farm products and so aid consumers in their marketing; and Proviso.

Proviso.

WHEREAS, Certain agricultural commodity groups in New Jersey have already established trademarks and brands based upon the official State and Federal grades and their members have obligated themselves to contribute regularly to funds to meet the expense of advertising and promoting the sale of New Jersey farm products; and

Proviso.

WHEREAS, Such promotional activities of the several commodity groups or of interested individuals should be correlated by an official agency in the interest of economy and efficiency; and

Proviso.

WHEREAS, The Department of Agriculture is now co-operating with the New Jersey Council and is serving as a liaison agency with the several commodity groups; therefore

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

Special fund to promote sale of farm products.

1. For the purpose of advertising and promoting the sale of New Jersey farm products, the Secretary of Agriculture is hereby authorized to receive funds, either as direct contributions, or from the sale of labels or the right to use the same as hereinafter provided, or from any other source for such purposes, and such moneys shall be deposited by him in a bank or trust company designated under provisions of law to accept deposits of State money, in a special fund to be known as the "New Jersey Farm Products Publicity Fund."

Disbursement of funds.

2. All moneys so deposited in the "New Jersey Farm Products Publicity Fund" shall be disbursed by the Secretary of Agriculture for advertising and general publicity purposes, to be determined in co-operation with contributing commodity groups, to promote the sale of New Jersey farm products; for the expenses of printing and distributing labels to be used in identifying products sold under official State brands as hereinafter provided; and for other expenses incident to carrying

out the provisions of this act; *provided, however,* that no greater amount shall be expended from such fund for the promotion of a publicity campaign for any particular product than the amount of revenue in such fund derived from such product. The Secretary of Agriculture shall keep accurate accounts of the receipts and disbursements of this fund, which accounts may be subject to audit by the State Comptroller.

Proviso.

Accounts.

3. The Secretary of Agriculture may design, determine and adopt official brands to be used on labels on packages and containers to identify New Jersey produced agricultural products either fresh or processed. The design of such brand or brands may contain the whole or part of the seal of the State of New Jersey or the outline of the map of the State. Each of such brands, when adopted by the Secretary of Agriculture, may be registered as a trade-mark in the office of the Secretary of State under the provisions of chapter three of Title 56 of the Revised Statutes, or any other provision of law which may hereinafter be enacted relating to the registration of trade-marks. Any such trade-mark shall be registered by the Secretary of State without the exaction of any fee therefor. The Secretary of Agriculture may in his discretion register any such mark with the United States Government and any other State or foreign country.

Identifying brands adopted.

Design.

Trade-mark registered.

4. Such brand or mark may be used on labels attached to packages containing New Jersey agricultural products either fresh or processed packed within this State in accordance with official standards established or grades enforced by the provisions of this act and of chapter ten of Title 4 of the Revised Statutes, and upon packages of processed farm products grown and packed within this State, subject to and in accordance with rules and regulations to be promulgated by the Department of Agriculture.

Use of brand.

5. The Department of Agriculture may make and promulgate such regulations as may be necessary to carry out the provisions of this act.

Regulations.

Labels.

6. The Secretary of Agriculture shall cause to be printed labels bearing a State brand in sufficient quantities to meet the demand therefor and may sell such labels at a price to be fixed by the Secretary of Agriculture. As an alternative method, the Secretary of Agriculture may in accordance with rules and regulations promulgated by him rent dies or cuts of the State brand to persons or organizations desiring to manufacture their own labels for use on fresh or processed farm products owned and packed by them, at a price to be fixed by the Secretary of Agriculture. When a brand bearing the outline of a map of the State is desired to be used, the applicant shall secure a license to use same as provided in section 4:10–5 of the Revised Statutes.

Dies or cuts.

Using outline of State.

Affixing labels.

7. Labels shall be affixed to packages in the manner prescribed by the rules and regulations adopted by the Department of Agriculture. The label denoting the State brand may be used in conjunction with and in addition to any private mark or name under which the grower or packer has been accustomed to pack and market fresh or processed farm products.

Receipts from State brands.

8. Direct contributions and moneys derived from the sale or use of labels denoting the State brand shall be recorded separately by products, which shall be designated by the contributors or purchasers or users of labels, and each such amount shall be expended as the Secretary of Agriculture may direct for general publicity purposes to advertise the product from which the revenue was derived.

Advisory committee.

9. The rules and regulations adopted by the Department of Agriculture may provide for an advisory committee of authorized users of the State brand, who shall advise the Secretary of Agriculture as to the general plan of any publicity and advertising campaign. The members of any such advisory committee shall serve without compensation.

10. The Secretary of Agriculture shall have the power, by injunction or otherwise, to restrain any person or organization using or attempting to use any State brand except in accordance with the provisions of this act. Restraining improper use of brand.

11. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 137

AN ACT concerning the annual franchise tax imposed upon certain domestic corporations, and amending sections 54:13–1, 54:13–2, 54:13–4, 54:13–7, 54:13–8 and 54:14–1, and repealing sections 54:13–9 and 54:13–10 of the Revised Statutes.

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

1. Section 54:13–1 of the Revised Statutes is amended to read as follows: Section amended.

54:13–1. All domestic corporations shall be subject to an annual license fee or franchise tax as hereinafter in this article provided, except: Franchise tax on domestic corporation, except:

a. Corporations subject to a tax under the provisions of article two of this chapter, or a tax assessed upon the basis of gross receipts; Gross receipts;

b. Railway, canal or banking corporations, savings banks, cemeteries, or religious corporations, or purely charitable or purely educational associations not conducted for profit; Railroads, banks, cemeteries, schools;

c. Corporations subject to a tax under the provisions of chapter seven of the laws of one thousand nine hundred and thirty-eight, or chapter eight of the laws of one thousand nine hundred and thirty-eight, or any statute or law imposing a similar tax or taxes; Corporations otherwise taxed;

Excepted corporations;

d. Corporations excepted from tax hereunder by section 54:13–7 of this Title;

Insurance companies.

e. Fire insurance companies and stock insurance companies other than life insurance, expressly exempt from franchise taxes by section 54:4–22 of this Title.

Section amended.

2. Section 54:13–2 of the Revised Statutes is amended to read as follows:

Annual returns.

54:13–2. All domestic corporations other than those excepted under paragraphs "a," "b," "c" and "e" of section 54:13–1 of this Title shall file with the commissioner, on or before the fifteenth day of May in each year, a true and accurate return in the form prescribed by the commissioner, stating the amount of capital stock of such corporation which was issued and outstanding on the first day of January preceding the making of such return, together with such other information as may be required by the commissioner to carry out the provisions of this article. Each such return shall be made upon the oath or affirmation of the president, vice-president, secretary or treasurer of the corporation, and in the case of a corporation in liquidation, or in the hands of a receiver or trustee, it shall be made upon the oath or affirmation of the person responsible for the conduct of the affairs of such corporation. The commissioner may grant a reasonable extension of time for filing a return whenever, in his judgment, good cause exists. No extension shall be granted beyond the fifteenth day of August in the year in which the tax is due and payable. Any corporation which shall fail to file its return when due shall be liable to a penalty of one dollar for each day of delinquency, which penalty shall be payable to, and recoverable by, the commissioner, as a part of the tax imposed by this article. The commissioner, if satisfied that the failure to comply with the provisions of this section respecting filing returns was excusable, may remit the whole or any part of any penalty imposed hereunder.

Authentication.

Time for filing.

Penalty for not filing return.

Remission of penalty.

3. Section 54:13–4 of the Revised Statutes is amended to read as follows: Section amended.

54:13–4. A corporation engaged wholly or in part in mining, manufacturing, agricultural or horticultural pursuits and seeking exemption or deduction under sections 54:13–7 or 54:13–8 of this Title shall set forth in its return to the State Tax Commissioner the following information as of the first day of January preceding such return: Information required:

a. The location of its mining or manufacturing establishment, or its agricultural or horticultural pursuits in this State; Location;

b. The character of the ores mined, goods manufactured or the agricultural or horticultural pursuits engaged in; Character of business;

c. The stated value of its stock with par value, issued and outstanding; and the number of shares and declared value of its stock without nominal or par value, issued and outstanding; Value of stock, etc.;

d. The total amount of such capital stock actually engaged in the business of mining or manufacturing, or in agricultural or horticultural pursuits carried on within this State; and, Capital;

e. If less than fifty per centum of its capital stock, issued and outstanding, is engaged in such pursuits, the assessed valuation of its real and personal property so used in this State based upon the last assessment from which no appeal is pending. Outstanding valuation.

4. Section 54:13–7 of the Revised Statutes is amended to read as follows: Section amended.

54:13–7. A mining, manufacturing, agricultural or horticultural corporation at least fifty per centum of whose capital stock issued and outstanding is engaged in mining or manufacturing or agricultural or horticultural pursuits carried on within this State and which has made a return in accordance with sections 54:13–2 and 54:13–4 of this Title shall be exempt from the license fee or franchise tax imposed by this article. Exemptions.

Section amended.

5. Section 54:13–8 of the Revised Statutes is amended to read as follows:

Certain deductions:

54:13–8. A domestic corporation having less than fifty per centum of its capital stock, issued and outstanding, engaged in mining, manufacturing, agricultural or horticultural pursuits carried on within this State, shall be subject to the license fee or franchise tax imposed by this article but shall be entitled, in the computation of the fee or tax, to a deduction, to be determined as follows:

Property deductions;

a. The assessed valuation of its real and personal property in this State engaged in manufacturing, mining, agricultural or horticultural pursuits, based upon the last assessment from which no appeal is pending, shall be deducted from the stated value of its capital stock issued and outstanding. The stated value of such capital stock shall be determined by multiplying the par value, or the value placed by the directors of the company upon stock of no par value, by the number of shares of such stock issued and outstanding.

Value of capital;

Assessed valuation;

b. Where such capital stock shall consist of classes of stock with par value and without nominal or par value, said assessed valuation shall be deducted from the stated value of the respective classes of stock in the proportion that the stated value of each class bears to the aggregate stated value of all stock issued and outstanding.

Assessing franchise tax.

c. The annual license fee or franchise tax on such corporation shall be assessed at the rates set forth in section 54:13–6 of this Title upon the balance representing the stated value of shares with par value after such deduction, and upon the number of shares of stock without nominal or par value represented by the stated value of the shares of that class after such deduction.

Repealed.

6. Section 54:13–9 of the Revised Statutes is hereby repealed.

Repealed.

7. Section 54:13–10 of the Revised Statutes is hereby repealed.

Section amended.

8. Section 54:14–1 of the Revised Statutes is amended to read as follows:

Taxes due and payable:

54:14–1. The taxes imposed under the provisions of articles one and two of chapter thirteen of this Title shall be due, in each case on the first day of January of the year with respect to which the tax is imposed and shall be paid to the State Tax Commissioner as hereinafter provided.

Payable before May 15th.

a. The taxes imposed under the provisions of article one of chapter thirteen of this Title, except those due from domestic corporations entitled to deductions under the provisions of section 54:13–8 of the Revised Statutes, shall be paid to the State Tax Commissioner on or before the fifteenth day of May in the year with respect to which they are imposed or assessed, unless the time for filing the return upon which the tax is computed shall be extended. If the time for filing the return shall be extended, the payment of the tax shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the corporation shall pay, in addition to the tax, interest thereon at the rate of six per centum per annum from the time when the return originally was required to be filed to the time of payment under the extension.

Interest or deferred payments;

Payments before September 1st;

b. The taxes imposed under the provisions of article one of chapter thirteen of this Title upon domestic corporations which are entitled to deductions under the provisions of section 54:13–8 of the Revised Statutes, and the taxes imposed under the provisions of article two of chapter thirteen of this Title shall be paid to the State Tax Commissioner on or before the first day of September in the year with respect to which they are imposed.

Amount of assessment mailed;

c. On or before the first day of August in each year, the State Tax Commissioner shall prepare and mail to each corporation entitled to a deduction under the provisions of section 54:13–8, and to each corporation subject to the taxes imposed under the provisions of article two of chapter thirteen of this Title, an assessment, in such form

as he shall prescribe, setting forth the amount of tax due from the corporation in that year. The failure to receive an assessment shall not relieve a corporation from the liability to pay any tax or interest thereon due from it to the State.

Interest on unpaid tax;

d. If any tax imposed under the provisions of articles one and two of chapter thirteen of this Title shall remain unpaid after the time it shall be payable as provided in this section, it shall bear interest until paid, at the rate of one per centum per month or fraction thereof.

Disposition of moneys.

e. The taxes, penalties and interest which shall be collected by the State Tax Commissioner under the provisions of chapters thirteen and fourteen of this Title shall be paid to the State Treasurer for the credit of the general State fund.

Act effective.

9. This act shall take effect December thirty-first, one thousand nine hundred and thirty-nine.

Approved July 1, 1939.

CHAPTER 138

AN ACT concerning corporations owning and operating a system of sewers in any municipality of this State, and supplementing chapter thirteen of Title 48 of the Revised Statutes of one thousand nine hundred and thirty-seven.

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

Abandonment of private sewer without consent.

1. No corporation heretofore or hereafter incorporated under any act of the Legislature of this State for the purpose of constructing, maintaining and operating a system of sewers in any municipality of this State and which has constructed or shall construct sewers and is or shall be engaged in supplying sewerage service in any such munici-

pality, or its successor municipality, shall abandon or cease to operate its property or cease furnishing safe, adequate and proper service to the public without the consent after hearing upon notice of the Board of Public Utility Commissioners. In case the period of existence of any such corporation, as set forth in its certificate of incorporation or any amendment or extension thereof, is limited or has expired or shall hereafter expire, such corporate existence may be extended, or renewed and continued, by the vote of two-thirds in interest of the stockholders of such corporation at a meeting of the stockholders called for such purpose, evidenced by the filing in the office of the Secretary of State of a certificate setting forth such action, signed by the president or a vice-president and the secretary or an assistant secretary of such corporation under its corporate seal and acknowledged or proved as in the case of a deed to real estate and verified by the oath of the secretary or an assistant secretary, and any such corporation which shall extend or renew and continue its corporate existence in the manner herein prescribed shall upon the filing of said certificate in the office of the Secretary of State be vested with all the rights, powers and privileges and subject to all the obligations, limitations and restrictions with respect to the maintenance, operation and extension of its works, mains, pipes, sewers, disposal plant or plants and appurtenances to the same extent and in the same manner as a corporation organized under the provisions of the act to which this act is a supplement, and any such corporation may lay its pipes and conduits beneath public roads, streets, avenues and alleys in accordance with any consent of the municipality theretofore given or any agreement with the municipality theretofore made, subject to such reasonable regulations as to the opening of streets or highways as may be imposed by such municipality. No such corporation shall be released of or from any duty or liability imposed upon it or existing at the time of filing the

Extending corporate existence.

Rights, powers, etc.

Liability.

certificate of extension or renewal and continuation in the office of the Secretary of State.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 139

AN ACT concerning wills, and amending sections 3:2–3 and 3:2–13 of the Revised Statutes.

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

Section amended.

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

What constitutes validity of will.

3:2–3. Except as to nuncupative wills, a will to be valid shall be in writing and signed by the testator, which signature shall be made by the testator, or the making thereof acknowledged by him, and such writing declared to be his last will, in the presence of two witnesses present at the same time, who shall subscribe their names thereto, as witnesses, in the presence of the testator, and

Where probated.

shall be probated in the office of the surrogate or in the orphans' court of the county in which the testator resided at the time of his death, or in the prerogative court of the State of New Jersey.

Section amended.

2. Section 3:2–13 of the Revised Statutes is hereby amended to read as follows:

Passing property.

3:2–13. A will made in accordance with the provisions of section 3:2–3 of this Title by a person competent to make a will and probated as provided in section 3:2–3 of this Title shall be sufficient to devise, pass and bequeath all estates and property, real and personal, including estates pur auter vie, and all rights of any kind, and to appoint a guardian or guardians to a child of the testator during

Widow may bequeath crop and dower.

infancy; and a widow may bequeath the crop of her ground, as well of her dower as of her other real estate.

3. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 140

AN ACT concerning the allowance of fees to attorneys, proctors, solicitors and counsel, and the making of allowances by way of such fees in causes, matters or proceedings in courts of this State.

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

Fee must be for actual service.

1. No fee to any attorney, proctor, solicitor or counsel shall be allowed and no allowance by way of such fee shall be made in any cause, matter or proceeding in any court in this State, except for or on account of actual services rendered by a member of the bar of this State engaged in the practice of law and maintaining an office in this State; *provided, however,* that in any cause, matter or proceeding requiring the services of an attorney, proctor, solicitor, counsel or other member of the bar of any foreign jurisdiction, the court, in allowing a fee or making an allowance by way of fee, as aforesaid, shall take cognizance thereof and shall make allowance therefor as though actually rendered by the member of the bar of this State by whom such services were engaged.

Proviso.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 141

A SUPPLEMENT to an act entitled "An act providing for participation by the State of New Jersey in the World's Fair to be held in New York City, and making an appropriation therefor," approved December twentieth, one thousand nine hundred and thirty-eight.

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

Appropriation for fair.

1. There is hereby appropriated to the New Jersey World's Fair Commission the sum of fifty thousand dollars ($50,000.00), to be expended for the purposes set forth in the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 142

AN ACT concerning the State Employees' Retirement System, and amending section 43:14–8 of the Revised Statutes.

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

Section amended.

1. Section 43:14–8 of the Revised Statutes is amended to read as follows:

Officers of board.

43:14–8. The board shall elect from its membership a chairman and may also elect a vice-chairman, who shall have all the power and authority of the chairman in the event of the death, absence or disability of the chairman. It shall appoint,

subject to the provisions of sections 11:4–2 and 11:4–3 of the Revised Statutes, a secretary, an actuary and any other technical and administrative employees as may be necessary for the transaction of the business of the retirement system.

The actuary shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of this chapter and shall perform such other duties as are required in connection therewith. Actuary.

The Attorney-General shall be the legal adviser of the retirement system. Counsel.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 143

AN ACT concerning the extension of the employees' retirement system for the employees of the State of New Jersey to the employees of the several municipalities and counties of this State, and amending section 43:15–2 of the Revised Statutes.

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

1. Section 43:15–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

43:15–2. If this chapter is so adopted, it shall become effective in the county or municipality adopting it, on June thirtieth of the following year. When effective.

Membership in the State Employees' Retirement System shall be optional with the employees of the county or municipality in the service on the day the chapter so becomes effective. Membership optional.

An employee who elects to become a member within one year after this chapter so takes effect shall be entitled Prior service certificate.

to a prior service certificate covering service rendered to the county or municipality prior to the date this chapter so becomes effective. Membership shall be compulsory for all employees entering the service of the county or municipality after the date this chapter so becomes effective.

Compulsory membership.

2. This act shall take effect immediately, and all acts or parts inconsistent with this act are hereby repealed.

Repealer.

Approved July 1, 1939.

CHAPTER 144

AN ACT concerning the State Employees' Retirement System, and amending section 43:14–7 of the Revised Statutes.

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

1. Section 43:14–7 of the Revised Statutes is hereby amended to read as follows:

Section amended.

43:14–7. The general administration and responsibility for the proper operation of the State Employees' Retirement System and for making effective the provisions of this chapter shall be vested in the board of trustees. Subject to the limitations of law, the board shall, from time to time, establish rules and regulations for the administration and transaction of its business and for the control of the funds created by this subtitle and shall perform any other functions required for the execution of this chapter. The membership of the board shall consist of the following:

Trustees of retirement system.

Rules and regulations.

Membership.

a. Two trustees appointed by the Governor, who shall serve until their successors are appointed.

Two members appointed by Governor.

b. The State Treasurer.

Treasurer.

c. Three trustees elected for a term of three years from among the member employees of the State in a manner prescribed by the board of trustees. Three members from State employees.

d. One trustee elected for a term of three years from among the member employees of counties and municipalities, if any, in a manner prescribed by the board of trustees. One from municipal employees.

A vacancy occurring during a term shall be filled for the unexpired term by the appointment or election of a successor in the same manner as his predecessor. Vacancies.

Each member of the board shall, upon appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the board's affairs and that he will not knowingly violate or willfully permit to be violated any provision of law applicable to this chapter. The oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and filed immediately in the office of the Secretary of State. Oath.

Each trustee shall be entitled to one vote in the board and a majority of all the votes of the entire board shall be necessary for a decision by the trustees at a meeting of the board. The board shall keep a record of all its proceedings, which shall be open to public inspection. Voting. Record.

The members of the board shall serve without compensation but shall be reimbursed from the expense fund for any necessary expenditures. No employee shall suffer loss of salary or wages through the serving on the board. The compensation of all persons employed by the board shall be fixed by it, subject to the approval of the Legislature. Expenses met. Pay of clerks of board.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 145

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-nine, and regulating the disbursement thereof," approved June fourteenth, one thousand nine hundred and thirty-eight, and providing additional funds for the payment of indemnities for cattle reacting to the tuberculin test.

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

Appropriation for tuberculin test of cattle.

1. In addition to the sum appropriated for tuberculosis eradication in and by the act of which this act is a supplement, there is hereby appropriated to the Department of Agriculture out of the State fund, for the purpose of continuing the tuberculin testing of cattle and paying indemnities to owners of cattle reacting to the tuberculin test, the sum of twenty thousand dollars ($20,000.00).

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 146

AN ACT to promote interstate co-operation for the conservation and protection of water resources in the Delaware river basin.

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

PREAMBLE

WHEREAS, The States of New York, New Jersey, Pennsylvania and Delaware have each created, and now maintain, a Commission (or Committee) on Interstate Co-operation for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding and co-operation between said States, respectively, and other States of the Union, both regionally and nationally, with power to establish such committees, subcommittees, and advisory boards as are deemed advisable to conduct conferences and to formulate proposals concerning subjects of intergovernmental co-operation, to study the laws of the several States, hold public or private hearings, make findings and recommendations, and to submit drafts of legislation to promote uniform laws for the elimination of the confusion and conflict between the several States of the Union and the Federal Government in the matter of laws and administrative practices concerning conservation, prevention, abatement and control of pollution, water supply, public welfare, flood control, and other subjects; and Preamble.

WHEREAS, Said Commissions (or Committees) on Interstate Co-operation of said States have organized and established and are now maintaining as an instrument of governmental machinery Preamble.

a joint advisory board known as "The Interstate Commission on the Delaware River Basin," as a regional commission composed of standing subcommittees of said Commissions (or Committees) on Interstate Co-operation, respectively, for the purpose of entering upon a program to study the conservation, water supply, pollution and other potential uses and benefits of, and to develop integrated plans to conserve and safeguard, the waters of the Delaware river basin, in the following specified particulars:

Specified particulars:

Co-ordinating body;

A. To serve as a fact-co-ordinating body and to develop the means and procedure by which the general plans and policies proposed for the development of the region may be carried out;

Carrying out plans;

B. To sponsor the carrying out of properly developed plans which result from surveys and research concerning population, land and water resources and uses, and other related subjects;

Joint activities;

C. To co-ordinate the activities of the Commission and Committees on Interstate Co-operation and their joint agency, the Council of State Governments, with the work of the appropriate State and Federal agencies for the prevention and abatement of pollution.

Interstate projects;

D. To encourage interstate compacts and the enactment of uniform State laws for the abatement of water pollution, for flood control and for the proper general use and control of the waters of the Delaware river.

Proposed objectives.

E. To advance, perpetuate, and outline the work recommended by its conferences, and to develop and propose new objectives; and

Preamble.

WHEREAS, It is the purpose of the Commissions (or Committees) on Interstate Co-operation of said four States, acting through said Interstate Commission on the Delaware river basin, to eliminate confusion and conflict among said States by the

promotion and enactment of uniform laws in said States to preserve in a safe and sanitary condition the waters and watershed of said Delaware river basin and to provide uniform concurrent regulations for the control and the enforcement of the elimination of pollution in the waters thereof in said States, respectively; and

Preamble.

WHEREAS, Said Interstate Commission on the Delaware river basin, in co-operation with the State health departments of said States, respectively, and the National Resources Committee and the Public Health Service of the Federal Government has made a study, for the purposes above recited of said Delaware river and its tributaries in said Delaware river basin, and has formulated proposals for the inter-governmental co-operation of said States in the correction and control of pollution of the waters thereof, which have been formally approved, ratified and accepted by the health departments of said States, the United States Health Service and the said National Resources Committee, respectively, in the following form:

Preamble.

WHEREAS, A substantial part of the territory of the States of New York, New Jersey, Pennsylvania and Delaware is situated within the Delaware river drainage basin; and

Preamble.

WHEREAS, The increase in the population of the various municipal areas situated within the Delaware river basin, and the growth of industrial activity within the basin, have resulted in increasingly serious pollution of the waters of the Interstate Delaware river and its tributaries; and

Preamble.

WHEREAS, Such pollution constitutes a grave menace to the health, welfare, and recreational facilities of the people living in the Delaware river basin, and occasions great economic loss; and

Preamble.

WHEREAS, The control of future pollution and the correction of existing pollution of the waters of the interstate Delaware river and its tributaries is of prime importance to the people living in the Delaware river basin and can best be accomplished through the co-operation of the representatives of the people in the basin, in the States of New York, New Jersey, Pennsylvania, and Delaware;

Agreement.

Now, therefore, the State of New York and the State of New Jersey and the Commonwealth of Pennsylvania and the State of Delaware agree and are bound as follows:

ARTICLE I

States' co-operation.

Each of the signatory States pledges to each of the other signatory States faithful co-operation in the control of future pollution and in the correction of existing pollution of the waters of the interstate Delaware river and its west branch from the New York-Pennsylvania boundary line down to the Atlantic ocean. In order to effect such objects, each of the States agrees to enact adequate legislation, if necessary, to enable each such State so to require the treatment of sewage, industrial waste or other artificial polluting matter as to place and maintain the waters of the aforesaid interstate Delaware river, and of the tributaries thereof just above the confluence with the Delaware river, in the clean and sanitary condition required by the provisions of this agreement. Furthermore, each such State agrees so to enforce the provisions of these requirements, and other

Water of Delaware river kept sanitary.

Enforcement.

supplementary applicable legislation, if any, as to bring about the attainment of the objectives of pollution control and correction in accordance with such reasonable and effective programs as may be determined from time to time by the States in the manner prescribed herein.

ARTICLE II

Reasons for dividing territory into zones.

It is recognized by the signatory States that due to such variable factors as location, size, character, and flow, and of the many varied uses of the waters of the interstate Delaware river and its aforesaid west branch, such as water supply, recreation, navigation, industrial developments, maintenance of fish life, shellfish culture, agriculture, and other purposes, that no single standard of sewage and waste treatment and of quality of receiving waters is practical for all parts of the river. Therefore, in order to apply minimum requirements for the attainment of correction and control of pollution which will be appropriate to the varied factors including the existing and potential quality and uses of the waters, the interstate Delaware river is hereby divided into four zones, to wit:

Zones:

Zone I; Zone I: Zone one is that part of the Delaware river and its west branch extending from the New York-Pennsylvania boundary line to the head of tidewater at Trenton, New Jersey, and Morrisville, Pennsylvania.

Drainage basin.

The drainage basin contributary to this zone, excepting part of the Lehigh river basin, is relatively sparsely inhabited and contains few sewered communities and relatively few industrial establishments producing waste water. The streams draining this area being, in general, relatively clean and of high elevation, are well adapted as sources of public water supplies, after treatment or purification.

Uses.

The principal uses of the waters of the Delaware river in Zone one are expected to be for water supply after such treatment or purification as may

be necessary, and for recreation, bathing, maintenance of fish and aquatic life, agriculture, and for other related purposes.

Zone II,

Zone II: Zone two is that part of the Delaware river extending from the head of tidewater at Trenton, New Jersey, and Morrisville, Pennsylvania, to a line drawn perpendicular to the channel of the Delaware river from the mouth of Pennypack creek in Philadelphia, Pennsylvania, to the corresponding point on the New Jersey shore.

Drainage and sewerage.

The drainage basin contributary to this zone is somewhat more densely populated than that of Zone one, and it contains more sewered communities and industrial establishments.

Uses.

The principal uses of the waters of the Delaware river in Zone two are expected to be for water supply, after treatment or purification, and for recreation, navigation, maintenance of fish and aquatic life, agricultural, industrial and other purposes.

Zone III;

Zone III: Zone three is that part of the Delaware river extending from the aforesaid line connecting the mouth of Pennypack creek in Philadelphia and the corresponding point in New Jersey to the Pennsylvania-Delaware boundary line.

Drainage basin.

The drainage basin contributary to this zone contains populous metropolitan areas including Philadelphia, Pennsylvania, and Camden, New Jersey.

Uses.

The principal uses of the waters of the Delaware river in Zone three are expected to be for navigation, industrial water supply, and other purposes.

Purity sought.

The water in this zone, however, should be of such sanitary quality that it will not be unfit for use as sources of water supply, will not be harmful to fish life, and will not adversely affect the quality of the waters of the tidal tributaries.

Zone IV;

Zone IV: Zone four is that part of the Delaware river extending from the Pennsylvania-Delaware boundary line to the Atlantic ocean.

Uses.

The principal uses of the waters of the Delaware river in Zone four are expected to be for naviga-

tion, industrial water supply, commercial fishing, shellfish culture, recreation and other purposes.

In order to attain conditions of cleanliness and sanitation of the waters of the Delaware river which will be consistent with the appropriate existing and future quality and uses of such waters, the following minimum requirements shall apply to the several zones herein provided. It is the purpose and intent of such requirements to apply to artificial (not natural) causes of pollution. Requirements.

Article III

In order to put and maintain the waters of the interstate Delaware river and its west branch as aforesaid, in a clean and sanitary condition, no sewage, industrial wastes or other polluting matter shall be discharged into, or be permitted to flow or fall into, or be placed in any respective zone of the interstate Delaware river as herein established, unless such sewage, industrial waste or other artificial polluting matter shall first have been so treated as to produce an effluent which will meet the following minimum requirements: Pollution forbidden. Waste treated. Requirements:

Zone 1: (1) Such effluent shall be free of noticeable floating solids, color, oil, grease, or sleek, and practically free of suspended solids. Absence of certain conditions;

(2) Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware river. Turbidity;

(3) Such effluent shall show a reduction of organic substances of at least eighty-five per centum (85%) as measured by the bio-chemical oxygen demand, and furthermore, such effluent in no case shall exceed a bio-chemical oxygen demand of fifty (50) parts per million, and furthermore, the discharge of such effluent, after dispersion in the water of the river, shall not cause a reduction of the dissolved oxygen content of such water of more than five per centum (5%). The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained from Reduction of organic substances; Chemical purity;

dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge.

Effluent;

(4) Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than ten per centum (10%) of the samples of sewage effluent tested by the confirmed test; *and provided, further,* that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter.

Proviso.

Freedom from dangerous substances;

(5) Such effluent shall be sufficiently free of acids, alkalis, and other toxic or deleterious substances, that it will not create a menace to the public health through the use of the waters of the Delaware river for public water supplies, for recreation, bathing, agriculture and other purposes; nor be inimical to fish, animal or aquatic life.

Odors and tastes.

(6) Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes and odors in public water supplies derived from the Delaware river at any place above or below the discharge of such effluent.

Absence of certain conditions;

Zone 2: (1) Such effluent shall be free of noticeable floating solids, color, oil or grease, and practically free of both suspended solids and sleek.

Turbidity;

(2) Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware river.

Reduction of organic substances;

(3) Such effluent shall show a reduction of organic substance of at least eighty-five (85) per centum as measured by the bio-chemical oxygen demand, and furthermore, such effluent in no case shall exceed a bio-chemical oxygen demand of one hundred (100) parts per million, and furthermore, the discharge of such effluent, after dispersion in the water of the river, shall not cause a reduction of the dissolved oxygen content of such water of more than ten (10) per centum. The aforesaid re-

Chemical purity;

duction in dissolved oxygen content shall be determined by the average results obtained by dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge.

Effluent; (4) Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than twenty-five (25) per centum of the samples of sewage effluent tested by the confirmed test; *and provided, further,* that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter.

Proviso.

Freedom from dangerous substances; (5) Such effluent shall be sufficiently free of acids, alkalis, and other toxic or deleterious substances, that it will not create a menace to the public health through the use of the water of the Delaware river for public water supplies, for recreation, industrial and other purposes; nor be inimical to fish, animal or aquatic life.

Odors and tastes. (6) Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware river at any place below the discharge of such effluent.

Absence from certain conditions; Zone 3: (1) Such effluent shall be free of noticeable floating solids, oil or grease, and substantially free of both suspended solids and sleek.

Turbidity; (2) Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the water of the Delaware river after dispersion in the water of the river.

Chemical purity; (3) Such effluent shall show a reduction of at least fifty-five (55) per centum of the total suspended solids and a reduction of not less than thirty-five (35) per centum of the bio-chemical demand. (It is the intent of this requirement to restore the dissolved oxygen content of the river water in this zone to at least fifty (50) per centum saturation. To accomplish this it may be neces-

sary in the case of certain wastes, to obtain reductions greater than those required under this item.)

Germicide treatment;

(4) Such effluent, if it be discharged within two miles of a public water works intake or within prejudicial influence thereof, shall at all times be effectively treated with a germicide.

Freedom from deleterious substances;

(5) Such effluent shall be sufficiently free of acids, alkalis, and other toxic or deleterious substances, that it will not create a menace to the public health through the use of the waters of the Delaware river for public water supplies, or render such waters unfit for industrial and other purposes; or cause the water of the Delaware river to be harmful to fish life.

Tastes and odors.

(6) Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware river.

Absence of certain conditions;

Zone 4: (1) Such effluent shall be free of noticeable floating solids, oil, or grease, and substantially free of both suspended solids and sleek.

Turbidity;

(2) Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the waters of the Delaware river after dispersion in the water of the river.

Treatment;

(3) Such effluent shall show a reduction of at least fifty-five (55) per centum of the total suspended solids and shall be subject to such further treatment as may be needed to prevent a nuisance.

Germicide treatment;

(4) Such effluent, if it be discharged within prejudicial influence of a public water works intake, or of recreational areas, or of shellfish grounds, shall at all times be effectively treated with a germicide, except that in the case of recreational area influence, such treatment need not be provided during the period from October fifteenth to May fifteenth of each year.

Proviso.

Free of deleterious substances;

(5) Such effluent shall be sufficiently free of acids, alkalis, and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the

Delaware river for public water supplies, or render such waters unfit for commercial fishing, shellfish culture, recreational, industrial, or other purposes.

Tastes and odors.

(6) Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware river.

Interstate relationship.

It is further recognized by the signatory States that the quality of the waters of the intrastate tributaries of the Delaware river and its aforesaid west branch are of interstate concern at their points of confluence with the Delaware river and its west branch. Therefore, it is also agreed that sewage, industrial waste or other artificial polluting matter discharged into, or permitted to flow or to fall into, or be placed in any intrastate tributary of the aforesaid Delaware river, shall be treated to that degree, if any, necessary to maintain the waters of such intrastate tributary immediately above its confluence with the aforesaid Delaware river in a condition at least equal to the clean and sanitary condition of the waters of the Delaware river immediately above the confluence of such tributary.

Maintenance of sanitary conditions at various points.

Standard tests.

Analyses and tests regarding the minimum requirements herein prescribed, shall be determined in accordance with the provisions contained in the American Public Health Association's latest edition on "Standard Methods for the Examination of Water and Sewage."

Reasonable and adequate correction of pollution.

The aforesaid requirements as to treatment of sewage, industrial wastes or other artificial polluting matter and as to the sanitary quality of receiving waters are minima. It is the intent and purpose of these requirements to accomplish reasonable and adequate control and correction of pollution. Due to the many variable factors involved, however, and to the impossibility of forecasting future developments with certainty, it may be necessary in the future to impose additional requirements, particularly in Zones two and three.

Objects sought.

The minima herein prescribed therefore shall be considered the first steps toward attaining the objectives sought, and if necessary may be required to be supplemented in the case that the general application of such minimum requirements does not adequately improve and maintain the sanitary quality of the waters of the Delaware river.

Interstate care and development of resources of Delaware river basin.

1. That part of the area of the Delaware river basin lying within this State is hereby established and declared to be a component part of an interstate region for intergovernmental co-operation by said States in the conservation, protection and development of the water resources thereof by means of integrated plans, and said Interstate Commission on the Delaware River Basin is hereby

Commission recognized.

recognized as the duly established regional commission or agency, of this State for intergovernmental co-operation in effectuating the purposes described in paragraph (2) of the above preamble,

Authority.

with full and complete authority to exercise, for the accomplishment of said purposes, the governmental machinery, powers and duties conferred by this State upon said Commission (or Committee) on Interstate Co-operation.

Reciprocal agreement ratified.

2. The reciprocal agreement set forth in paragraph (4) of the above preamble is hereby ratified and applied to the waters and watershed of said Delaware river basin within the territorial limits of this State, and its terms and provisions shall

Former provisions superseded.

supersede the terms and provisions of any existing laws and regulations applicable to that area, to the extent, only, that the terms and provisions of such existing laws and regulations are inconsistent with the terms and provisions set forth in said reciprocal agreement.

Enforcement of act.

3. The Department of Health is hereby empowered and directed to apply and carry into effect the proposals, terms and provisions of said reciprocal agreement, in the several zones therein prescribed, respectively within the territorial limits of this State, and to enforce the same by the exer-

Full authority.

cise of such administrative and legal authority,

and the institution and prosecution of such actions, suits or other proceedings as may be necessary or appropriate, as are now or may hereafter be provided under the laws and practice of this State.

Co-operation between Health Department and Delaware River Basin Commission.

4. The Department of Health is hereby authorized and directed to co-operate with said Interstate Commission on the Delaware river basin in the further study of the sanitary condition of the waters of Delaware river and its tributaries in said Delaware river basin and to approve, adopt and enforce within this State, such reasonable modifications, changes or alterations in the zones or standards of quality of water in said river and tributaries as may, from time to time, be recommended by said Interstate Commission on the Delaware river basin, and approved by the departments of health of the other three States constituent to said Delaware river basin.

When agreement effective.

5. The terms and provisions of said reciprocal agreement shall become effective upon receipt by the Secretary of State of this State of a certificate from the Executive Secretary of The Interstate Commission on the Delaware River Basin that an act in substantially the same form as this act has been passed by the Legislature, and approved by the Governor, of one of the other three States constituent to said Delaware river basin, together with a certified copy of said act of said State, and thereupon the Secretary of State shall advise the Department of Health of this State accordingly.

Canal excepted.

6. Nothing in this act shall be construed to apply to the Delaware and Raritan canal or its feeders.

7. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 147

AN ACT to amend an act entitled "An act concerning the destruction of canceled and redeemed acknowledgments of indebtedness, commonly known as 'scrip,' which have been issued and sold by any municipality or county, and supplementing chapter three of Title 47 of the Revised Statutes," approved June fourteenth, one thousand nine hundred and thirty-eight.

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

Section amended.

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

Cancellation of scrip.

1. Whenever, under the laws of this State providing therefor, there shall have been issued and sold by any municipality or county, certificates of acknowledgments of indebtedness, commonly known as "scrip," and such "scrip" certificates shall have been canceled and redeemed by the municipality or county issuing the same, it shall be lawful for the officials in charge of the issuance, redemption and cancellation of such "scrip" certificates to destroy the same, without first having advised the public record office of the nature of the said documents or without first obtaining the written consent of that office; *provided, however,* there shall first have been obtained from the Commissioner of Local Government a certificate that said "scrip" to be destroyed has been properly audited and accounted for.

Proviso.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 148

AN ACT relating to oaths, affirmations and affidavits in relation to school matters.

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

Administering oaths.

1. Each secretary or district clerk as an officer of a board of education is hereby authorized to take oaths, affirmations and affidavits in relation to the school matters of the district in which he is employed. Such oaths or affidavits shall be taken without compensation.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 149

AN ACT concerning the State Employees' Retirement System, and amending section 43:14–37 of the Revised Statutes.

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

Section amended.

1. Section 43:14–37 of the Revised Statutes is hereby amended to read as follows:

Accident death benefit.

43:14–37. Upon the death of a member in active service in the actual performance of duty and not the result of his willful negligence, an accident death benefit shall be payable, if a report, in a form acceptable to the retirement board, of the accident is filed in the office of the retirement system within sixty (60) days next following the accident; *provided,* evidence is submitted to the board of trustees proving that the natural and proximate cause

Proviso.

of his death was the performance of duty on his part at some definite time and place.

Payment at death.

Upon application by or on behalf of the dependents of such deceased member, the board of trustees, in addition to the payment of his accumulated deductions as provided in section 43:14–29 of this Title, shall grant an allowance of one-half of the final compensation of such employee, if the member was a male employee, as a pension to his widow, to continue during her widowhood; or, if no widow, or in case the widow dies or remarries before the youngest child of such deceased member attains age eighteen, or if the member was a married female employee, then to the child or children of such member under age eighteen, divided in such manner as the board in its discretion shall determine to continue until the youngest surviving child dies or attains age eighteen. If there be no widow or child under age eighteen surviving such member, or if the member was never married, then there shall be paid a cash sum equal to the amount of his or her final compensation to his or her estate or to such person having an insurable interest in his or her life as he or she shall have nominated by written designation duly acknowledged and filed with the board.

If no widow or child.

Time for applying for retirement.

No such application shall be valid or acted upon unless it is filed in the office of the retirement system within two (2) years of the date of the accident; but the retirement board may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 150

AN ACT concerning counties, and amending section 40:17–2 of the Revised Statutes.

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

1. Section 40:17–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:17–2. Counties of the first class shall consist of all counties having a population exceeding six hundred thousand; counties of the second class shall consist of all counties having a population of not less than two hundred thousand nor more than six hundred thousand; counties of the third class, except as herein otherwise provided, shall consist of all counties having a population of not less than fifty thousand nor more than two hundred thousand; counties of the fourth class, except as herein otherwise provided, shall consist of all counties having a population of less than fifty thousand; counties of the fifth class shall consist of all counties bordering on the Atlantic ocean and having a population exceeding fifty thousand; counties of the sixth class shall consist of all counties bordering on the Atlantic ocean and having a population not exceeding fifty thousand. Classification of counties.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 151

AN ACT respecting the foreclosure of municipal liens, and supplementing chapter five of Title 54 of the Revised Statutes.

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

Exceptions in prosecuting suit.

1. It shall not be necessary in prosecuting any suit to foreclose any municipal lien, tax title lien or tax title lien certificate or certificates to join as party or parties defendant any cestui que trust or cestuis que trustent of any interest, right, claim or title, held in, on or to the aliened premises or to any interest therein or thereon by a trustee or fiduciary for the benefit of such cestui que trust or cestuis que trustent, but any order or decree entered therein shall be as binding and effective as though they had been made parties to such suit or proceeding.

Order binding.

Understanding.

2. Nothing in this act contained shall be deemed as indicating that prior to the passage of this act it was necessary to make such cestui que trust and the like parties.

3. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 152

AN ACT to permit the payment, out of Federal funds, of expenses of changes in or removals of public utility property and constructions in connection with grade crossing eliminations involving public highways other than State highways, and amending section 48:12–63 of the Revised Statutes.

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

1. Section 48:12–63 of the Revised Statutes is hereby amended to read as follows: Section amended.

48:12–63. Where the order of the board shall require changes in or the removal of the property or constructions of a street railway, telegraph, telephone, gas, electric, lighting, power, water, oil, pipe lines or other company, copartnership or individual, each shall at its or his own expense move or change the location or grade of their property or constructions in conformity with such order; *provided,* that if funds are granted or allotted by the United States Government or any of its agencies, the board may, with the consent and approval of the Governor, allot and credit any or all of the funds so received toward the payment of the expenses to be borne by such utility or utilities. They shall be deemed parties in interest and be given notice of hearing and opportunity to be heard. Alterations at expense of owners. Proviso. Parties in interest

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 153

AN ACT to permit the payment, out of Federal funds, of expenses of changes in the rails, pipes and lines of municipalities and of public utilities, required to be made in connection with the elimination of grade crossings or the improvement or construction of crossings not at grade, involving State highways, and amending section 48:12–74 of the Revised Statutes.

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

Section amended.

1. Section 48:12–74 of the Revised Statutes is hereby amended to read as follows:

Proposed changes supplied.

48:12–74. Whenever the work in the annual program involves changes in rails, pipes or lines owned by a municipality or public utility, the State Highway Commission shall furnish the program

Co-operation

to the municipality or public utility. Thereupon the municipality or public utility shall co-operate with the State Highway Commission and the railroad companies.

Change to conform to plan.

The municipality or public utility shall, at its own expense, change its rails, pipes and lines to conform to the plan adopted by the State Highway

Proviso.

Commission; *provided,* that if funds are granted or allotted by the United States Government or any of its agencies, the State Highway Commission, with the consent and approval of the Governor, may allot and credit any or all of the funds so received toward the expenses to be borne by the municipality and the public utility or public utilities, the property or properties of which are required to be changed.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 154

AN ACT to validate sales of land at public auction by the several municipalities of this State in certain cases.

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

Validating sales of municipal lands, although insufficiently authorized.

1. All sales heretofore made of any lands and premises by any municipality at public auction of lands to which said municipality has an absolute title in fee simple, and all proceedings had in connection therewith are hereby validated and confirmed, notwithstanding that such sales and proceedings were not first authorized by resolution of the governing body of such municipality, and notwithstanding that the advertisement of sale of said lands were not made as provided by law, if otherwise made according to law, and any conveyances heretofore or hereafter made by such municipality of said lands heretofore sold by such municipality to the purchaser or purchasers thereof in pursuance of such sale or sales, are hereby validated and confirmed and shall be construed in all courts of this State to convey or have conveyed all the right, title and interest of any such municipality, of, in and to said lands and premises; *provided, however,* that such sales shall have been or shall be confirmed by resolution of the governing body of such municipality; *and provided, further,* that this act shall not be deemed to validate any defective or invalid assignment of any certificate of sale for taxes, assessments or other liens of any municipality, or to cure any infirmity in any such assignment.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 155

AN ACT to confirm and validate oaths or affidavits heretofore taken by district clerks of boards of education in this State.

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

Validating oaths taken by clerks of school boards.

1. All oaths or affidavits heretofore taken by district clerks of boards of education in matters relating to the public schools of this State and all acts performed by any officer of a board of education under such oath or affidavit are hereby confirmed and made valid and legal and effectual to the same extent as though such oaths or affidavits had been taken by an officer qualified by the laws of this State to take such oaths or affidavits.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 156

AN ACT for the retirement of any sergeant-at-arms of the Court of Chancery who has reached the age of seventy years, and who is physically unfit for further service, and for the payment of a pension of two-thirds his salary to such person on such retirement.

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

Sergeant-at-arms of Court of Chancery pensioned.

1. A person who has served as sergeant-at-arms of the Court of Chancery, who has reached the age of seventy years and who is physically unfit for

further service may retire upon a pension equal to two-thirds of the annual salary such person is receiving at the time of his retirement.

Procedure to procure pension.

2. Such sergeant-at-arms shall file with the chancellor a doctor's certificate certifying that he is physically unfit for further service, and the chancellor shall make a certificate that such person shall be retired and file the certificate with the Treasurer of this State. Thereupon the person so retired shall receive for the term of his natural life in equal semimonthly installments the amount of the pension in this act authorized, and be paid by the Treasurer of the State on warrant of the comptroller.

3. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 157

AN ACT making an appropriation to the Commission on Interstate Co-operation.

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

Additional appropriation.

1. There is hereby appropriated to the Commission on Interstate Co-operation out of the general funds of the State the sum of four thousand five hundred dollars ($4,500.00) for the fiscal year ending June thirtieth, one thousand nine hundred and forty, which sum shall be in addition to any other sums which have been or shall be appropriated to the said commission.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 158

AN ACT amending the Gloucester county tunnel law, concerning the Gloucester county tunnel commission, its powers, duties and right to contract and the conditions upon which such tunnel shall become public property and providing rights and remedies for bondholders and trustee, and amending sections 32:13A–14 and 32:13A–15 of the Revised Statutes.

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

Section amended.

1. Section 32:13A–14 of the Revised Statutes is amended to read as follows:

Contract for construction and operation of tunnel.

32:13A–14. Notwithstanding any of the other provisions of this act or of any act supplemental thereto, the commission may contract with any county in the Commonwealth of Pennsylvania or with any authority or other public corporation organized by such county, each thereof being herein sometimes termed a public authority, to provide for the construction, operation and maintenance of the tunnel by the commission or jointly by the commission and such public authority or by the commission with the approval of such public authority, to the extent provided by such contract.

Financing.

Such contract may also provide for the financing of such tunnel by the issuance of revenue bonds of the commission under the provisions of this act or by such public authority, or by the commission and

Bond issue.

authority jointly, such bonds to be payable solely from the revenues of such tunnel, and for the pledging of the revenues of such tunnel as security for such bonds, and for the execution of a trust indenture in accordance with the provisions of this act or with the provisions of the laws of the Commonwealth of Pennsylvania in case such bonds

shall be issued by such public authority, which trust indenture may among other things express the terms of such pledge and of the pledge of the proceeds of the bonds and may define the rights and remedies of the bondholders and of the trustee. The commission and any such public authority entering into such contract may jointly exercise in Pennsylvania, to the extent permitted by the laws thereof and by such contract, any and all powers with respect to the construction, operation and maintenance of such tunnel conferred upon such public authority by the laws of Pennsylvania, and may jointly exercise in Pennsylvania any and all powers with respect to the acquisition of franchises, permits and other rights and real and personal property, conferred upon such public authority by the laws of Pennsylvania, and any such public authority entering into such contract may exercise in the State of New Jersey, but only jointly with the commission or with the approval of the commission, to the extent provided by such contract, any and all powers with respect to the construction, operation and maintenance of such tunnel and with respect to the acquisition therefor of franchises, permits and other rights and real and personal property, which are conferred upon the commission under the provisions of this act; *provided, however,* that the right of eminent domain may be exercised in the State of New Jersey only by the commission.

Terms of pledge.

Rights and powers.

Joint action.

Proviso.

In the event that any permit granted under the terms of chapter fifty-five of the laws of one thousand nine hundred and thirty-four or chapter eighteen of Title 48 of the Revised Statutes for the incorporation of tunnel companies shall be assigned to the commission or jointly to the commission and any such public authority, the provisions of said chapter fifty-five of the laws of one thousand nine hundred and thirty-four or chapter eighteen of Title 48 of the Revised Statutes shall not thereafter apply to the commission or to the commission and such public authority.

Certain permits not applicable.

Fixing toll charges.

So long as there shall be no default in the performance of any covenant, condition, agreement or provision contained in such bonds or in the resolution or indenture under which such bonds may be issued or in such contract, tolls for transit through such tunnel and other charges for the use thereof shall be fixed jointly by the commission and by such public authority in accordance with the provisions of this act or with the provisions of the laws of the Commonwealth of Pennsylvania in case such bonds shall be issued by such public authority. But in the event of any such default and during the continuance thereof, the fixing of such tolls and other charges shall be governed by the provisions of this act or by the provisions of the laws of the Commonwealth of Pennsylvania in case such bonds shall be issued solely by such public authority, and by the provisions of the resolution or the trust indenture under which such bonds may be issued. The commission or such public authority issuing such bonds may pledge such tolls and other charges to the payment of such bonds and the interest thereon subject to provision for payment of the cost of maintaining, repairing and operating such tunnel and the bondholders and the trustee, if any, shall have a first lien on all revenues so pledged in accordance with the terms of the resolution or indenture under which such bonds are issued and such pledge is made and such tolls and other charges shall at all times be so fixed and adjusted as to provide a sinking fund sufficient to pay such bonds and the interest thereon and to provide an additional fund to pay the cost of maintaining, repairing and operating such tunnel, and such tolls may be continued until and only until such bonds and any bonds issued to refund the same, and the interest thereon, and all claims outstanding against the commission or such public authority with respect to such tunnel, shall have been paid, and thereupon such tunnel and its appurtenances shall vest jointly in the Commonwealth of Pennsylvania and the State of New Jersey.

If default.

Pledging tolls.

Purpose.

First lien.

Sinking fund.

Vestment.

Any such tunnel and all property acquired or used for the purposes thereof in the State of New Jersey and the revenues thereof shall at all times be free from taxation within the State of New Jersey. Tax exemption.

2. Section 32:13A–15 of the Revised Statutes is amended to read as follows: Section amended.

32:13A–15. Any holder of any of such bonds, or any of the coupons attached thereto, and the trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this chapter, or by such resolution or trust indenture, to be performed by the county or by the commission, or any officer thereof, including the fixing, charging, and collecting of tolls for the use of the tunnel. Protection of bondholders.

The rights and remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of the bonds, or by any trust indenture securing such bonds. If the bonds shall not be secured by a trust indenture, the holder or holders of twenty-five per centum or more in principal amount of such bonds at the time outstanding may by instrument or instruments filed in the office of the county clerk of Gloucester county, and proved or acknowledged in the same manner as a deed to be recorded, appoint a trustee to represent the holders of such bonds. If such appointed trustee, if any, or the trustee under any trust indenture securing the bonds or if either such trustee shall fail or refuse to take action to enforce any of the remedies provided for herein or in such resolution or such trust indenture, after written request by the holder or Additional rights and remedies. Trustee to represent bondholders. Bondholders may institute suit to protect interest.

holders of fifteen per centum or more in the principal amount of such bonds at the time outstanding and after tender of reasonable security or indemnification to such trustee, any holder of any such bonds may, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, as the case may be, by suit, action, mandamus, or other proceeding, either at law or in equity, protect and enforce any and all rights granted herein or in such resolution or trust indenture, as the case may be, and may enforce and compel performance of all duties required by this act, or by such resolution or trust indenture to be performed by the county or by the commission, or by any officer thereof, including the fixing, charging and collecting of tolls for the use of the tunnel.

In case of default.

In the event that the county or the commission shall default in the payment of the principal or the interest on any of the bonds as the same may become due, whether at maturity or upon call for redemption or in the event that the county or the commission or the officers, agents or employees of the county or of the commission shall fail or refuse to comply with the provisions of this act or shall default in the performance of any covenant, condition, agreement or provision contained in the bonds or in the resolution or trust indenture or in the event that the commission shall contract with a public authority in Pennsylvania relating to the construction, operation or maintenance of the tunnel as hereinabove provided and either the commission or such public authority shall default in the performance of any covenant, condition, agreement or provision contained in such contract, the trustee appointed as hereinabove provided for by the holders of the bonds not secured by a trust indenture, or the trustee under the trust indenture, if any, or, if either such trustee shall fail or refuse to take action to enforce any of the remedies provided for herein or in such resolution or such trust indenture after written request by the holder or

holders of twenty-five per centum or more of principal amount of such bonds at the time outstanding and after tender of reasonable security or indemnification to such trustee, any holder of any such bonds shall, subject to the provisions of such resolution or trust indenture, have the right to apply in any appropriate judicial proceedings to any court of competent jurisdiction for an appointment of a receiver of the tunnel, whether or not the bonds or any of them have become or have been declared due and payable and whether or not such holder or trustee is seeking to enforce any other right or to exercise any remedy in connection with such bonds. Upon such application the court may appoint a receiver of the tunnel. The receiver so appointed shall have and be entitled to exercise all the rights and powers of the commission or such public authority with respect to the tunnel and shall have and be entitled to exercise all the appropriate rights and powers of a receiver in equity, including, but without limitation, the right and power forthwith, directly or by its agents and attorneys to enter into and upon and take possession of the tunnel and its facilities and each and every part thereof and to have, hold, use, operate, manage and control the tunnel and its facilities and each and every part thereof and receive, collect and disburse the revenues thereof in the name of the commission or otherwise as the receiver may deem best.

Applying for receiver.

Appointment and powers of receiver.

Whenever all default shall have been remedied, the court may in its discretion, and after such notice and hearing as it deems reasonable and proper, direct the receiver to surrender possession of the tunnel to the parties entitled thereto. The same rights to secure the appointment of a receiver shall exist upon any subsequent default as hereinabove provided.

Surrender of tunnel by receiver.

Notwithstanding anything in this section to the contrary, such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character constituting

Protection of assets.

the tunnel or any part thereof or necessary for use in connection therewith, but the authority of any such receiver shall be limited to the operation and maintenance of the tunnel and no court shall have jurisdiction to enter any order or decree requiring or permitting such receiver to sell, mortgage or otherwise dispose of any such assets.

Powers of receiver limited.

3. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 159

AN ACT to validate notes of municipalities heretofore issued.

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

Validating notes issued by municipalities.

1. All notes of any municipality heretofore issued for any purpose for which the local bond law authorizes money to be borrowed and signed by two or more officers thereof are hereby ratified, validated and confirmed as the legal and validly binding obligations of the municipality in accordance with their terms, notwithstanding that no down payment for such purpose as required by said law was provided before or after adoption of the ordinance or other proceedings authorizing or purporting to authorize said notes, or that said ordinance or other proceedings was adopted or were had without regard to debt or other limitations contained in said law or that said ordinance or other proceedings failed in any other respect to conform with requirements of said law as to form, substance or procedure; *provided,* that said notes bear interest at a rate or rates not exceeding six per centum (6%) per annum and that the municipality received in payment for said notes, or any

Proviso.

notes renewed thereby, not less than par and accrued interest.

2. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 160

AN ACT concerning assistance to blind persons, and amending chapter six of Title 30 of the Revised Statutes.

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

1. Section 30:6–3 of the Revised Statutes is hereby amended to read as follows: Section amended.

30:6–3. Any person of either sex, above the age of twenty-one years, who by reason of blindness is unable to earn sufficient money to provide for the necessities of life, and who has no relatives or other person able to provide and legally responsible for his maintenance, and who, if not relieved, would become a public charge to the community, is a proper person to make application to the welfare board of the county wherein he resides for the relief granted by this article. Application by blind to welfare board.

Any person making application under the terms of this article shall first have been a resident of this State for not less than five years within the nine years immediately prior to the making of such application, and continuously for one year immediately prior to the making of such application. Residential requirement.

Whenever anyone deemed a proper person to make application for relief as provided for in this article shall make application to the welfare board, the welfare board shall fully investigate and establish the facts as set forth in the petition and as Investigation by board.

outlined above, as well as other facts it deems necessary, including the county of the State in which the applicant has last resided continuously for one year. Upon completion of its investigation the welfare board shall then present a recommendation, together with a copy of the application and record of its investigation, to the commission for relief for the person named in order that the commission may ameliorate the condition of the blind person named, in the manner set forth in this article; but the sum asked for or granted shall not be in excess of four hundred and eighty dollars in any one year.

Recommendations.

Further investigation.

The welfare board may in its discretion order the petitioner to appear before it or its representative appointed to act with the commission in establishing the facts set forth in the petition, or may make such further investigation as it deems necessary.

Amount allowed.

Whenever the facts set forth in the petition shall have been fully established, the welfare board shall recommend relief in the amount provided by law, that is, not to exceed the sum of four hundred and eighty dollars in one year.

Administration of relief.

The commission shall supervise the administration by the counties of the relief made available hereunder, and shall establish and enforce such rules and regulations as may appear necessary or desirable to carry out the provisions of this act. All such rules and regulations shall be binding upon the county departments.

Rules and regulations.

The commission shall further establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department. The use of such records, papers, files and communications by any other agency or department of government to which they may be furnished shall be limited to the purpose for which they are furnished and by the provisions of the law under which they may be furnished.

Expenditures.

All relief granted under this article is granted with the understanding that the amount is to be

available only for the use of the commission, which shall expend it only on behalf of the person named in the petition and for whom the relief is granted.

Applicant may appeal from decision.

Any applicant or recipient denied relief, aggrieved because of a welfare board decision or delay in making same or having other cause for appeal from the decision of the commission or of the county welfare board, may appeal to the State Board or to its designated representative in the manner prescribed by the State Board, and shall be afforded reasonable notice and opportunity for a fair hearing by the State Board. All decisions of the State Board shall be final and shall be binding upon and shall be complied with by the county welfare board.

Decisions.

Certiorari permissible.

Nothing contained herein shall be construed to affect the right of any applicant to a writ of certiorari.

Section amended.

2. Section 30:6–5 of the Revised Statutes is hereby amended to read as follows:

Statement of facts required.

30:6–5. Prior to action on any claim for relief under this article, the claimant shall file with the county welfare board a duly verified statement of facts sufficient to bring him or her within the provisions of this article in manner and form prescribed by the commission.

Records kept.

A list of claims and the evidence relating thereto shall be kept on file by such county welfare board, and copies thereof furnished the commission.

Board must be satisfied of necessity.

No relief hereunder shall be granted until the county welfare board shall be satisfied that the applicant is in need of assistance under the provisions of this article, and that the applicant is possessed of resident and other qualifications which entitled him to the relief asked.

Amount recommended.

If the county welfare board is satisfied that the applicant is entitled to relief under the provisions of this article, it shall so recommend the amount thereof to the commission, and upon the approval of the same by the Commissioner of Institutions and Agencies and by the commission, shall be paid from the funds appropriated for the aforesaid purpose in the manner set forth herein.

Extent of relief.

The relief granted pursuant to this article shall be in place of any and all other relief of a public nature, except that represented by medical and surgical treatment.

Section amended.

3. Section 30:6–10 of the Revised Statutes is hereby amended to read as follows:

Examination of beneficiaries.

30:6–10. An examination of all those receiving the relief granted by this article shall be made by the county welfare board from time to time as may be provided by the rules of the commission and the amount paid each person may be changed by the welfare board and the commission in accordance with their findings in each case, subject to the approval by the Commissioner of Institutions and Agencies. If not satisfied that the person is qualified to draw the money, the county welfare board may recommend that the commission shall remove such person's name from the list and all payments in the case shall be discontinued.

Canceling name.

Reducing or stopping allowance.

In case any person is found no longer needy or the disability has been removed, or there is any other reason why the relief shall not be continued in whole or in part, the county welfare board may likewise recommend that the commission shall reduce or discontinue the amount. The commission shall promptly furnish to the county welfare board due report and record of the disposition made of such recommendations in connection with relief hereunder.

Welfare board advised.

4. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 161

AN ACT concerning grand juries, and supplementing Title 2, chapter eighty-eight, of the Revised Statutes.

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

Continuance of grand jury beyond its expiration.

1. Whenever, by a petition filed for that purpose, it shall be made to appear to the justice or judge holding the court of oyer and terminer in any county of this State that the grand jury serving in said county at that time has not completed its labors on any matter or matters as to which it shall have been specially charged previously by such court, although the ordinary term of its existence shall be about to expire, such justice or judge, upon being satisfied of the necessity therefor, may order that the term of such grand jury be continued beyond the expiration of the time when it ordinarily would cease to function, with the same power to act in relation to such uncompleted matter or matters as if said time had not expired.

Order of continuance.

2. The making and filing of such petition, and order made thereon, shall be made within the term of court for which such grand jury shall have been drawn, and such order shall provide for a continuance of such grand jury for a definite period of time not exceeding three calendar months; *provided, however,* that if such matter or matters have not been completed within the time fixed by such order, it shall thereafter be lawful for the justice or judge holding said court to make a further order, or orders, continuing such grand jury in office, for the purpose aforesaid, for a further term or terms of three calendar months each. Any indictment thereafter handed up by such grand jury in relation to the matters set forth in such petition and order shall be as lawful as though the

Proviso.

Indictment, etc., lawful.

same were handed up within the time for which such grand jury was originally appointed.

Subsequent juries not affected.

3. The continuance of such grand jury as aforesaid shall in no wise affect the usual drawing, selecting, and serving of further grand juries as provided by law.

4. This act shall take effect immediately.

Approved July 1, 1939.

CHAPTER 162

AN ACT concerning the administration of civil and criminal justice, and amending section 2:6–3 of the Revised Statutes.

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

Section amended.

1. Section 2:6–3 of the Revised Statutes is hereby amended to read as follows:

Additional common pleas judges.

2:6–3. In addition to the judge of the court of common pleas provided for by section 2:6–1 of this Title, the Governor may, whenever, in his judgment, the public interest shall so require, appoint additional judges of the court of common pleas, not to exceed five in any one county, as follows:

When four judges.

a. In counties now or hereafter having four hundred thousand or more inhabitants, three additional judges, making four in all in each of such counties.

When two judges.

b. In counties now or hereafter having more than two hundred thousand and less than four hundred thousand inhabitants, as ascertained by the Federal census of one thousand nine hundred and thirty, or any subsequent census, an additional judge, making two in all, in each of such counties.

Judges in seashore counties.

c. In counties bordering on the Atlantic ocean and now or hereafter having not less than fifty

thousand nor more than one hundred thousand inhabitants, an additional judge, making two in all in each of such counties.

Appointments and salaries.

The appointments authorized by this section shall be made in the manner and for the terms provided by section 2:6–2 of this Title, and the appointees shall receive the salaries provided by section 2:6–16 of this Title.

Judges in fifth class counties.

d. In counties of the fifth class having not less than one hundred and twenty-five thousand nor more than one hundred and fifty thousand inhabitants, an additional judge, making two in all in each of such counties.

Approved July 10, 1939.

CHAPTER 163

AN ACT relative to vacating the public easements or rights in any public or dedicated street, road, causeway or highway.

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

Validating ordinances providing for easements in streets.

1. All ordinances heretofore passed by any municipality for the purpose of vacating the public easements in any street, road, causeway or highway, or in any dedicated street, road, causeway or highway, are hereby validated and confirmed, and the public easements are hereby vacated to the extent set forth in any such ordinance, notwithstanding that no certified copy thereof was filed within sixty days from the date when said ordinance or ordinances or other proceedings become effective, in the office of the county in which said municipality is situate wherein the public record of deeds and conveyances of land is made and kept, and notwithstanding the failure to publish notice

of the time and place when and where such ordinances would be considered for final passage twice before the time fixed for such final passage; *provided, however,* that said ordinances were published in full, together with a notice of the time and place when and where such ordinances would be considered for final passage, at least two days prior to the time so fixed in said notice; *provided, further, however,* that any such ordinances are not, at the date this act goes into effect, under attack as to their validity in any court of this State; and were adopted on final reading more than one year prior to the passage of this act.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 164

AN ACT relating to the sale or other disposition of real property by fiduciaries under a power of sale or disposition of an undivided interest therein and extending said power of sale or disposition to the entire fee thereof when divided or set off by partition, and supplementing chapter seventeen of Title 3 of the Revised Statutes.

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

Sale of real estate by fiduciaries.

1. Whenever heretofore or hereafter a fiduciary whether by deed or will shall have or shall have had a power of sale or disposal of an undivided interest or estate in lands and such lands shall be or shall have been partitioned pursuant to proceedings in any court of competent jurisdiction, resulting in the actual partition of said lands and the division thereof among the persons entitled thereto, in such case said fiduciary shall have the

same power of sale or disposal as to the entire fee in said lands so set off or assigned to said fiduciary or to the person or persons seized of the title thereto with which the fiduciary's power of sale had been coupled, as the said fiduciary has or had with respect to the undivided interest in said lands prior to the partition proceedings.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 165

AN ACT to authorize, validate and make effectual certificates of sale for taxes and other municipal liens when made by the successor in office of the collector or other officer selling the same.

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

Issue of certificates of sale neglected by collector.

1. Whenever a collector of taxes or other officer authorized by law in any municipality has sold or shall sell any real property for unpaid taxes, assessments or other municipal charges, but fails or has failed to issue certificates of sale therefor and has since died or ceased to hold office, or shall die or cease to hold office, it shall be lawful for the successor in office of such collector or other officer to execute, acknowledge and deliver a certificate of sale for the real property so sold by the former collector or other officer to the purchaser thereof, and any such certificate of sale heretofore or hereafter made by the successor in office of such collector or other officer who sold the same for taxes or other municipal liens, shall be valid and effectual to all intents and purposes as though made by the officer who conducted such sale.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 166

AN ACT relating to acknowledgments and proofs of deeds and other instruments made or taken outside of United States, and amending section 46:14–8 of the Revised Statutes.

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

Section amended.

1. Section 46:14–8 of the Revised Statutes is hereby amended to read as follows:

Validity of certain executions.

46:14–8. If the party who shall have executed or who shall execute any deed or instrument of the description or nature set forth in section 46:16–1 of this Title, or the witnesses thereto, shall have happened or shall happen to be in any foreign kingdom, State, nation or colony, whether resident in this State, or in such foreign kingdom, State, nation or colony, or elsewhere, an acknowledgment or proof such as is prescribed by section 46:14–6 of this Title, made before and certified by any one of the officers herein named, shall be as good and effectual as if the same had been made within this State before the Chancellor thereof and had been certified by him.

Authorized acknowledgments by:

The officers authorized to take acknowledgments or proofs under authority of this section are:

Master in chancery;

a. Any master in chancery of New Jersey;

Representatives of U. S. abroad;

b. Any public ambassador, minister, consul, vice consul, consular agent, charge d'affaires or other representative of the United States for the time being, to or at any such foreign kingdom, State, nation or colony;

Courts;

c. Any court of law of such foreign kingdom, State, nation or colony;

Certain authorized officials.

d. Any notary, notary public, commissioner for oaths, mayor or other chief magistrate, of and then having been or being within any city, borough, or corporation of such foreign kingdom, State, nation

or colony, in which city, borough or corporation such party or witnesses may have happened or may happen to be.

Certifications.

Acknowledgments or proofs taken or made by a court of law, a notary, notary public, commissioner for oaths, or a mayor or other chief magistrate under authority of this section shall be certified under the official seal of said court, and the hand of the judge or clerk thereof, or under the official seal and hand of any other person hereby authorized to take acknowledgments or proofs; and such certificate of acknowledgment or proof shall be sufficient proof as to the existence and authority of said court, notary or other officer.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 167

AN ACT to provide for the preparation and use of maps for purposes of taxation in townships.

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

Township map.

1. Every township may provide, for the use of the assessor or other taxing official, an accurate map of its territory, prepared for the purpose of taxation, showing, among other things, the location and width of streets, roads or avenues, and each individual lot of land or premises, and cause each parcel or lot of land to be numbered or otherwise designated thereon, and it shall be sufficient description of property for the purposes of taxation to refer to said map by lot and block number.

Expenses of preparation.

2. The governing body of any township may, by ordinance, provide for the preparation of a map for the purposes of taxation and the issue of bonds for the payment of the cost thereof, said

bonds to be issued in accordance with the provisions of the "Local Bond Law," Revised Statutes of New Jersey of one thousand nine hundred and thirty-seven.

Approval by tax department.

3. Before any ordinance is passed providing for the preparation of a map for the purposes of taxation, the specifications therefor shall be approved by the State Tax Department and said map, when completed, before its use for the purposes of taxation, shall be submitted to and approved by the State Tax Department.

4. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 168

AN ACT respecting open seasons and bag limits on certain game, and to amend sections 23:4–1 and 23:4–2 of the Revised Statutes.

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

Section amended.

1. Section 23:4–1 of the Revised Statutes is hereby amended to read as follows:

Protection of certain game life.

23:4–1. No person shall capture, kill, injure, destroy or have in possession any quail, rabbit, hare, gray, black or fox squirrel, raccoon, English or ring-necked pheasant, ruffed grouse, wild turkey, partridge, reedbird, 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, or any other game bird or game animal, unless an open season is prescribed therefor, and then only during the respective open seasons fixed by this section.

Open season for certain birds.

The open seasons shall be as follows: for

Wild geese, brant, wild ducks, except wood duck, coot, Wilson snipe or jacksnipe, gallinules, sora, marsh hen or mud hen 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;

Quail, rabbit, hare, gray, black or fox squirrel, male English or ring-necked pheasant, ruffed grouse, or partridge, except as hereinafter in this article is restricted, from November tenth to December fifteenth;

Raccoon, from October fifteenth to January fifteenth between sunset and sunrise only, except during the open season for deer.

Possession.

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 the open seasons.

Penalty.

A person violating any provision 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.

Section amended.

2. Section 23:4–2 of the Revised Statutes is hereby amended to read as follows:

Taking certain game unlawful.

23:4–2. No person shall capture, kill, injure, destroy or have in possession:

a. In any one day more than ten quail, two male English or ring-necked pheasant, three partridge, three ruffed grouse, six gray squirrels or six rabbits;

b. During the open season therefor more than thirty English or ring-necked pheasants or more than fifteen raccoons—

Penalty.

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.

Exceptions.

Nothing in this section shall apply to a proprietor of a hotel, restaurant or cafe having in possession at his 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 and for a period of ten days immediately succeeding the open season.

3. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 169

AN ACT validating certain proceedings had under 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 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 final decrees.

1. All final decrees heretofore entered in the Court of Chancery of New Jersey, based on proceedings under section forty-nine of 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 enforcement of liens thereon" (Revision of 1918), approved March fourth, one thousand nine hundred and eighteen, shall be valid and effectual notwithstanding omissions in subpœnas of the words "heirs, devisees and personal representa-

tives," and the failure of the Master in his report to state a date within which to redeem the property from sale; *provided*, the final decree shall have been entered for at least fifteen years prior to the passage of this act, and there has been a substantial compliance with said act, and that no suit is pending to attack the validity of such decree or brought within the period of one year from the date of the approval of this act. Proviso.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 170

AN ACT to provide for recording of certified copies of final decrees of the Court of Chancery relating to or in any way affecting title to real estate, in the office of the county clerk or register of deeds and mortgages as the case may be of the county wherein the real estate is situate.

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

1. Certified copies of final decrees of the Court of Chancery relating to or in any way affecting title to real estate may be recorded as deeds of conveyance in the office of the county clerk or register of deeds and mortgages as the case may be of the county wherein the real estate is situate, and shall be indexed in the name of the parties to the cause as set forth in the decree. Certified copies of final decrees recorded in county clerk's office.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 171

AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

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

Quantity sold by retailer.

1. No retail licensee shall hereafter limit or restrict the maximum quantity of alcoholic beverages which he shall sell to a consumer in original containers for consumption off the licensed premises; *provided, however,* nothing herein contained shall prevent a retail licensee from refusing to sell alcoholic beverages in a quantity which shall be in excess of the quantity permitted by the Federal Tax stamps held by him.

Proviso.

Notice of supply exhausted.

2. Any retail licensee who shall advertise the sale of alcoholic beverages of any particular brand or manufacture, and who, subsequent to such advertising, shall dispose of his entire stock thereof shall, when said disposal occurs, forthwith make known such fact to consumers by placing written notices of said disposal upon the licensed premises. At least one of said notices shall be placed so that it may be viewed from the outside of the licensed premises.

Regulations governing.

3. The State Commissioner of Alcoholic Beverage Control shall adopt and promulgate suitable rules and regulations to insure compliance with this act.

4. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 172

AN ACT prohibiting the carrying of loaded firearms in any vehicle.

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

1. No person shall, for the purpose of hunting for, pursuing, taking or killing, or attempting to hunt, pursue, take or kill any bird or animal, have, in an automobile or vehicle of any kind, any shotgun or rifle loaded with missiles of any kind, under a penalty of twenty dollars ($20.00) for each offense. Hunting in motor vehicle with loaded weapon. Penalty.

For the purpose of this act, whenever a person is found with such loaded shotgun or rifle in possession in a vehicle, the same shall be conclusive proof that the person was in the act of pursuing or taking birds or animals. Presumption.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 173

AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

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

1. No retail licensee shall sell, offer for sale or possess in or upon the licensed premises nor shall any person sell or offer for sale at retail to consumers any alcohol for any purpose, except pursuant to and within the limitations of a special Sale of alcohol on permit.

permit issued by the State Commissioner of Alcoholic Beverage Control.

Sale or possession of alcohol.

2. Any person who sells or offers for sale, or any retail licensee who sells, offers for sale or possesses alcohol in violation of this act shall be punished by a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00), or by imprisonment of not less than thirty (30) days and not more than three (3) years, or by both fine and imprisonment in the discretion of the court.

Penalty.

Not for beverage purposes.

3. Nothing herein contained shall apply to the sale or possession of alcohol which is not intended for beverage purposes and has been denatured or otherwise rendered unfit in fact for beverage purposes, nor with the possession of alcohol for the actual manufacture of United States Pharmacopœia and National Formulary preparations and for the compounding of physicians' original prescriptions by pharmacists registered by the Board of Pharmacy of the State of New Jersey under the laws of the State of New Jersey, who are owners or managers of pharmacies registered with the Board of Pharmacy and operated under unlimited permits issued by the Board of Pharmacy of the State of New Jersey.

Act effective.

4. This act shall take effect July first, one thousand nine hundred and thirty-nine.

Approved July 11, 1939.

CHAPTER 174

AN ACT concerning practice in the district courts, and amending section 2:32–107 of the Revised Statutes.

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

1. Section 2:32–107 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:32–107. Unless a demand for a trial by jury is made and notice thereof filed with the clerk of the court at least ten days from the return day of the summons, and unless the party making the demand pays, at the time of making the demand, the cost of the venire, the demand shall be deemed to be waived, except that the judge may, in his discretion, grant a venire at plaintiff's expense, to be taxed in the costs of the action, notwithstanding the failure to make demand as herein provided. Waiving demand for jury trial.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 175

AN ACT concerning State taxes, and amending sections 54:49–12, 54:50–8 and 54:50–9 of the Revised Statutes.

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

1. Section 54:49–12 of the Revised Statutes is amended to read as follows: Section amended.

54:49–12. As an additional remedy, the commissioner may issue a certificate to the clerk of the Supreme Court or to the clerk of the court of Certificate issued.

common pleas of any county, that any person is indebted under such State tax law in such an amount as shall be stated in the certificate, and such certificate shall contain a short name of the tax under which the said indebtedness arises, 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, and of the State, the address of the place of business where such tax liability was incurred, if shown in the certificate, the amount of the debt so certified, a short name of the tax, and the date of making such entries. 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 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, but without prejudice to the taxpayer's right of appeal.

What shown.

Certificate docketed.

Effect of entry.

Right of appeal.

Section amended.

2. Section 54:50–8 of the Revised Statutes is amended to read as follows:

Records confidential.

54:50–8. The records and files of the commissioner respecting the administration of this subtitle or of any State tax law shall be considered confidential and privileged and neither the commissioner nor any employee engaged in the administration thereof or charged with the custody of any such records or files nor any person who may have secured information therefrom under subdivisions "d", "e", "f", or "g" of section 54:50–9 of this Title shall divulge or disclose any information obtained from the said records or files or from any examinations or inspection of the premises or property of any person. Neither the commissioner nor any employee engaged in such administration 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 when the records or files or the facts shown thereby are di-

Records not shown.

rectly involved in an action or proceeding under the provisions of this subtitle or of the State tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the State under some State tax law, or in any lawful proceeding for the investigation and prosecution of any violation of the criminal provisions of this subtitle or of any State tax law.

Section amended.

3. Section 54:50–9 of the Revised Statutes is amended to read as follows:

Not prevented:

54:50–9. Nothing herein contained shall be construed to prevent:

Delivery to taxpayer;

a. The delivery to a taxpayer or his duly authorized representative of a copy of any report or any other paper filed by him pursuant to the provisions of this subtitle or of any such State tax law;

Statistical publication;

b. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

Name of licensee;

c. The commissioner, in his discretion and subject to reasonable conditions imposed by him, from disclosing the name and address of any licensee under any State tax law, unless expressly prohibited by such State tax law.

Inspection by Attorney-General;

d. 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 under any State tax law or against whom an action or proceeding has been instituted in accordance with the provisions thereof;

Examination by authorized officials;

e. The examination of said records and files by the Comptroller, State Auditor or State Commissioner of Finance, or by their respective duly authorized agents;

Furnishing official information;

f. 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 or of the United States who shall be concerned with the administration of any similar tax in that State or the United States.

Criminal information.

g. The furnishing, at the discretion of the commissioner, of any material information disclosed by the records or files to any law enforcing authority of this State who shall be charged with the investigation or prosecution of any violation of the criminal provisions of this subtitle or of any State tax law.

Act effective.

4. This act shall take effect fifteen days after it shall be enacted into law.

Approved July 11, 1939.

CHAPTER 176

AN ACT concerning the issuance of bonds and other obligations and the incurring of indebtedness by counties, cities, boroughs, towns, townships, villages and other municipalities other than school districts, and amending section 40:1–90 of the Revised Statutes.

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

Section amended.

1. Section 40:1–90 of the Revised Statutes is hereby amended to read as follows:

Covenants in bonds:

40:1–90. Any ordinance adopted pursuant to article one of chapter one of this Title (section 40:1–1 et seq.), and authorizing the issuance of bonds to finance the improvement or extension of any existing sewer or water system, or the acquisition, improvement or extension of a privately-owned sewer or water system, or both, may contain provisions which shall constitute covenants with the holders of such bonds.

Use of revenues;

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 or water 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; Prompt payment;

c. as to the setting aside out of the revenues of one or more reserve funds, and the regulation and disposition thereof; Reservations;

d. as to the fixing and collecting of such rates, rentals and other charges for connection with and the use of the sewer or water system of the municipality, rentals and other charges for connection with and the use of the sewer or water 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 or water 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 ordinances, (4) for the payment of any mortgage or mortgages subject to which the sewer or water system or any part thereof may have been acquired, and (5) for the payment of any obligations having a lien on the revenues of the sewer or water system or any part thereof prior to or on a parity with the lien of such bonds; and Collection of charges;

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. Procedure.

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 July 11, 1939.

CHAPTER 177

AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

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

Assumption of illegality.

1. Any alcoholic beverage in any keg, barrel, can, bottle, flask or similar container shall, in any proceeding under the chapter which this act supplements, be deemed prima facie an illicit beverage where the container (1) does not bear any label describing its contents, or (2) bears a label which does not truly describe its contents, or (3) does not bear such indicia of payment of tax as is required by the laws of the United States and the State of New Jersey.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 178

AN ACT to ratify, confirm, validate and make legal and effectual certain affidavits, acknowledgments, proofs of deeds, mortgages and other papers and records and certificates thereof.

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

Validating affidavits, acknowledgments, etc., improperly taken.

1. All affidavits, acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this State, or before or by any foreign commissioner

of deeds for this State, or before or by any notary public of this State, who has been duly appointed, but had failed to properly qualify, or whose term of office had expired or whose commission was void at the time of taking such affidavits, acknowledgment or proof, and the record of such affidavits, deeds, mortgages and other writings are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the commissioner or notary public taking such affidavit, acknowledgment or proof had qualified, or if the term of office of the said commissioner or notary public had not expired, nor the office been vacated, nor the commission becomes void as aforesaid.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 179

AN ACT to ratify, confirm, validate and make legal and effectual certain affidavits, acknowledgments, proofs of deeds, mortgages and other papers, and records and certificates thereof.

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

Validating affidavits, acknowledgments, etc., taken by woman official although not legally qualified.

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 anywise 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 July 11, 1939.

CHAPTER 180

AN ACT to annex to the borough of Sea Girt, in the county of Monmouth, certain portions of Wall township, in said county.

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

Part of Wall township annexed to Sea Girt.

1. The following-described territory situate in Wall township, in the county of Monmouth, be and the same is hereby annexed to and shall become part of the borough of Sea Girt, situate in

said county. The territory so annexed is described as follows:

First tract: Boundaries of annexed portion.

First tract. All that certain tract of land situate at Sea Girt, in the township of Wall, in the county of Monmouth, and State of New Jersey, and being a part of a larger tract belonging to the Sea Girt Land Improvement Company, beginning at a stake in the middle of Sea Girt avenue, which stake is at the distance of four chains and fifty links, measuring on a course of south forty-five degrees east, from a stone in the southeast corner of lands formerly belonging to Charles Graham, deceased, and now of said Sea Girt Land Improvement Company, and in the line of land belonging to William Harris, and running thence along the middle of Sea Girt avenue south forty-three degrees forty-five minutes east, two thousand nine hundred and eighty-eight feet and six-tenths of a foot to a stake, a corner of other lands of said company; thence by said other land south forty-three degrees forty-three and one-half minutes west, eight hundred and seventy-one feet and eleven hundredths of a foot to a stake; thence south seventy-one degrees twenty-four and one-half minutes east, one thousand six hundred and two feet and thirty-one hundredths of a foot to ordinary high-water mark of the Atlantic ocean; thence along said high-water mark south eighteen degrees thirty-five and one-half minutes west, four hundred and eighty feet to a point; thence north seventy-one degrees twenty-four and one-half minutes west, one thousand seven hundred and sixty-two feet and sixty hundredths of a foot to a stake; thence south forty-three degrees forty-three and one-half minutes west, one hundred and fifty-three feet and two-tenths of a foot to a stake on the northerly side of Stockton lake or Newbury's pond; thence along the said side of said lake or pond and along a small stream emptying thereinto, the several courses and distances thereof respectively to a stake; and thence north twenty-seven degrees forty-five minutes east, one thousand seven hundred and forty-five feet

and twenty-four hundredths of a foot to the first-mentioned stake and place of beginning.

Area. Containing one hundred and nineteen acres and eight hundred and twelve one-thousandths of an acre.

Second tract: Details of included part; Second tract. Beginning at a point where the center of Sea Girt avenue if extended eastwardly would intersect the line of mean high water of the Atlantic ocean; thence along the line of mean high water, south eighteen degrees, thirty-five minutes and thirty seconds west four hundred and sixty-five feet to other lands of the party of the second part; thence along the line of other lands of the party of the second part, north seventy-one degrees, twenty-four minutes and thirty seconds west, fifteen hundred and thirty-seven feet and forty-one one-hundredths of a foot to a point; thence still along the line of lands of the party of the second part north forty-three degrees, forty-three minutes and thirty seconds east eight hundred and seventy-one feet and eleven one-hundredths of a foot, to a point in the center line of Sea Girt avenue; thence along the center line of Sea Girt avenue, south forty-three degrees and forty-five minutes east, six hundred and ninety-seven feet and seventeen one-hundredths of a foot, to a point in the center line of said Sea Girt avenue; thence still along the center line of said Sea Girt avenue south seventy-one degrees twenty-four minutes and thirty seconds east five hundred and forty-nine feet and ninety-three one hundredths of a foot, to the point or place of beginning.

Third tract: Details of included part. Third tract. Beginning at a point where the southerly line of other lands of the party of the second part touches the line of mean high water of the Atlantic ocean; thence along the line of mean high water, south eighteen degrees, thirty-five minutes and thirty seconds west eleven hundred and forty-four feet and eighty-four one-hundredths of a foot; thence north forty-three degrees and forty-five minutes west twelve hundred and ninety feet, more or less, to Stockton lake; thence along the

bank of said Stockton lake as it winds, eight hundred and twenty-five feet, more or less, to other lands of the said party of the second part; thence along the line of lands of the said party of the second part north forty-three degrees, forty-three minutes and thirty seconds east, one hundred and fifty-three feet and two one-hundredths of a foot; thence still along the line of lands of the party of the second part, south seventy-one degrees, twenty-four minutes and thirty seconds east seventeen hundred and sixty-two feet, and sixty one-hundredths of a foot to the point or place of beginning.

Map of premises.

Being the premises particularly shown and designated on a map entitled "Map showing proposed extension of the rifle ranges of the State of New Jersey located at Sea Girt, New Jersey."

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 181

AN ACT concerning fire districts in camp meeting associations, and amending section 40:101–6 of the Revised Statutes.

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

Section amended.

1. Section 40:101–6 of the Revised Statutes is amended to read as follows:

Care and use of apparatus in fire districts.

40:101–6. The fire commissioners of every such district may, within such district, adopt such rules and regulations and alter and amend the same from time to time as a majority of them shall deem necessary respecting the use, management, care and custody of the fire apparatus within such district and under the control of such commissioners, including the use, management, care and control

of all building and other property used for fire purposes therein and under the charge of such commissioners, and shall have all the rights and powers within said fire district which shall have been conferred upon townships by any statute relating to the prevention of fire and regulating fire hazards to life and property.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 182

AN ACT limiting the time for bringing actions in certain cases where camp meeting associations have vacated or shall vacate any public highway or part thereof by persons having or claiming certain rights, title or interests in the land included therein.

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

Action in vacating streets in camp meeting associations.

1. Whenever any camp meeting association of this State has heretofore adopted or shall hereafter adopt any ordinance vacating any street, avenue, public highway, or any part thereof, any person or persons having or claiming any right, title or interest in said vacated street, avenue, public highway or part thereof or the lands included therein, shall bring his action or actions respecting the same within three months from the date of adoption of such ordinance, or, in case such ordinance shall heretofore have been adopted, within three months from the time of taking effect of this act, and not otherwise; *provided, however,* that this act shall not apply to any person or persons owning lands, or any interest therein, abutting a vacated part of such street, avenue or public highway, or

Proviso.

whose right of ingress and egress thereto is solely over a vacated part of such street, avenue or public highway.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 183

AN ACT concerning district courts, and amending section 2:32–103 of the Revised Statutes.

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

1. Section 2:32–103 of the Revised Statutes is amended to read as follows: Section amended.

2:32–103. If a jury is demanded, the court shall issue a venire to summon a jury, the members of which shall be selected from the list prepared as required by section 2:32–108 of this Title. When a jury of twelve is required, fifteen jurors shall be summoned, which said fifteen jurors shall be paid the fees fixed by law whether or not actually called for service, and when a jury of six is required, eight jurors shall be summoned, without regard to sex. The jurors so summoned shall possess the qualifications required of jurors summoned for the trial of civil actions in other courts. Summoning jury. Number called. Qualifications.

If the debt, demand or matter in dispute exceeds fifty dollars the jury shall consist of twelve persons; if not in excess of fifty dollars, of six persons. Number serving.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 184

AN ACT concerning district courts, and amending section 22:2–44 of the Revised Statutes.

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

Section amended.

1. Section 22:2–44 of the Revised Statutes is amended to read as follows:

Various court fees.

22:2–44. In all actions and proceedings in the district court, the following fees shall be paid to the clerk:

Copy of proceedings entered in any docket, or of any proceedings or any order or other paper, filed in any cause, or transcript of same, per folio, fifteen cents.

Drawing, signing and sealing return to certiorari, one dollar.

Entering suit without process, one dollar and fifty cents.

Execution, or any order in nature of execution, on a judgment, or execution against the body, for one defendant, one dollar and thirty-five cents.

Execution against the body, each additional defendant, seventy-five cents.

Copy of execution, or other order, in nature of execution, thirty-five cents.

Granting appeal and approving bond, one dollar.

Listing every cause (except tenancy suits) for trial, hearing same and entering judgment, one dollar and fifty cents.

Entering judgment in actions in tenancy, one dollar.

Issuing commission to take deposition, fifty cents.

Mileage of constable in serving any summons, execution or warrant against the body, after the first mile, the distance to be computed by counting the number of miles in and out, by the most direct

route from the place where process is issued, for every mile, four cents.

Order for warrant, rule to show cause, for discovery, or reference, or other order, one dollar.

Recording return of commission, one dollar and fifty cents.

Recognizance or bond filed or taken, thirty-five cents.

Scire facias, one defendant, two dollars and ten cents. For each additional defendant, forty cents.

Summons, one defendant, two dollars and ten cents. For each additional defendant, forty cents.

In replevin, one defendant, three dollars. For each additional defendant, forty cents.

Transcript of judgment, fifty cents.

Venire facias, jury of six men, four dollars.

Venire facias, jury of twelve men, fourteen dollars.

Warrant to arrest, one defendant, two dollars and thirty-five cents. For each additional defendant, seventy-five cents.

Warrant for possession, one dollar and sixty cents.

Writ of attachment, one defendant, three dollars and thirty-five cents.

Certifying statement of judgment for docketing in the court of common pleas or supreme court, fifty cents.

Certifying statement of judgment on mechanic's lien for docketing in the circuit court, fifty cents.

For every subpœna, notice or order, served by a constable for which no fee is provided in the above enumeration, the clerk shall charge thirty-five cents.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 185

AN ACT concerning the production, handling and distribution of milk, cream and milk products, and amending section 24:10–16 of the Revised Statutes.

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

Section amended.

1. Section 24:10–16 of the Revised Statutes is hereby amended to read as follows:

Marking containers of raw milk.

2. Marking containers "raw". 30. Containers in which raw or natural milk or cream is shipped or delivered shall be plainly tagged, capped or labeled "raw" or "natural", and the said tags, caps or labels shall be marked with the location of the milk plant or dairy at which the raw or natural milk was prepared for distribution to consumers, name of the proprietor of the business which is conducted at the said milk plant or dairy, and the day on which the milk was produced.

3. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 186

AN ACT concerning the retirement on pension of county detectives in certain counties of this State, and amending section 43:10–20 of the Revised Statutes.

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

1. Section 43:10–20 of the Revised Statutes is amended to read as follows: Section amended.

43:10–20. In first, second, third and fifth class counties of this State, now or hereafter having county detectives, any county detective who shall have served as such for a continuous period of twenty years, and shall have reached the age of sixty years, shall, upon application in writing to the prosecutor of the pleas of his county, be retired upon one-half pay. Retirement of county detectives.

When a county detective of any of the aforesaid counties has served as such for a continuous period of twenty years and has reached the age of seventy-two years he shall be retired from such service of the county in which he is employed and he shall receive, for the period of his life, a pension equal to one-half of his annual salary at the time of his retirement. Retirement by age.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 187

AN ACT to declare housing authorities bodies corporate and politic and to declare valid and legal the creation and establishment of such housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

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

Former proceedings validated and ratified.

1. All proceedings, acts and things heretofore undertaken, performed or done with reference to the creation and establishment of housing authorities under the provisions of the local housing authorities law (Chapter 19, Laws of New Jersey, 1938, as amended by Chapter 210, Laws of 1938), are hereby validated, ratified, confirmed, approved and declared legal in all respects, and, in each city, town, township, village, borough or municipal subdivision of the State where such proceedings, acts and things have been undertaken, performed or done, a body corporate and politic known as the "Housing Authority of....." (inserting the name of the city, town, or township, village, borough or municipal subdivision of the State taking, doing or performing said proceedings, acts or things) is created and shall function as provided by the local housing authorities law and all housing authorities hereafter established pursuant to the provisions of said local housing authorities law shall be bodies corporate and politic.

Corporate name.

All proceedings to carry out act validated.

2. All contracts, agreements, obligations and undertakings of housing authorities heretofore entered into relating to financing or aiding in the development, construction, maintenance or operation

of any housing project or projects or to obtaining aid therefor from the United States Housing Authority, including (without limiting the generality of the foregoing) loan and annual contributions contracts and leases with the United States Housing Authority, agreements with municipalities or other public bodies (including agreements which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by housing authorities or which are otherwise made a part of the contract with such holders of notes or bonds) relating to co-operation and contributions in aid of housing projects, payments (if any) in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and insanitary dwellings, and contracts for the construction of housing projects, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects.

Validating financial proceedings.

3. All proceedings, acts and things heretofore undertaken, performed or done in or for the authorization, issuance, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects, and all notes and bonds heretofore issued by housing authorities are hereby validated, ratified, confirmed, approved and declared legal in all respects.

Prohibitions excluded.

4. Nothing in this act shall validate or authorize any act or thing which is expressly prohibited by the provisions of chapter nineteen of the laws of one thousand nine hundred and thirty-eight or any other statute of this State.

5. This act shall take effect immediately.

Approved July 11, 1939.

New Jersey State Library

CHAPTER 188

AN ACT to regulate the transaction of the business of insurance by individuals, partnerships and unincorporated associations in this State.

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

Acting as insurance agent.

1. Individual insurance authorized; prerequisites to doing business. No person, partnership, or unincorporated association of persons shall engage in the business of insurance in this State except as agent of a person, association, or corporation authorized to do the business of insurance in this State, unless possessed of unencumbered assets in excess of his or their liabilities in a sum equal to the capital stock and surplus required of an insurance corporation of this State organized upon the stock plan, doing the same kind of business, and invested in the same manner; nor unless he or they shall have deposited with the Commissioner of Banking and Insurance securities of the same character and amount required of an insurance company organized upon the stock plan doing business in this State, nor unless the Commissioner of Banking and Insurance shall have granted to him or them a certificate to the effect that he or they have complied with all the provisions of law which an insurance corporation of this State is required to observe, and that the business of insurance specified therein may be safely intrusted to the person, partnership or association to whom the certificate is granted.

Available assets.

Deposit of securities.

Authorization by commissioner.

Laws governing such insurance organizations.

2. Applicability of laws governing insurance corporations. Every person, partnership or association receiving any such certificate shall be subject to the insurance laws of this State and to the jurisdiction and supervision of the Commissioner of Banking and Insurance in the same manner as

if an insurance corporation organized upon the stock plan pursuant to the laws of this State, and authorized to do the business of insurance specified in the certificate.

Name.

3. Designation. No such person, partnership, or association shall transact business under a corporate or fictitious name, or under any name, style or title other than the true name of such person, or of the persons comprising such partnership or association.

Exceptions to act.

4. Application of act. This act shall not apply to any fraternal beneficiary association, mutual benefit association, Lloyds association, or any association of individuals exempt by law from the operation of the insurance laws of this State, nor shall it operate to permit the transaction of business by inter-insurers or reciprocal underwriters.

Terms:

5. Construction of terms, for the purposes of this act,

Kinds of policies;

a. the business of insurance shall include the issuance of all kinds of endowment policies and annuity contracts;

Effect of undertaking.

b. the legal effect of an undertaking to pay the equivalent of money, or to do some act of value, except the furnishing of services, upon the happening of a certain or contingent event, shall be the same as an undertaking on the part of an insurer to pay a certain or an ascertainable sum of money.

Penalties.

6. Penalties. Any person who shall violate any provision of this act shall be guilty of a misdemeanor and shall be punished accordingly, and, in addition thereto, shall be liable to a penalty in the sum of five hundred dollars ($500.00) for each violation, to be sued for and collected by the Commissioner of Banking and Insurance in an action at law in the name of the State. The Court of Chancery shall have jurisdiction to restrain any violation of this act in an action brought for that purpose by the Commissioner of Banking and Insurance, and may appoint a receiver for those assets of any person, partnership, or association

Jurisdiction by court.

Receivership.

of persons actually employed in the conduct of business in violation of this act.

7. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 189

AN ACT making certain obligations of The Port of New York Authority securities in which public officers, banks and others may legally invest funds, and which may be deposited as security with public officers and agencies.

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

Phrases explained:

1. As used in this act, the following phrases shall be construed as follows:

Certain serial bonds;

The phrase "Series F and FF Bonds" shall mean bonds heretofore issued by The Port of New York Authority to the State of New Jersey and the State of New York pursuant to chapter one hundred sixty-five of the laws of New Jersey of one thousand nine hundred and thirty-five, chapter two hundred ninety-three of the laws of New York of one thousand nine hundred thirty-five, and chapter two hundred fifty-three of the laws of New York of one thousand nine hundred and thirty-eight, in adjustment and liquidation of certain claims of said two States in connection with the George Washington bridge, being the bonds authorized by the resolutions of The Port of New York Authority adopted May fourteenth, one thousand nine hundred and thirty-five, and March seventeenth, one thousand nine hundred and thirty-eight.

The phrase "bonds issued to refund Series F and FF Bonds" shall mean bonds hereafter issued by The Port of New York Authority to retire Series F and FF Bonds by payment or exchange at, prior to or after maturity. Certain expression.

2. Bonds issued by The Port of New York Authority to refund its Series F and FF Bonds are hereby made securities in which all State and municipal officers and bodies, all banks, bankers, trust companies, savings banks, building and loan associations, savings 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 are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital, belonging to them or within their control; and said obligations are hereby made securities which may properly and legally be deposited with and shall be received by any State or municipal officer or agency for any purpose for which the deposit of bonds or other obligations of this State is now or may hereafter be authorized. Legality of bonds issued by New York Port Authority. Authorized investments.

3. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 190

AN ACT to amend an act entitled "A supplement to the act entitled 'An act to incorporate the Indigent Widows and Single Women's Home Society, of Trenton,' approved February nineteenth, one thousand eight hundred and fifty-five," which said supplement was approved February fifteenth, one thousand eight hundred and seventy.

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:

Receipt and use of gifts, etc.

1. It shall be lawful for "The Indigent Widows and Single Women's Home Society, of Trenton," to take and receive by gift, grant, bequest, devise or purchase, and to have, hold and enjoy for the uses and purposes of the said corporation, any real and personal estate; *provided, always,* that whenever any property or estate shall be given, granted, bequeathed or devised to said society upon any special trust or for any special use or purpose, not incompatible with the object and design of said corporation, that such property or estate shall be held and appropriated by the managers of said society in strict accordance with the trusts, uses and limitations in such grants and devises respectively contained.

Proviso.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 191

AN ACT concerning Palisades Interstate Park and Palisades Interstate Park Commission, and amending sections 32:14–1, 32:14–3 to 32:14–10, inclusive, 32:14–12 to 32:14–18, inclusive, 32:14–20, 32:14–21, 32:14–23, 32:14–25 to 32:14–30, inclusive, 32:15–1 to 32:15–4, inclusive, 32:16–1 to 32:16–7, inclusive, and repealing sections 32:14–2 and 32:14–19 of the Revised Statutes.

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

1. Section 32:14–1 of the Revised Statutes is hereby amended to read as follows: Section amended.

32:14–1. Palisades Interstate Park Commission, a body corporate and politic established by compact between the States of New York and New Jersey authorized by chapter one hundred seventy of the laws of nineteen hundred thirty-seven of the State of New York and chapter one hundred forty-eight of the laws of nineteen hundred thirty-seven of the State of New Jersey, and approved by chapter seven hundred and six of the acts of the seventy-fifth Congress of the United States, first session, shall continue, said Palisades Interstate Park Commission by said compact having succeeded to the rights, powers, duties and obligations of the board of commissioners of Palisades Interstate Park, a body politic created pursuant to chapter eighty-seven of the laws of nineteen hundred, in the manner and to the extent provided in said compact. Continuance of commission heretofore created.

2. Section 32:14–2 of the Revised Statutes is hereby repealed. Section repealed.

3. Section 32:14–3 of the Revised Statutes is hereby amended to read as follows: Section amended.

32:14–3. Palisades Interstate Park Commission shall have and maintain a suitable office, where its Office, records, etc.

maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the commission shall determine.

Section amended.

4. Section 32:14–4 of the Revised Statutes is hereby amended to read as follows:

Employees and counsel.

32:14–4. Palisades Interstate Park Commission shall have power to appoint such employees as it may deem necessary to carry out the provisions of the Palisades Interstate Park compact and the purposes of this subtitle, and may employ counsel. It may also determine the duties and compensation of its appointees, remove them at pleasure, and make all reasonable rules and regulations respecting them. The commission shall have power to take any action necessary for securing and maintaining the benefits of the State employee retirement system of this State for its employees in this State and for such purpose employees of the commission to the extent to which the compensation paid for their services is derived from funds appropriated by this State or received from other sources in this State shall be deemed to be employees of this State and qualified for membership in said retirement system whether residents of this State or of the State of New York. For the purpose of determining their rights under the workmen's compensation act of this State, employees of the commission employed wholly or partly in this State shall be deemed to be employees of this State.

Duties, removal, compensation.

Employees may join retirement system.

Rights.

Section amended.

5. Section 32:14–5 of the Revised Statutes is hereby amended to read as follows:

Lands to be acquired.

32:14–5. Palisades Interstate Park Commission shall, from time to time, select and locate such lands lying between the top or steep edge of the Palisades or the crest of the slope in places where the steep Palisade rocks are absent and the high-water line of the Hudson river, from the New York State line on the north, to a line beginning at the intersection of the southern line of the old Fort Lee dock or landing with the high-water line of the Hudson river and running thence in a westerly direction

Boundaries of park.

and at right angles to said high-water line of the Hudson river to the east side of the river road running from Edgewater to Fort Lee, in Bergen county, on the south, and such lands or rights in lands belonging to persons other than the State, as may lie between the exterior bulkhead line established in the Hudson river and the high-water line of the Hudson river, as may, in the opinion of the commission, be proper and necessary to be reserved for the purpose of establishing a park and thereby preserving the scenic beauty of the Palisades.

Section amended.

6. Section 32:14–6 of the Revised Statutes is hereby amended to read as follows:

Acquisition of property, rights, etc.

32:14–6. Palisades Interstate Park Commission shall have power to acquire, maintain and make available for use as part of Palisades interstate park the lands located as aforesaid, and, for such purpose, shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, such lands or parts thereof, and any rights, interests and easements therein. The commission shall also have power to acquire by purchase, gift, or devise, but not by eminent domain, for the purposes herein set forth, any lands on the top of the Palisades or any rights, interests or easements therein. Deeds of conveyance for the lands shall be made to the commission by its corporate name.

Purchase or devise.

Section amended.

7. Section 32:14–7 of the Revised Statutes is hereby amended to read as follows:

Acquiring personal property.

32:14–7. Palisades Interstate Park Commission shall have power to receive by gift, contribution or bequest, moneys, stocks, bonds, securities or other property, and own, hold, invest or otherwise use the same. The commission shall have power to purchase or otherwise acquire personal property and to hold the same. The commission shall have power to sell all personal property, supplies, chattels, material, profits a prendre and the right to surplus waters which it decides to be not necessary or desirable for the uses and purposes of the park, and to lease, charter, license or privilege the use, for park or other purposes, of all personal property.

Sell surplus water.

Section amended.

8. Section 32:14–8 of the Revised Statutes is hereby amended to read as follows:

If no agreement.

32:14–8. If, in the acquisition of any of the lands or rights, interests or easements in lands specified in section 32:14–5 of this Title, Palisades Interstate Park Commission shall be unable to agree with the owner or owners of any such lands or rights, interests or easements in lands, or when, by reason of the legal incapacity or absence of such owner or owners or for any other cause no agreement can be made for the purchase thereof, such lands or any rights, interests or easements therein shall be acquired by condemnation, and the procedure for such condemnation shall be pursuant to provisions of chapter one of the Title, Eminent Domain (§20:1–1 et seq.), except that, in fixing the compensation to be paid for such lands or rights, interests or easement therein taken, no allowance or deductions shall be made on account of any real or supposed benefit which the parties interested may derive from the park or improvement for which the lands or rights, interests or easements therein are to be taken, and except as is provided in sections 32:14–9 to 32:14–11 of this Title.

Condemnation proceedings undertaken.

Benefits excluded.

Section amended.

9. Section 32:14–9 of the Revised Statutes is hereby amended to read as follows:

Survey and map.

32:14–9. Before any proceedings shall be had or taken for acquiring by condemnation the title to any of the lands selected and located under section 32:14–5 of this Title, Palisades Interstate Park Commission shall cause to be made, by such engineer and surveyor as it shall select, a map of the parcel or parcels of lands and rights in lands which it shall determine and be about to take, showing the boundaries thereof and of the individual pieces of land embraced therein, and the names of the owners or reputed owners thereof, as nearly as the same can be ascertained. A copy of such map, certified by a majority of the members of the commission, shall be filed in the office of the clerk of the county of Bergen.

Section amended.

10. Section 32:14–10 of the Revised Statutes is hereby amended to read as follows:

Newspaper notice of intention to take lands.

32:14–10. Within six months after the filing of a map as required by section 32:14–9 of this Title, Palisades Interstate Park Commission shall publish for four successive weeks, at least once in each week, in a newspaper printed and published in the county of Bergen, a notice declaring that the commission intends to take and appropriate and pay for such of the lands or interests therein shown on the map as are described in the notice, and acquire title thereto and hold the same under the Palisades Interstate Park Compact.

Section amended.

11. Section 32:14–12 of the Revised Statutes is amended to read as follows:

Report of acquiring land reported to Legislature.

32:14–12. After any proceedings hereinbefore provided for for the purpose of acquiring title by Palisades Interstate Park Commission to lands are concluded, the commission shall report such proceedings, and all other action taken, together with the amounts awarded for the lands taken, to the Legislature of this State at the next ensuing session thereof.

Section amended.

12. Section 32:14–13 of the Revised Statutes is amended to read as follows:

Duties of commission.

32:14–13. Palisades Interstate Park Commission shall preserve, care for, lay out, improve and protect all the lands, parks and parkways under its jurisdiction.

Section amended.

13. Section 32:14–13.1 of the Revised Statutes is amended to read as follows:

Rules and regulations.

32:14–13.1. The following rules and regulations are hereby made for the use and government of such portions of Palisades Interstate Park (hereinafter referred to as "the park") as lie within the boundaries of this State, and such parts of any State, county or other public highways as lie within the limits of such portions of the park and all lands, parks and parkways in this State under the jurisdiction of the commission, and it shall be the duty of the commission to enforce the same:

Duties:

No person shall:

Disfiguring property;

(1) Injure, deface, disturb, or befoul any part of the park or any building, sign, equipment or other property found therein, or remove, injure or destroy any tree, flower, shrub, rock or other mineral found therein; or

Depositing obnoxious matter;

(2) Deposit in any part of the park any garbage, sewerage, refuse, waste or other obnoxious material, otherwise than in receptacles or pits provided for such purpose; or

Speed;

(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 miles per hour, or (b) around curves at a greater rate of speed than fifteen miles per hour, or (c) between points so marked at a greater rate of speed than ten miles per hour, or (d) operate or cause to be operated any motor or horse drawn vehicle or bicycle on or along any of the foot-paths or trails in the park without a permit from the commission, or (e) operate or cause to be operated any motor or horse drawn vehicle on any highway in the park designated by posted signs thereon as a one way drive except in the proper direction and with the flow of traffic; or

Operating commercial vehicles;

(4) (a) Without a permit from the commission operate, or cause to be operated, a commercial vehicle, bus or trailer on the Henry Hudson drive or (b) operating a commercial vehicle and 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 such commercial vehicle, or (c) move out of his place in any line of traffic established by the commission, or

Bicycling;

(d) ride a bicycle on the Henry Hudson drive or on either of the two ferry approach drives or on any roads marked "no bicycle riding," or (e) park or store any motor car, motor-cycle, bicycle, wagon or other vehicle within the park except in places

Vehicles lighted;

designated 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 for such purpose; or

Camping; (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 for camping, or (b) camp at any place in the park without obtaining a permit from the commission for such purpose; or

Fires; (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 for such purpose, or (b) leave a fire until same has been completely extinguished; or

Merchandising; (7) Without a permit from the commission, (a) sell or offer for sale within the park any property or privilege, or (b) if a person to whom property of the park has been intrusted by the commission for personal use, hire, lease or let out the same to any other person, or (c) take photographs or moving pictures within the park for the purpose of selling the negatives thereof or prints therefrom, or (d) operate a bus, taxicab or other vehicle for the transportation of passengers or property for hire or for other commercial purposes within the park except that no permit shall be required for the operation of such bus, taxicab or other vehicle from or to points through the park on State, county or other public highways other than Henry Hudson drive; *provided,* that no stops are made in the park for the reception or discharge of passengers or property, or (e) if operating a boat or airplane for hire, discharge or receive passengers at any of the docks or lands owned or controlled by the commission; or

Taking pictures;

Operating bus or cab;

Proviso;

Carrying weapons; (8) Except employees or officers of the commission, 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 commission; or

Hunting; (9) Without a permit from the commission, 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; or

Gambling; (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

Posting notices; (11) Without a permit from the commission, erect or post any sign or notice at any place in the park; or

Live stock; (12) Without a permit from the commission, 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; or

Protecting bird life; (13) Without a permit from the commission, (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

Dogs in leash; or domesticated animal unless the same is in leash or in cage; or

Protected drives and cliffs; (14) (a) Run or walk on any of the park drives except to cross the same at points designated for that purpose, or (b) climb the cliffs at points other than those designated for that purpose; or

Decency in language and dress; (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

Proper conduct; to the park, or (e) conduct himself in such a manner as to be suggestive of immoral acts or to be offensive or injurious to the morals of any other person; or

Use of drugs or liquor; (16) Possess within the park any narcotic drug or intoxicating liquor other than liquor on sale in the park under State license; or

Swimming; (17) (a) Bathe, dive or swim in or off any property of the park, except at points designated for that purpose, or (b) change his clothing or disrobe except in the bath houses provided for that

Boating; 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 for that purpose; or

(18) Fish or crab off any docks or property of the park except at points designated for that purpose. Fishing or crabbing.

Every person who shall violate any of the provisions of this section shall be liable to a penalty for each offense of a fine of not more than fifty dollars or imprisonment in the county jail for a term of not more than thirty days, or both. Penalty.

14. Section 32:14–13.2 of the Revised Statutes is amended to read as follows: Section amended.

32:14–13.2. The court or judges before whom any proceedings for the recovery of any penalty under section 32:14–13.1 of this Title shall be brought and the proceedings and processes by which such actions shall be enforced shall be those provided for in sections 32:14–22 to 32:14–27 of this Title. Judicial authority.

15. Section 32:14–14 of the Revised Statutes is hereby amended to read as follows: Section amended.

32:14–14. Palisades Interstate Park Commission shall have power to lay out, construct and maintain roads, pathways and boulevards upon, across and over the portions of Palisades Interstate Park in this State; lay out, construct and maintain roads between and connecting any separated portions of the park, and, for this purpose, may acquire rights of way upon and across any intervening lands; and lay out, construct and maintain roads and ways connecting the roads and ways within the park with other public roads outside of and adjacent thereto. Building and maintaining roads.

16. Section 32:14–15 of the Revised Statutes is hereby amended to read as follows: Section amended.

32:14–15. Palisades Interstate Park Commission shall, in laying out and maintaining the portions of said park in this State, have regard for the laying out and maintenance of such portions of the park as may be in the State of New York along the Palisades and Hudson river, and shall, so far as may be, lay out and maintain the portions of said park in this State in such manner that they, together with such portions of the park as may be Considerations in developing park.

in the State of New York, shall form a continuous park, the intention of this chapter being to provide, in conjunction with the State of New York, for the establishment of a park along the entire front of the Palisades, from Fort Lee in this State to the termination thereof in New York, thereby preserving the scenic beauty of the Palisades.

Section amended.

17. Section 32:14–16 of the Revised Statutes is hereby amended to read as follows:

Private rights preserved.

32:14–16. Nothing contained in this chapter shall prevent access upon and across any portion of Palisades Interstate Park in this State, to or from lands of private individuals or corporations lying along the foot of the Palisades within the limits of the park in this State, or from the lands lying on the top of the Palisades to the Hudson river, by elevator, highway, steam, electric or other road; and such access may be acquired in the manner provided by law, as though the park lands were privately owned.

Section amended.

18. Section 32:14–17 of the Revised Statutes is hereby amended to read as follows:

Right of constructing pipe lines.

32:14–17. Any municipality in this State, lying adjacent to lands in this State belonging to, controlled or held by Palisades Interstate Park Commission, under and by virtue of the provisions of the Palisades Interstate Park compact or the provisions of this chapter, shall have the right to cross, occupy and use the lands in this State belonging to, controlled or held by the commission, lying between such municipality and the Hudson river, for the purpose of constructing, operating and maintaining a pipe line or lines and outlet or outlets for public sewage and drainage purposes in such municipality, and to repair, relay, enlarge, operate and maintain such line or lines, outlet or outlets at all times. The location of such pipe line or lines or outlet or outlets and the plans and specifications therefor shall be approved by the State Department of Health; which approval shall only be given upon application of the municipality after hearing, notice of which has been given to the com-

Location of lines.

mission. The lands so crossed, occupied and used shall, after the construction, repairing, relaying or enlarging of any pipe line or outlet, be replaced in a condition satisfactory to the commission, and shall be maintained in a condition satisfactory to the commission at all times.

After laying pipes land restored to proper condition.

19. Section 32:14–18 of the Revised Statutes is amended to read as follows:

Section amended.

32:14–18. Palisades Interstate Park Commission may, at any time upon application therefor, make a grant or grants of lands in this State to the Port of New York Authority (a body corporate and politic, created and existing under and by virtue of a compact between the States of New York and New Jersey, with the consent of the Congress of the United States), for the purpose of enabling the port authority to construct, operate and maintain a bridge or any part thereof on, over or under lands under the control of the commission, whether the same are on the top, edge or base of the Palisades, or the crest or slope thereof. Such grant or grants may include any interests of the commission in any and all lands in this State which may be in the ownership of and under the control of the commission and lying under the waters of the Hudson river to the east of such lands. The grant or grants may be made for such consideration, nominal or otherwise, as the commission may deem proper, and, when made, shall be signed by the president and attested by the secretary of the commission, and the seal of the commission shall be affixed thereto.

Granting land to port authority for bridging Hudson river.

Official transfer.

20. Section 32:14–19 of the Revised Statutes is hereby repealed.

Section repealed.

21. Section 32:14–20 of the Revised Statutes is hereby amended to read as follows:

Section amended.

32:14–20. Palisades Interstate Park Commission may erect and operate elevators and escalators at such places in the park as it may deem necessary or expedient. The commission may provide and operate or provide by lease, charter, concession, exclusive or nonexclusive privilege, or otherwise, for the operation of such other facilities, including

Elevators, escalators.

Restaurants, etc.

Amusements.

hotels, restaurants, stands, booths, amusements, docks, wharves, and any and all means of transportation to, from or in said park, for the use and enjoyment of such park by the public and for increasing the accessibility thereof to the public as it

Regulations.

may deem to be necessary or expedient. The commission may also provide at its discretion, by proper rules or regulations, the terms upon and the manner in which all of such facilities may be used.

Certain privileges licensed.

The commission shall not issue or consent to licenses, privileges or franchises to individuals or corporations for the operation for private profit of any facility, utility or device within the portions of the park in this State, except upon terms which will limit the operation of such licenses, franchises or privileges to a period not exceeding

Advertising for highest bidder.

twenty years in any event. No such license, privilege or franchise shall be authorized or awarded except after proper advertisement and to the responsible person who will, in open competition, offer to pay to the commission the highest return

Use of proceeds.

therefor. All proceeds derived from the operation of such facilities or from any of the operations of the commission in this State shall be used by the commission for the development and management of the portions of the park in this State.

Section amended.

22. Section 32:14–21 of the Revised Statutes is hereby amended to read as follows:

Policing.

32:14–21. Palisades Interstate Park Commission may appoint such patrolmen as it may deem necessary for the purpose of keeping order and enforcing the laws and the provisions of this chapter. The patrolmen so appointed shall be provided with uniforms by the commission and shall have, within such portions of Palisades interstate park as lie within the boundaries of this State, and such parts of any State, county or other public highways as lie within the limits of such portions of the park and all the lands, parks and parkways in this State under the jurisdiction of the commission, 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 chapter. The commission may appoint such patrolmen to hold office at the pleasure of the commission or for such term as the commission may determine and may determine the duties of such patrolmen and make all reasonable rules and regulations respecting the same. Such patrolmen shall receive such compensation as from time to time may be fixed and determined by the commission. Each of such patrolmen shall be a resident of either this State or the State of New York, and if a resident of the State of New York he shall not be disqualified to act as a patrolman in this State by reason of nonresidence in this State, anything in the statutes of this State to the contrary notwithstanding.

Terms.

Compensation.

Residence.

23. Section 32:14–23 of the Revised Statutes is hereby amended to read as follows:

Section amended.

32:14–23. The police court shall possess and have all the powers and jurisdiction of justices of the peace, recorders and police judges and police justices in municipalities in this State, with respect to crimes, disorderly conduct and violations of the motor vehicle and traffic or other laws of this State, committed, occurring or happening within the portion of the Palisades interstate park lying within this State. The court shall also have jurisdiction of prosecutions for violations of any of the rules and regulations set forth in section 32:14–13.1 of this Title.

Police court: Jurisdiction, etc.

24. Section 32:14–25 of the Revised Statutes is hereby amended to read as follows:

Section amended.

32:14–25. The Governor, with the advice and consent of the Senate, shall appoint a judge or judges, not exceeding three, of the police court, who shall have all the powers, privileges and duties of justices of the peace, recorders and police judges and police justices in municipalities of this State, when sitting as a judge of such court. The term of such judge or judges shall be for three years; *provided, however,* that nothing herein shall be construed to extend any shorter term for which any judge may already have been appointed.

Judges: Appointment, jurisdiction.

Term.

Proviso.

Section amended.

25. Section 32:14–26 of the Revised Statutes is hereby amended to read as follows:

Judges' compensation.

32:14–26. The judges of the police court may collect and receive the same fees as are allowed by law to justices of the peace, or, in lieu of all such fees, Palisades Interstate Park Commission may pay the judges a per diem compensation not exceeding twenty-five dollars per day.

Section amended.

26. Section 32:14–27 of the Revised Statutes is hereby amended to read as follows:

Liability insurance for employees.

32:14–27. Palisades Interstate Park Commission may, in its discretion and for the purpose of protecting any of its employees operating vehicles owned by the commission and the State of New Jersey against all claims or liability for personal injuries or property damage by whomsoever sustained arising from or caused by such vehicle or the operation thereof while operated in the business of the commission, cause liability insurance to be issued by any insurance company approved by the commission and pay the premiums thereon.

Section amended.

27. Section 32:14–28 of the Revised Statutes is hereby amended to read as follows:

Annual report to Legislature.

32:14–28. Palisades Interstate Park Commission shall annually report to the Legislature all receipts and expenditures.

Section amended.

28. Section 32:14–29 of the Revised Statutes is hereby amended to read as follows:

Expenses of commission.

32:14–29. Palisades Interstate Park Commission shall have authority to spend such sum or sums as may be included in the annual appropriation bill for necessary expenses of the commission, and for carrying out the provisions of this chapter. All such expenditures shall be approved by the Governor and Comptroller before payment thereof.

Section amended.

29. Section 32:14–30 of the Revised Statutes is hereby amended to read as follows:

Health district.

32:14–30. There is hereby established in that part of the Palisades interstate park lying in the State of New Jersey a park health district which shall be known as the park health district of the Palisades interstate park. All powers now or later

conferred upon and duties now or later imposed upon any local board of health created in accordance with the provisions of sections 26:3–1 to 26:3–7 of the Title, Health and Vital Statistics, are hereby exclusively conferred and imposed upon Palisades Interstate Park Commission.

Section amended.

30. Section 32:15–1 of the Revised Statutes is hereby amended to read as follows:

In re Henry Hudson drive.

32:15–1. Palisades Interstate Park Commission shall have the authority and power heretofore conferred upon the board of commissioners of Palisades interstate park, a body politic created pursuant 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, to lay out, construct and maintain a drive through the Palisades Interstate Park, known as the "Henry Hudson drive," and to lay out, construct and maintain suitable spurs to connect the drive with the Hudson river and top of the Palisades cliffs, with authority to receive and spend for such purpose gifts, contributions and bequests, granted and conferred by the act of April sixteenth, nineteen hundred and nine, chapter one hundred and ten, pamphlet laws page one hundred and seventy-seven, and the act of April eighth, nineteen hundred and ten, chapter one hundred and twenty-four, pamphlet laws page two hundred and eight.

Section amended.

31. Section 32:15–2 of the Revised Statutes is hereby amended to read as follows:

Donated land.

32:15–2. Palisades Interstate Park Commission is authorized to accept by grant from the owners thereof, so far as at the time of the creation of the commission the board of commissioners of Palisades interstate park, a body politic created pursuant 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 pre-

serve the scenery of the Palisades," approved March twenty-second, one thousand nine hundred, had not already accepted, lands necessary for highway purposes over and upon all that certain tract of land situate, lying and being in the county of Bergen and State of New Jersey, bounded and described as follows: Beginning at a point in the west bank of the Hudson river in the county of Bergen, State of New Jersey, where the same is intersected by the boundary line of the property formerly of said board and the property of John M. Goetchius and Henry K. Goetchius; thence running in a southerly direction eighteen hundred and fifty feet more or less to the intersection of the southerly line of the old Fort Lee dock or landing with the high-water line of the Hudson river; and running thence in a westerly direction to the east side of the river road running from Edgewater to Fort Lee in Bergen county; and running along the said road and the high cliffs in a northerly direction to the southerly boundary of property formerly owned by said board; thence along the said southerly boundary of the lands formerly owned by said board to the point or place of beginning.

Description of said land.

Section amended.

32. Section 32:15–3 of the Revised Statutes is hereby amended to read as follows:

Acquisition of land by eminent domain.

32:15–3. If on or before December thirty-first, one thousand nine hundred and twenty-seven, the owner or owners of said parcel of land conveyed by a proper grant or deed of gift to said board of commissioners such part of said parcel of land as may be required for the construction and maintenance as a public highway of a southerly extension of the Henry Hudson drive, by metes and bounds mutually agreed upon by the owner or owners thereof and said board of commissioners, thereafter no commission or authority of the State, no municipality, and no corporation or individual acting under the authority of the State, shall take by eminent domain any of the remainder of said tract or parcel of land described in section 32:15–2 of this Title without express subsequent authority given by the Legislature of the State.

33. Section 32:15–4 of the Revised Statutes is hereby amended to read as follows: Section amended.

32:15–4. If the gift mentioned in section 32:15–3 of this Title was not made on or before December thirty-first, one thousand nine hundred and twenty-seven, Palisades Interstate Park Commission may take by eminent domain a right-of-way over the lands hereinbefore described, sufficient for the completion of the southerly end of the Henry Hudson drive. Obtaining right-of-way.

34. Section 32:16–1 of the Revised Statutes is hereby amended to read as follows: Section amended.

32:16–1. In addition to the powers conferred by this subtitle, Palisades Interstate Park Commission is authorized to construct, maintain and operate a parkway on top of the Palisades, extending from the southerly line of the park already established to the New York State line and within one thousand feet westerly from the top or steep edge of the Palisades or the crest of the slope in places where the steep Palisades rocks are absent, and, for such purpose and the acquisition of the necessary lands therefor, may apply for and accept grants or other aid from the Federal emergency administration of public works, or other boards, officers or departments of the United States. For the purpose of laying out and establishing the parkway mentioned in this section, the commission may acquire by gift, purchase or condemnation any lands or rights in lands necessary for such objects and lying within the area described in this section; but, after a copy of the map required to be made by section 32:16–2 of this Title has been filed in the office of the county clerk of Bergen county pursuant to section 32:16–3 of this Title, the right to condemn lands shall not extend west of the westerly boundary line of the parkway as shown on the map. Parkway on Palisades. Property necessary. Acquiring lands. Map.

35. Section 32:16–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

32:16–2. Palisades Interstate Park Commission, before proceeding to condemn lands under author- Fixing parkway.

ity of section 32:16–1 of this Title, shall determine upon the location of the parkway and the quantity of land to be included therein, and cause a survey thereof to be made, and a map showing the location of the parkway and the lands to be included therein, which map shall be kept in the office of the commission; *provided, however,* that so far as any such determination, survey or map shall heretofore have been made or caused to be made by the Board of Commissioners of Palisades Interstate Park the commission may adopt the action of said board in this respect in lieu of making or causing to be made a separate determination, survey or map. The map required by this section shall show the termini of the parkway, including the courses and distances, the names of the several owners or reputed owners, so far as the same can be ascertained, of the lands through which the parkway will pass, and the westerly boundary line of the parkway, and the streets or roads which may be included therein. For the purpose of making the necessary surveys the commission may enter upon the land or water of any person, doing no unnecessary damage to private or other property, and subject to responsibility for all damages which shall be done thereto. The commission shall not be obliged to disclose the location of the parkway, survey or maps to public inspection until it has taken proceedings to condemn the lands or rights therein necessary therefor.

Survey.

Proviso.

What map to show.

Right of entry.

Section amended.

36. Section 32:16–3 of the Revised Statutes is hereby amended to read as follows:

Authorized map filed in county office.

32:16–3. After the parkway has been completely constructed, a properly authenticated copy of the map on file in the office of Palisades Interstate Park Commission shall be filed in the office of the county clerk of Bergen county.

Section amended.

37. Section 32:16–4 of the Revised Statutes is hereby amended to read as follows:

Alterations.

32:16–4. Before the completion of the parkway Palisades Interstate Park Commission may, from time to time, make such alterations in the location

or boundary lines of the parkway as may be found expedient and necessary. The map on file in the office of the commission shall record all such changes and alterations.

Section amended.

38. Section 32:16–5 of the Revised Statutes is hereby amended to read as follows:

Acquiring other lands and rights.

32:16–5. Palisades Interstate Park Commission may take by condemnation, within the limits specified in section 32:16–1 of this Title, a fee simple or lesser estate or right in all the necessary lands and all the necessary rights in lands, upon ascertainment and payment, or tender, of compensation as prescribed by law; and either party may have an appeal from the award of the commissioners fixing the compensation to be paid for the lands or rights in lands taken by condemnation. The procedure for such ascertainment of the compensation, taking and appeal shall be pursuant to the provissions of chapter one of the Title Eminent Domain (§20:1–1 et seq.)

Section amended.

39. Section 32:16–6 of the Revised Statutes is hereby amended to read as follows:

In case disagreement in price.

32:16–6. When the lands or rights in lands which Palisades Interstate Park Commission seeks to obtain for the parkway cannot be acquired by agreement with the owner thereof, because of a disagreement as to the price to be paid, the legal incapacity or absence of the owner, or his inability to convey valid title thereto, or for any other cause, the commission may enter upon and take any of such property in advance of making compensation therefor. In any such case, the commission, upon exercising this right and entering upon and taking lands in advance of making compensation therefor, shall proceed without undue delay to condemn the lands so entered upon in the manner prescribed by section 32:16–5 of this Title; and, in any such case of entering in advance of making compensation, the award of the commission or the verdict of the jury on appeal from the award shall bear interest from the date of the entry by the commission to the date of the payment of the award to the owner or into the Court of Chancery as the case may be.

Right of entry.

Interest on delayed payment.

Section amended.

Conveyance to Federal Government.

40. Section 32:16–7 of the Revised Statutes is hereby amended to read as follows:

32:16–7. In addition to the powers conferred by this subtitle, Palisades Interstate Park Commission may grant and convey for a nominal consideration to the United States Government or any appropriate agency thereof, such parcels of any land or rights therein in this State, now owned by the commission or hereafter acquired by them on top of the Palisades, as may in its opinion be proper and necessary for the purpose of laying out and constructing a parkway on top of the Palisades.

41. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 192

AN ACT concerning forest park reserves and reservations, and supplementing chapter eight of Title 13 of the Revised Statutes.

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

Half of profit of sales of certain forest land to reimburse U. S.

1. Whenever, upon a sale of any products from State forest land the Board of Conservation and Development determines that the State has derived a direct profit as the result of work done subsequent to the enactment of this act, under a project carried on pursuant to an Act of Congress entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes," approved March thirty-first, nineteen hundred and thirty-three, one-half the proceeds of the sale of such products, or such lesser amount as may be sufficient, shall be applied to or toward reimbursing the United States Government for moneys expended by it under such act for the work so done

to the extent and at the rate of one dollar ($1.00) per man per day for the time spent in such work, but not exceeding in the aggregate three dollars ($3.00 per acre). The board shall fix and determine the amount of such profit or proceeds. Such one-half part of such profit or proceeds, as the case may be, shall be retained by the board until the account of the United States Government, with respect to such sale, becomes liquidated. Upon the completion of the sale, the board is hereby authorized to settle with the proper Federal authority on account, fixing the amount due the United States Government and to pay over to it the amount so fixed. The unexpended remainder, if any, of such one-half part of such profit or proceeds shall then be paid into the State treasury for deposit in the special fund herein provided.

Rate.

Settlement with Federal Government.

Remainder deposited in State treasury.

2. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 193

AN ACT concerning the acquisition of land; condemnation; right of entry by the Board of Commerce and Navigation, and amending section 12:3–64 of the Revised Statutes.

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

1. Section 12:3–64 of the Revised Statutes is amended to read as follows:

Section amended.

12:3–64. The Board of Commerce and Navigation may acquire title, in fee simple, in the name of the State, by gift, devise or purchase or by condemnation in the manner provided in chapter one of the Title Eminent Domain (20:1–1 et seq.) to

Acquisition of land.

any lands in the State, including riparian lands, of such area and extent which, in the discretion of the board, may be deemed necessary and advisable. All lands so acquired shall be subject to the jurisdiction and control of the board.

Right of entry before acquiring land.

The board may enter upon and take property in advance of making compensation therefor where for any reason they cannot acquire the property by agreement with the owner.

Fixing compensation.

Upon the board exercising the right of condemnation and entering upon and taking land in advance of making compensation therefor, they shall present a petition, and proceedings shall be had to fix the compensation, to be paid to the owner, as provided in said chapter one of the Title Eminent Domain.

Use of land.

Lands thus acquired shall be used for the improvement or development of any waterway, stream, river or creek or any waterfront or ocean-front property or to give access to any lands of the State.

Repealer.

2. Any acts or portions of acts inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

Approved July 11, 1939.

CHAPTER 194

AN ACT to validate sales of lands by the several municipalities in this State in certain cases.

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

Validating sales of lands for taxes, including rights and title.

1. All sales heretofore made of lands acquired by any municipality under and by virtue of sales of such lands and premises for delinquent taxes or assessments, without first perfecting the title

thereto, as well as where title has been perfected thereto, whether such sales of lands and premises by such municipalities have been made at public auction or at private sale, and all proceedings had in connection therewith, are hereby validated and confirmed, and any conveyances of said lands so sold by such municipality to the purchaser or purchasers thereof heretofore or hereafter made shall be construed in all the courts of this State to have conveyed all the right, title and interest of any such municipality of, in and to said lands and premises with the appurtenances thereunto belonging, to the grantee in said conveyance named and to all of the successors in title of said grantee; *provided,* that such deed of conveyance shall have been of record in any county clerk's or register's office of this State for more than five years. Proviso.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 195

AN ACT concerning forest park reserves and reservations, and amending section 13:14–7 of the Revised Statutes.

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

1. Section 13:14–7 of the Revised Statutes is hereby amended to read as follows: Section amended.

13:14–7. 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 any such an agreement is terminated the Fed- Termination of agreement relative to land.

erally 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. If any 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 co-operating Federal authority.

Reimbursing State by U. S.

Approved July 11, 1939.

CHAPTER 196

AN ACT authorizing the payment of two million dollars ($2,000,000.00), and interest thereon, to the Teachers' Pension and Annuity Fund out of the seven million dollar bond act created by chapter three hundred and eighty-seven of the laws of one thousand nine hundred and thirty-three, when the bonds issued under such act, and the interest thereon, have been fully paid.

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

Payment to teachers' fund.

1. There shall be paid to the Teachers' Pension and Annuity Fund the sum of two million dollars ($2,000,000.00) when the bonds issued pursuant to the seven million dollar bond act created by chapter three hundred and eighty-seven of the laws of one thousand nine hundred and thirty-three, and the interest on said bonds, shall have been duly paid.

Fund lapsing into State treasury.

When the bonds and interest have been paid as aforesaid, the fund created by said act, together with all interest accumulated on the same, shall

lapse into the treasury of the State, whereupon the State Treasurer shall out of said fund pay to the Teachers' Pension and Annuity Fund the said sum of two million dollars ($2,000,000.00) after payment of the sum of four million eight hundred ninety thousand three hundred and ninety-eight dollars ($4,890,398.00), pursuant to an act entitled "An act authorizing the payment of four million eight hundred ninety thousand three hundred and ninety-eight dollars ($4,890,398.00), and interest thereon, to the Teachers' Pension and Annuity Fund out of the seven million dollar bond act created by chapter three hundred and eighty-seven of the laws of one thousand nine hundred and thirty-three, when the bonds issued under such act, and the interest thereon, have been fully paid," approved April fourth, one thousand nine hundred and thirty-eight, and before payment is made therefrom for any other purpose. The said sum of two million dollars ($2,000,000.00) shall bear interest at the rate of three per centum (3%) per annum, from the first day of July, one thousand nine hundred and thirty-nine, up to and including such date in the year one thousand nine hundred and forty-two as the said sum of two million dollars ($2,000,000.00) shall be paid. Said interest shall be payable semi-annually out of the general State fund by the Treasurer of this State. When this bill becomes a law, two million dollars ($2,000,000.00) shall be deducted from the payment to be made to the Teachers' Pension and Annuity Fund for the fiscal years beginning the first day of July, one thousand nine hundred and thirty-nine, and shall be retained in the treasury of the State.

Interest.

Deduction from payment due.

2. This act shall take effect immediately.

Filed July 12, 1939.

CHAPTER 197

AN ACT directing the payment out of the treasury of this State to the State Financial Assistance Commission of the sum of two million dollars ($2,000,000.00).

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

Transfer to State financial commission.

1. The Treasurer of this State is hereby authorized and directed to transfer by draft from the general State fund to the State Financial Assistance Commission the sum of two million dollars ($2,000,000.00), which is the amount to be deducted from the payment to be made to the Teachers' Pension and Annuity Fund for the fiscal year beginning the first day of July, one thousand nine hundred and thirty-nine, and retained in the State treasury pursuant to an act now pending in the Legislature and which amount is, by the provisions of the said pending act, to be paid hereafter to said Teachers' Pension and Annuity Fund in the year one thousand nine hundred and forty-two, together with interest. This bill shall not become a law unless said bill now pending in the Legislature for the payment of the said sum of two million dollars ($2,000,000.00) to said Teachers' Pension and Annuity Fund in the year one thousand nine hundred and forty-two likewise becomes a law.

This act depending on chap. 196, P. L. 1939.

2. This act shall take effect immediately.

Filed July 12, 1939.

CHAPTER 198

AN ACT to add route 25A to the State highway system.

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

1. The State Highway Commissioner shall, as soon as practicable and in accordance with the procedure set forth in article one of chapter seven of Title 27 of the Revised Statutes, add to the present State highway system the following described route: Route 25A added to highway system.

Route No. 25A. Beginning at a point in State Highway Route No. 25 in Jersey City and extending via Jersey City, Kearny, Harrison, across the Passaic river at or near the present Bridge street bridge between the counties of Essex and Hudson to and connecting with State Highway Route No. 21 and Broad street in Newark. Course of route 25A.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 199

AN ACT to ratify, confirm, validate and make legal and effectual sales of land for municipal liens held 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, or of chapter five of Title 54 of the Revised Statutes.

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

Validating sales of lands for municipal liens, although faulty advertising.

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 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 enforcement of liens thereon" (Revision of 1918), approved March fourth, one thousand nine hundred and eighteen, or to chapter five of Title 54 of the Revised Statutes, such sale, after two years from the date thereof, shall be valid and effectual in all respects notwithstanding any omission to advertise such sale or any adjournment thereof in the manner and for the length of time required by law or by reason of any other irregularity or defect in such advertisement; *provided*, that no proceedings shall have heretofore been instituted in any court of law

Proviso.

or equity to set aside said sale or any proceedings in connection therewith.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 200

AN ACT to add route 19 to the State highway system.

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

Route 19 added to highway system.

1. The State Highway Commissioner shall, as soon as practicable and in accordance with the procedure set forth in article one of chapter seven of Title 27 of the Revised Statutes, add to the present State highway system the following described route:

Course of route 19.

Route No. 19. Beginning at Marshall street and Hazel road to Piaget avenue, thence through the proposed extension of Hazel road and Paulison avenue to Clifton avenue, thence along Paulison avenue to River road, thence along River road to the Essex county line, thence continuing through Essex county along the River road and connecting up with the road now existing at the Belleville turnpike and Mill street in Belleville, thence to Newark.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 201

AN ACT concerning rabies and control of dogs, and amending sections 26:4–84 and 26:4–94 of the Revised Statutes.

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

Section amended.

1. Section 26:4–84 of the Revised Statutes is amended to read as follows:

Confining dogs in case of rabies.

26:4–84. Whenever the local board or any officer or inspector thereof has reason to believe or has been notified by the State Department that there is danger that rabies may spread within the jurisdiction of such board, such board, officer or inspector shall serve a notice, in writing, upon all persons within the jurisdiction of such board, so far as the same may be known to the board or to such officer or inspector thereof, owning or having charge of any dog, requiring such person to confine such dog, or such board, officer or inspector in lieu of serving such notice, in writing, may cause a notice to be published in the official newspaper of such municipality. Other animals may be included in the order whenever, in the opinion of such board, this is necessary.

Order directing confinement.

Whenever the State Department has knowledge that any case of rabies exists among dogs or other domestic animals, within the State, and in its judgment the disease is liable to spread, the department may issue an order requiring any local board to order animals confined as provided in this section, and to cause its provisions to be enforced, by appropriate proceedings either in law or in equity.

Section amended.

2. Section 26:4–94 of the Revised Statutes is amended to read as follows:

Penalty.

26:4–94. Any person who violates any of the provisions of this article except sections 26:4–90 to 26:4–92, or any notice served thereunder, shall be

liable to a penalty of fifty dollars for the first offense, and one hundred dollars for each subsequent offense, to be recovered in an action at law brought by and in the name of the State Department or a local board. Proceedings for the recovery of penalties hereunder shall conform to the practice and procedure contained in sections 26:3–72 to 26:3–82, inclusive, of the Revised Statutes. Procedure.

3. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 202

AN ACT amending section 17:6–14 of the Revised Statutes and making certain additional provisions of said chapter applicable to savings banks organized under special charter as stock companies prior to March eighth, one thousand eight hundred and seventy-seven.

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

1. Section 17:6–14 of the Revised Statutes is amended to read as follows: Section amended.

17:6–14. This chapter shall apply to all savings banks and institutions for savings, howsoever chartered or incorporated; but shall not apply to any savings bank organized under a special charter as a stock company previous to March eighth, one thousand eight hundred and seventy-seven, except as to sections 17:6–25, 17:6–26, 17:6–34, 17:6–35, 17:6–36, 17:6–37, 17:6–38, 17:6–39, 17:6–41, 17:6–42, 17:6–43, 17:6–64, 17:6–65, 17:6–66, 17:6–67, 17:6–68, 17:6–68.1, 17:6–69, 17:6–70, 17:6–78, 17:6–79, 17:6–80, 17:6–81, 17:6–82, 17:9–3, 17:9–4 and Banks applicable. Exceptions.

17:9–5.1 of this Title. Section 17:6–25 of this Title shall not apply to savings banks chartered or incorporated by special acts, so far as said section may alter the method of electing managers or officers or in the method of perpetuating the corporation, as provided in the special acts or by-laws adopted in accordance therewith, or in the laws of this State now in force. Section 17:6–70 of this Title shall not apply to any savings banks organized under a special charter as a stock company previous to March eighth, one thousand eight hundred and seventy-seven, so far as the said section may subject such savings bank to any of the provisions of this chapter not set forth in this section.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 203

AN ACT vesting the title to real estate of which Kathryn Krauskopf Witmer died seized and which is alleged to have escheated to the State of New Jersey in the year one thousand nine hundred and twenty-six in Frank B. Droughman and Frances T. Droughman.

Preamble.

WHEREAS, Kathryn Krauskopf Witmer, late of the village of Goodspring, in the county of Schuylkill and State of Pennsylvania, departed this life on the twenty-eighth day of October, one thousand nine hundred and twenty-six, seized of those certain lots, tracts or parcels of land and premises in the borough of Seaside Heights, in the county of Ocean, and State of New Jersey, described as follows:

Tract 1. Beginning on the northerly side of Webster avenue at a distance of 240 feet eastwardly from the northeasterly corner of East Central and Webster avenues and extending in front or width eastwardly along the northerly side of Webster avenue 20 feet, and in length or depth northwardly between parallel lines and at right angles to said Webster avenue, 100 feet.

Tract 2. Beginning on the northerly side of Webster avenue at the distance of 220 feet eastwardly from the northeasterly corner of East Central and Webster avenues, and extending in front or width eastwardly along the northerly side of Webster avenue 20 feet and in length or depth northwardly between parallel lines and at right angles to Webster avenue, 100 feet; together with

All and singular houses, buildings, trees, ways, waters, profits, privileges and advantages, with the appurtenances to the same belonging, or in any wise appertaining; and

Being known as Lots 12 and 14, Block "N" on plan of Manhassett Realty Company, at Seaside Park, New Jersey, made April tenth, one thousand nine hundred and nine, by Haines and Sherman, C.E.; and

Preamble. WHEREAS, The said Kathryn Krauskopf Witmer left no person or persons capable of inheriting the said lands and premises; 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:*

Vestment of certain real estate. 1. All the estate, right, title and interest of every kind and character of which it is alleged the State of New Jersey is seized in and to certain real estate heretofore belonging to Kathryn Krauskopf Wit-

mer, more particularly described in the preamble to this act, are hereby vested in Frank B. Droughman and Frances T. Droughman; such title so as aforesaid vested under the provisions of this act is validated and confirmed.

Private act.

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

Approved July 12, 1939.

CHAPTER 204

AN ACT vesting the title to real estate of which Kathryn Krauskopf Witmer died seized and which is alleged to have escheated to the State of New Jersey in the year one thousand nine hundred and twenty-six in Mary A. Tindall.

Preamble.

WHEREAS, Kathryn Krauskopf Witmer, late of the village of Goodspring, in the county of Schuylkill and State of Pennsylvania, departed this life on the twenty-eighth day of October, one thousand nine hundred and twenty-six, seized of all that certain lot, tract or parcel of land and premises situated in the borough of Seaside Heights, in the county of Ocean and State of New Jersey, described as follows:

Beginning on the westerly side of the Boulevard at the distance of forty (40) feet southwardly from the southwesterly corner of the Boulevard and Sumner avenue, and extending in front or width southwardly along the westerly side of the Boulevard twenty (20) feet, and in length or depth westwardly between parallel lines at right angles to the Boulevard ninety-nine and five-tenths (99.5) feet to the line of Lot 11; together with

All and singular houses, buildings, trees, ways, waters, profits, privileges and advantages, with the appurtenances to the same belonging, or in any wise appertaining; and

Being known as Lot 3 in Block "N" on plan of Manhasset Realty Company, at Seaside Park, New Jersey, made April tenth, one thousand nine hundred and nine, by Haines and Sherman, C. E.; and

Preamble. WHEREAS, The said Kathryn Krauskopf Witmer left no person or persons capable of inheriting the said lands and premises; 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:*

Vestment of certain real estate. 1. All the estate, right, title and interest of every kind and character of which it is alleged the State of New Jersey is seized in and to certain real estate heretofore belonging to Kathryn Krauskopf Witmer, more particularly described in the preamble to this act, are hereby vested in Mary A. Tindall; such title so as aforesaid vested under the provisions of this act is validated and confirmed.

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

Approved July 12, 1939.

CHAPTER 205

AN ACT concerning banks, trust companies and savings banks having shares of capital stock, and amending chapter eight of Title 17 of the Revised Statutes of 1937.

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

Section amended.

1. Section 17:8–1 of the Revised Statutes be and the same is hereby amended to read as follows:

Authorizing classes of preferred stock.

17:8–1. Institutions which may issue preferred stock. 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, incorporated or existing under any general or special act of this State, 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, 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.

Responsibility of shareholders.

Notwithstanding any other provision of law, or any provision contained in the charter of any such institution heretofore organized, the holders of such preferred stock shall not be held individually responsible as such holders for any debts, contracts or engagements of such institution and neither such preferred stock nor the holders thereof shall be liable for assessments to restore impairments in the capital stock of such institutions.

2. Section 17:8–2 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

17:8–2. Method of amending charter; form and content of amendment; terms. The amendment to a charter or certificate of incorporation shall be made in the following manner: Amending charter:

The board of directors or board of managers shall pass a resolution declaring that the issuance of the preferred stock and that the making of the amendment are advisable and calling a meeting of the stockholders to take action thereon. The meeting shall be held upon not less than ten days' written notice, given by mail. If not less than two-thirds in interest of the stockholders of each class of stock voting by classes shall vote in favor of the issuance of the 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 the certificate shall be submitted to the Commissioner of Banking and Insurance for his approval. Upon his approval the certificate shall be filed in the Department of Banking and Insurance, and upon the filing thereof the charter or certificate of incorporation shall be deemed to be amended accordingly. Resolution adopted; Meeting; Authorized certificate submitted to commissioner. Approval.

The charter or certificate of incorporation, or the resolution of the board of directors or board of managers and the certificate of amendment shall specify the amount, priority and the rights, preferences and privileges of the holders of each class of preferred stock issued or to be issued, 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. 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 Details to be shown. Preferences.

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.

Retirement or conversion of preferred stock.

The charter or certificate of incorporation, or the resolution of the board of directors or board of managers 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 17:8–1 of this chapter; *provided,* 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.

Proviso.

Approval by commissioner.

No such retirement shall be made except after thirty days' prior written notice thereof to the commissioner, 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. 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 within thirty days after such retirement or conversion.

Certificate to be filed.

Section amended.

3. Section 17:8–3 of the Revised Statutes be and the same is hereby amended to read as follows:

Dividends.

17:8–3. Dividends, rights and priorities. The rate of dividends to be paid on the shares of pre-

ferred stock shall be expressed in the charter or certificate of incorporation or certificate of amendment thereof, and shall not exceed six per centum per annum of the par value thereof, or of the purchase price thereof at the time of original issue, whichever is greater; and dividends shall be cumulative. The holders of 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 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, trust company or savings bank dividends may be declared and paid upon any one or more classes of preferred stock of such bank, trust company or savings bank out of profits; *provided,* that after giving effect to the payment of such dividends, the unimpared capital of the bank, trust company or savings bank 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, trust company or savings bank which ever sum is greater.

Preferences.

Proviso.

4. Section 17:8–7 of the Revised Statutes be and the same is hereby amended to read as follows:

Section amended.

17:8–7. Reorganization; prerequisites; consent required; insolvent institutions. Any such bank, trust company or savings bank which has not been permitted or licensed by the commissioner, or by the Secretary of the treasury, if said bank, trust company or savings bank 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, or for which a receiver now has been or hereafter may be appointed by any court of competent jurisdiction, or which the commissioner may direct to

Reorganization and resumption of business.

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 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 reorganization 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.

Approval by commissioner.

Section amended.

5. Section 17:8–15 of the Revised Statutes be and the same is hereby amended to read as follows:

Reorganization to resume by issuing common stock.

17:8–15. Reorganization by issuing depositors' common stock. Any such bank, trust company or savings bank which has not been permitted or licensed by the commissioner, or by the Secretary of the Treasury, if said bank, trust company or savings bank is a member bank of the Federal Reserve System, to perform all of its usual banking functions may be reorganized for the resumption of its normal and usual banking business by the issuance of depositors' common stock as herein above provided or otherwise as the commissioner may determine to be for the best interests of the banking institution, its depositors and its stockholders. Any reorganization plan may provide for the issuance of depositors' common stock to all of the depositors and other creditors of such bank, trust company or savings bank, and may provide that each creditor and depositor must subscribe at least a certain percentage of his claim for said stock. Any reorganization plan shall become

Details for issuance.

Determination by commissioner.

effective (1) when the commissioner shall be satisfied that the plan of reorganization is fair and equitable as to all depositors, other creditors and stockholders, and is in the public interest, and shall have approved the plan subject to such conditions, restrictions and limitations as he may prescribe, and (2) when, after such notice of such reorganization as the commissioner may require, (a) depositors and other creditors of such bank, trust company or savings bank representing at least seventy-five per centum of its total deposits and other liabilities as shown by the books thereof, and (b) stockholders owning at least two-thirds of its outstanding capital stock as shown on the books thereof shall have consented in writing to the plan of reorganization but claims of depositors or other creditors which, under existing law, are entitled to full and immediate payment, even though said bank, trust company or savings bank is operating on a restricted basis, shall not be included among the total deposits and other liabilities of said bank, trust company or savings bank in determining the seventy-five per centum thereof as herein provided.

Claims to be settled.

6. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 206

AN ACT concerning the retirement of employees in counties of the first class, and amending section 43:10–1 of the Revised Statutes.

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

Section amended.

1. Section 43:10–1 of the Revised Statutes is hereby amended to read as follows:

Explanations:

43:10–1. As used in this article:

Half pay;

"Be retired on half pay" means retired on a pension equal to one-half of the annual salary at the time of retirement.

County employee.

"County employee" or "employee" means and includes all employees and officers in service in any county of the first class, and of any county board, body or commission maintained out of county funds in a county of the first class, and includes a laborer and recognized as a permanent laborer, whether paid on an hourly, daily, monthly or annual basis, (it being the intent to exclude transient labor from the operation of this article) but does not include any member of the police or fire department. The pension commission may determine whether or not the employment of an employee is permanent within the meaning of this article. Notwithstanding the provisions of section 43:1–1 of this Title, any person heretofore or hereafter accepting any employment in the county under the age of forty-five years shall be eligible to join as a "county employee" or "employee" as herein above defined.

Permanency.

Approved July 12, 1939.

CHAPTER 207

AN ACT concerning attachment, and amending section 2:42–8 of the Revised Statutes.

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

1. Section 2:42–8 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:42–8. An attachment may issue against: Issuing:

a. Females, married or sole; Females;

b. Corporations not created by the laws of this State and not authorized to do business in this State; Foreign corporations;

c. Joint stock associations; Joint associations;

d. Corporations not created by the laws of this State but authorized to do business in this State, unless in any case the laws of the State in which such a foreign corporation is created do not permit attachments against corporations created by the laws of this State when authorized to do business in such foreign State. Foreign corporations doing business in this State.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 208

AN ACT concerning building and loan associations, amending sections 17:12–60, 17:12–61 and 17:12–124 of the Revised Statutes; supplementing chapter twelve of Title 17 of the Revised Statutes; and repealing sections 17:12–62 and 17:12–63 of the Revised Statutes.

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

Section amended.

1. Section 17:12–60 of the Revised Statutes is hereby amended to read as follows:

Change of organization.

17:12–60. A building and loan association organized under this chapter and which is a member of the Federal Home Loan Bank of New York may convert itself into a Federal savings and loan association pursuant to an Act of Congress approved June thirteenth, one thousand nine hundred and thirty-three, entitled "Home Owners Loan Act of 1933," with the same force and effect as though originally incorporated under such Act of Congress and the proceedings to effect such conversion shall be as follows:

Proceedings:

Resolution;

a. When, in the judgment of the board of directors of such association, it shall be deemed advisable and for the interests of its members that the same shall be converted into a Federal savings and loan association, as provided in this section, the board of directors shall adopt a resolution to that effect.

Meeting;

b. After the adoption of such resolution, a meeting of the members of the association shall be held upon not less than ten days' written notice to the members by mail, postage prepaid, directed to their addresses appearing on the books of the association, which notice shall contain a statement of the time, place and purpose for which such meeting is

called. Proof by affidavit of mailing of such notice shall be filed in the office of the commissioner before the time of such meeting.

Adoption of conversion plan;

c. At a meeting of the members of any such building and loan association held as provided in paragraph "b" of this section, such members may by the affirmative vote of two-thirds of the members of the association present, either in person or by proxy, declare by resolution the determination to convert the association into a Federal savings and loan association. A copy of the minutes of the proceedings of such meeting of the members, verified by the affidavit of the president or vice-president, and the secretary of the meeting, shall be filed in the office of the commissioner within twenty days after the date of such meeting.

Action to make association a Federal association.

d. Within three months after the date of such meeting, the association shall take such action, in the manner prescribed or authorized by the laws of the United States as shall make it a Federal savings and loan association, and there shall be filed in the office of the commissioner a copy of the charter issued to such Federal savings and loan association by the Federal home loan bank board or a certificate showing the organization of such association as a Federal savings and loan association, certified by the secretary or an assistant secretary of the Federal home loan bank board. Upon the granting to any association of a charter by the Federal home loan bank board, the association receiving such charter shall cease to be an association incorporated under this chapter and shall no longer be subject to the supervision and control of the commissioner.

Section amended.

2. Section 17:12–61 of the Revised Statutes is hereby amended to read as follows:

Continuation of association.

17:12–61. Upon the conversion of any association into a Federal savings and loan association, the corporate existence of such association shall not terminate, but such Federal association shall be deemed to be a continuation of the entity of the association so converted and all the property of

the converted association, including all its right, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or pertaining to it or which would inure to it, shall immediately, by operation of law and without any conveyance or transfer and without any further act or deed, remain and be vested in and continue and be the property of the Federal savings and loan association into which the State association has converted itself, and such Federal association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association; and such Federal savings and loan association, as of the time of the taking effect of such conversion, shall continue to have and succeed to all the rights, obligations and relations of the converting association. Pending actions and other judicial proceedings to which the converting State association is a party shall not be deemed to have abated or to have discontinued by reason of such conversion, but may be prosecuted to final judgment, order or decree in the same manner as if such conversion into such Federal association had not been made, and such Federal association resulting from such conversion may continue such action or other judicial proceeding in its corporate name as a Federal association, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting State association theretofore involved in such judicial proceedings.

All assets, etc., automatically transferred.

Conditions not altered by conversion.

Section repealed.

3. Section 17:12–62 of the Revised Statutes is hereby repealed.

Method of conversion:

4. Any Federal savings and loan association holding a charter under the provisions of the Home Owners' Loan Act of 1933 may convert itself into a building and loan association under this chapter with the same force and effect as though originally incorporated under this chapter, and the proceedings to effect such conversion shall be as follows:

Resolution by directors;

a. When in the judgment of the board of directors of such association it shall be deemed advisable and for the interests of its members that the same shall be converted into a building and loan association of this State, the board of directors shall adopt a resolution to that effect.

Meeting of members;

b. After the adoption of such resolution, a meeting of the members of the association shall be held upon not less than ten days' written notice to the members by mail, postage prepaid, directed to their addresses appearing on the books of the association, which notice shall contain a statement of the time, place and purpose for which such meeting is called. Proof by affidavit of mailing of such notice shall be mailed to the Federal Home Loan Bank Board, Washington, D. C., before the time of such meeting.

Voting in favor of conversion.

c. At a meeting of the members of any such Federal savings and loan association held as provided in paragraph "b" of this section, such members may by the affirmative vote of two-thirds of the members present either in person or by proxy, declare by resolution the determination to convert the association into a building and loan association of this State. A copy of the minutes of the proceedings of such meeting of the members, verified by the affidavit of the president or vice-president, and the secretary of the meeting, shall be filed in the office of the Commissioner of Banking and Insurance and mailed to the Federal Home Loan Bank Board, Washington, D. C., within ten days after the date of such meeting.

Certificate filed with commissioner;

d. Within thirty days after the date of the meeting held as provided in paragraphs "b" and "c" of this section, a majority of the board of directors of such Federal savings and loan association shall subscribe, acknowledge and deposit with the Commissioner of Banking and Insurance, in duplicate, a certificate which shall contain:

Name;

(1) The name of the association, which shall not be so nearly like that of any other associa-

tion as to deceive the public, and the words "building and loan association" shall form a part thereof;

Place; (2) The municipality where it is to be located and its business transacted, which shall be within this State;

Objects; (3) The object for which it is formed;

Officers; (4) The name, residence, occupation and post-office address of each officer and director;

Approval. (5) Application for the approval of the Commissioner of Banking and Insurance to the conversion of said association into a building and loan association of this State.

Section repealed. 5. Section 17:12–63 of the Revised Statutes is hereby repealed.

Determination by commissioner. 6. Upon the filing with the commissioner of the certificate as provided in paragraph "d" of section four of this act and before approving the conversion of any Federal savings and loan association into a building and loan association of this State, the commissioner shall determine, as a result of an examination or otherwise, that the assets of such association have a sound value at least equal to the aggregate share liability of the association to all its members, plus all creditor obligations; that such association will function normally after conversion and that it will earn and be able to pay regularly a reasonable dividend; and upon such determination, and upon compliance by the association with such requirements or conditions as the commissioner may prescribe, and not later than three months from the date of the members' meeting held as provided in paragraphs "b" and "c" of section four of this act, the commissioner shall

Consent given. endorse his consent to the conversion of such Federal savings and loan association into a building and loan association upon the certificates filed in accordance with paragraph "d" of section four of this act, one of which certificates shall remain on file in the office of the Commissioner of Banking and Insurance and the other shall be recorded by

the clerk of the county where the association is located. Within ten days thereafter, a copy of said certificate certified by the Commissioner of Banking and Insurance shall be mailed to the Federal Home Loan Bank Board, Washington, D. C. Upon the filing of such certificate in the office of the Commissioner of Banking and Insurance, the association shall cease to be a Federal savings and loan association and shall no longer be subject to the supervision and control of the Federal Home Loan Bank Board.

Copy sent to Washington.

Change of status.

Upon the conversion of any Federal savings and loan association into a building and loan association of this State, the corporate existence of such association shall not terminate, but such building and loan association shall be deemed to be a continuation of the entity of the association so converted, and all property of the converted association, including its right, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or pertaining to it or which would inure to it, shall immediately by act of law and without any conveyance or transfer and without any further act or deed, remain and be vested in and continue and be the property of such building and loan association into which the Federal savings and loan association has converted itself, and such building and loan association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association, and such building and loan association, as of the time of the taking effect of such conversion, shall continue to have and succeed to all of the rights, obligations and relations of the converting association. Pending actions and other judicial proceedings to which the converting Federal savings and loan association is a party shall not be deemed to have abated or to have discontinued by reason of such conversion, but may

Original association terminated.

As to continuity.

Vestment.

Actions and proceedings continue.

be prosecuted to final judgment, order or decree in the same manner as if such conversion into such building and loan association had not been made and such building and loan association resulting from such conversion may continue such action in its corporate name as a building and loan association, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting Federal savings and loan association theretofore involved in such judicial proceedings.

Section amended.

7. Section 17:12–124 of the Revised Statutes is hereby amended to read as follows:

No impairment of rights, powers.

17:12–124. Nothing contained in this article shall be construed as repealing, modifying or impairing any powers, duties, rights or responsibilities of the commissioner in respect to any association organized under or subject to the provisions of this chapter; *provided, however,* that whenever the commissioner shall, pursuant to any of the provisions of this Title, take possession of the property and business of an association whose members' or shareholders' shares, accounts or investments have been insured by the Federal Savings and Loan Insurance Corporation, he shall forthwith give notice thereof in writing to the Federal Savings and Loan Insurance Corporation at Washington, D. C., by registered mail, a copy of which notice, with the original receipt of such mailing attached thereto, shall be filed in the department. At any time after such taking of possession, but not later than ten days after the date of the mailing of such notice, the Federal Savings and Loan Insurance Corporation may file in the department its election in writing to assume and exercise or to decline the powers vested in it pursuant to the provisions of this section, and in default of its filing such election, it shall be deemed to have waived and declined to assume and exercise such powers. Upon its filing such election to assume and exercise such powers, the Federal Savings and Loan Insurance Corporation and the commissioner shall be vested jointly with

Proviso.

Action by Federal corporation.

Joint authority.

the exercise of all the powers, duties and authority conferred and imposed upon the commissioner pursuant to sections 17:12–69 to 17:12–79 and sections 17:12–89 to 17:12–94 of this Title. All acts done by the commissioner in administering the affairs of such association before the filing of such election by the Federal Savings and Loan Insurance Corporation shall be binding upon the Federal Savings and Loan Insurance Corporation; *provided, however,* that any exercise of the powers conferred by section 17:12–69 or clause "b" of section 17:12–70 of this Title, any appointment, employment, hiring, retention, or compensation of legal or other personnel or assistance except as to service performed entirely before the filing of such election, and, except in the regular and ordinary course of business, any sale or other disposition of assets and any compromise or release, shall require the approval of the Federal Savings and Loan Insurance Corporation to be effective, unless the Federal Savings and Loan Insurance Corporation shall decline to assume and exercise the powers conferred by this section. All notices, citations, pleadings or other documents, which under the provisions of said sections are authorized or required to be filed with or served on the commissioner, need only be filed with or served on the commissioner, but he shall promptly furnish the Federal Savings and Loan Insurance Corporation with a copy of each such notice, citation, pleading, or document filed with or served upon him, except where the Federal Savings and Loan Insurance Corporation shall waive or shall have waived, in writing, the furnishing of such copy; *provided, however,* that failure of the commissioner to furnish such copy shall not affect the validity of such filing or service. The Federal Savings and Loan Insurance Corporation shall have all the rights, privileges and powers conferred upon it by the Federal statutes now or hereafter enacted, and may make loans on the security of, or purchase at public or private sale, or at any receiver's sale, and, when purchased, may liquidate or sell,

Acts binding.

Proviso.

Serving or filing notices.

Proviso.

Rights of Federal corporation.

Liquidation.

any part of the assets of the association, and, in the event of the purchase of any of such assets, it shall bid for and pay a fair and reasonable price. Whether or not the Federal Savings and Loan Insurance Corporation shall serve as aforesaid, whenever it shall pay or make available for payment the liabilities of any such insured association in liquidation which are insured by it, it shall be subrogated upon the surrender and transfer to it of any share, share account or account insured by it, with respect to such share, share account or account, but such surrender and transfer of such share, share account or account shall not affect any right which the transferor thereof may have in any portion of such share, share account or account which is uninsured or any right to participate in the distribution of the net proceeds remaining from the disposition of the assets of such insured association; *provided,* that the rights of the investors in, and creditors of, such insured association shall be determined in accordance with the applicable provisions of the laws of this State. Notwithstanding any other provision or provisions of the law granting, governing, defining or limiting the powers or right of members to vote upon any question or issue whatsoever requiring the consent or approval of the members of the association by a vote of the majority or otherwise, the Federal Savings and Loan Insurance Corporation, whether or not it shall serve as aforesaid, shall be entitled, at any meeting or meetings of the association held after the commissioner takes possession of the business and property of the association, to cast one vote for each member of the association whose shares, share account, or account is insured and who is not entitled by way of withdrawal or maturity rights to a sum greater than the maximum amount for which a single member may be insured by the corporation, and whose account has been paid, or made available for payment. The right to vote herein conferred shall be exercised by the corporation by any of its officers, or by such person or persons as its board of trustees

Effects of surrender of shares.

Proviso.

As to representative voting.

Voting rights.

may designate. All votes so cast by the corporation shall have the same effect and shall be considered for all purposes whatsoever as if severally and individually cast by the members of the association whose shares, share accounts, or accounts are insured as aforesaid, and who are severally entitled to a sum not greater than the maximum amount for which a single member may be insured by the corporation.

8. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 209

AN ACT concerning motor fuels, and amending sections 54:39–2, 54:39–5, 54:39–6, 54:39–31, 54:39–41 and 54:39–64 of the Revised Statutes.

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

1. Section 54:39–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

54:39–2. "Fuels" means (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 distilled (recovered) below three hundred forty-seven degrees (347°) Fahrenheit (one hundred seventy-five de- Fuels defined.

grees (175°) centigrade) and not less than ninety-five per centum distilled (recovered) below four hundred sixty-four degrees (464°) Fahrenheit (two hundred forty degrees (240°) centigrade); and (c) all combustible gases which exist in a gaseous state at sixty degrees (60°) Fahrenheit and at fourteen and seven-tenths (14.7) pounds per square inch absolute, and other products not included within the foregoing provisions of this paragraph; *provided, however,* that only those quantities of said combustible gases and said other products which are used or sold to be used to propel motor vehicles upon the public highways shall be subject to this act.

Proviso.

Section amended.

2. Section 54:39–5 of the Revised Statutes is hereby amended to read as follows:

Retailer defined.

54:39–5. "Retail dealer" means any person, as herein defined, operating a service station, filling station, store, garage, or other fixed place of business for the sale of motor fuel for delivery into the service tank or tanks of any vehicle propelled by an internal combustion engine.

Section amended.

3. Section 54:39–6 of the Revised Statutes is hereby amended to read as follows:

Wholesaler defined.

54:39–6. "Wholesale dealer" means any person, as herein defined, who engages in the business of selling motor fuels to other persons who resell the said motor fuel or who place or have the said fuel placed into their containers or storage tanks for future consumption. The words containers or storage tanks as here used shall not apply to vehicle service tanks used only to carry motor fuels for use in propelling only the vehicle carrying such tanks.

Section amended.

4. Section 54:39–31 of the Revised Statutes is hereby amended to read as follows:

Wholesaler, licensed.

54:39–31. Every wholesale dealer shall, before engaging in said wholesale business, procure from the commissioner a license for each establishment or place of business so operated. When said wholesale dealer carries on business by the sale of motor fuel from a motor vehicle he may procure such

license either for his place of business, if any, or for his motor vehicle if he has no permanent place of business. A license fee of two dollars ($2.00) shall be paid for the issuing of such license. Fee.

5. Section 54:39–41 of the Revised Statutes is hereby amended to read as follows: Section amended.

54:39–41. Every person operating any conveyance for the purpose of hauling, transporting or delivering fuel shall, before entering upon the public highways or waterways 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 issue separate license cards for each such conveyance intended to be operated over the highways or waterways of this State, which card shall show the license number assigned, and the name and address of the owner of the conveyance and such other information as the commissioner shall prescribe. Such card shall be displayed on the conveyance at all times during its operation on the public highways or waterways of this State. The commissioner shall supply a license plate to the licensee for each conveyance so operated, containing the number assigned to the conveyance, and the words "New Jersey motor fuel transport license" or any abbreviation thereof authorized by the commissioner. Such license plate shall be attached to each such conveyance so that it is readily visible at all times and in such a manner as the commissioner may regulate. For the year one thousand nine hundred and thirty-nine and subsequent years a license fee of two dollars shall be paid for the licensing of each such conveyance. Every license issued pursuant to the provisions of this section shall expire on December thirty-first in 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 other laws.

Carriers registered.

License card.

Card displayed.

License plate.

Fee.

Other laws applicable.

Section amended.

6. Section 54:39–64 of the Revised Statutes, is hereby amended to read as follows:

Blender to have special permit.

54:39–64. (a) 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 chapter has been prepaid, or 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

Report required.

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 commissioner may require for the proper administration of this chapter, within five days from the receipt of such fuels.

Period usable.

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

Tax per gallon.

deemed advisable by the commissioner. A tax of three cents per gallon on the total number of gallons so imported, together with any unpaid tax on such other fuels, shall be paid to the commissioner

Presumption.

and accompany the 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.

Special license.

(b) Any person, not licensed as a distributor, purchasing motor fuel on which there has been no charge made to him of the motor fuel tax thereon, if the same be thereafter used or sold for use in the operation of a motor vehicle upon the highways, shall be required to obtain a special license from the

Monthly report.

State Tax Commissioner. Such person shall, on or before the last business day of each month, render a report to the commissioner, stating the number of gallons of fuel purchased, used or sold for use in this State by him during the preceding calendar month and such additional information as the com-

Tax per gallon.

missioner may require. A tax of three cents per gallon on the total number of gallons so used or

sold for use shall be paid to the commissioner and accompany such report.

(c) This section, including subdivisions (a) and (b) shall not apply to distributors duly licensed in accordance with the provisions of this chapter. Any person violating this section shall be guilty of a misdemeanor. Licensed distributors excepted.

7. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 210

AN ACT to amend an act entitled "An act concerning propaganda inciting race, color or religious hatred, and supplementing chapter one hundred fifty-seven-B of Title 2 of the Revised Statutes," approved June twenty-sixth, one thousand nine hundred and thirty-nine.

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

1. Wearing of uniforms; prohibited. As to wearing foreign uniforms.

a. It shall be unlawful for any person to appear in any public place or in the public view attired in any uniform similar to that worn by the military, semimilitary, naval, police, storm troop or other official or semiofficial forces of any foreign State, nation or government, or attired in any distinctive part or parts of such uniform, or to assemble in any place with other persons similarly attired.

b. It shall be unlawful for any person to appear in any public place or in the public view attired in the uniform or wearing the distinctive garment of any association of persons of whatsoever nature or form which engages in, Drills, salutes, etc.

adopts or imitates the drill formations, salutes or other methods or practices or the symbols of any foreign military, semimilitary, naval, police, storm troop or similar foreign organization, or to assemble in any place with other persons similarly attired.

Assembling in uniforms.

c. It shall be unlawful for the proprietor, manager or keeper of a public hall, public garden, theatre or any other place of public meeting, resort or amusement to permit therein any assemblage of persons attired as prohibited in this section.

Wearing a presumption of violation.

d. In any prosecution hereunder, there shall be presumption that the wearing of the uniform of a foreign State, nation or government, or of any of its official or semiofficial forces, constitutes a violation of this section.

Exceptions.

This section shall not apply to the officers or members of the diplomatic, military, semimilitary, naval, police or other official or semiofficial forces of any foreign State, nation or government lawfully within the State of New Jersey, nor to any student of any school or academy recognized by the Board of Regents of the State of New Jersey,

Actors.

nor to the members of the cast of any stage or motion picture production characterizing the officials of a foreign State, nation or government, or the officers or members of any of the organizations specified in subdivision a of this section; nor to any duly recognized organization of American ex-service men and women.

Penalty.

2. Any person violating any provision of this chapter shall be guilty of a misdemeanor and 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 imprisonment for not exceeding three years, nor less than ninety days, or both.

3. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 211

AN ACT relating to the regulation of rates of speed of motor vehicles operated on the highways, and amending Title 39, section 39:4–98, of the Revised Statutes.

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

1. Section 39:4–98 of the Revised Statutes is hereby amended to read as follows: Section amended.

39:4–98. Rates of speed. Subject to the provisions of section 39:4–96 of this Title and except in those instances where a lower speed is specified in this chapter, it shall be prima facie lawful for the driver of a vehicle to drive it at a speed not exceeding the following: Rate of speed:

a. Ten miles an hour, when passing a school during recess or while children are going to or leaving school, during opening or closing hours; Passing school;

b. Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of highways, when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when, at any time during the last fifty feet of his approach to the intersection, he does not have a clear and uninterrupted view of the intersection and of traffic upon all of the highways entering the intersection, for a distance of two hundred feet from the intersection; At intersections; Clear view;

c. Fifteen miles an hour, in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along the highway in the direction in which he is proceeding; Curves and grades;

d. Twenty miles an hour on a highway in a business district, when traffic on the highway is controlled at intersections by traffic officers or traffic signals; Controlled traffic in business section;

Business district;

e. Fifteen miles an hour on all other highways in a business district.

Residential district;

f. Twenty miles an hour in a residence district;

Forty-mile rate;

g. Forty miles an hour under all other conditions except as hereinafter set forth;

Forty-five-mile rate in assigned district;

h. Forty-five miles an hour for passenger vehicles only within zones designated by the commissioner pursuant to subdivision (i) of this section;

Designation of speed zones.

i. The commissioner may designate any part of any highway under the jurisdiction and control of the State Highway Department, where a rate of speed of forty miles an hour is permitted, as a zone where it shall be prima facie lawful for the driver of a passenger vehicle to drive at a rate of speed not exceeding forty-five miles an hour; such designation to be made upon the basis of an engineering and traffic investigation. The commissioner shall notify the State Highway Commissioner of such designation and the State Highway Commissioner shall cause to be posted at either end of such zone and at such intermediate points as he may deem advisable, signs of such design as he may prescribe and of sufficient size as to be easily read, setting forth the maximum speed of forty-five miles an hour.

Designation indicated by signs.

Unsafe movement.

In any case where any such speed would be unsafe it shall not be lawful.

Rates shown at certain points.

The State Highway Commissioner shall cause the erection and maintenance of signs or billboards at such points of entrance to the State as are deemed advisable, setting forth the lawful rates of speed, the wording of which shall be within his discretion.

Act effective.

2. This act shall take effect September first, one thousand nine hundred and forty.

Approved July 12, 1939.

CHAPTER 212

AN ACT to amend the title, preamble and body of an act entitled "An act to incorporate 'The Union Association of the Children's Home of Burlington County, New Jersey,' approved April third, one thousand eight hundred and sixty-seven,"

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 is hereby amended to read as follows: "An act to incorporate The Union Association of the Children's Home of Burlington County." (New Jersey) Title amended.

2. The preamble of the act of which this act is an amendment is hereby amended to read as follows: Preamble amended.

WHEREAS, A number of persons, residents of the county of Burlington, in this State, have formed an association, assuming the name of "The Union Association of the Children's Home of Burlington County," the object of which is to provide and sustain a home for destitute white children, and to afford them the advantages of moral, religious and useful training; and Preamble as amended.

WHEREAS, It is apprehended that the objects of the said association will be promoted by being incorporated; therefore, Preamble.

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

6. The managers may take under their guardianship all white children who are in a state of orphanage, or who from any other cause are deprived of proper sustenance and support, and who may be committed to their care and custody either upon Guardianship under certain conditions.

the surrender of such children by their father, or, in case of his death or legal incapacity, or his imprisonment for crime, or his abandoning and neglecting to provide for his family, then by their mother or by their guardians, by any instrument or declaration in writing; and in case there be no parents living, or other person or persons having charge of such children; then any overseer of the poor in the county of Burlington shall be deemed and considered the legal guardians of such children for the purposes of this act, who are hereby authorized to commit such children to the care and custody of said board of managers. The managers in their guardianship of such children shall have the entire and exclusive control of such children during their minority, and shall cause them to be educated and instructed in a proper manner, and may in their discretion, place the said children in suitable homes or with such persons as may desire to adopt them, or at service in some suitable employment, to learn such trades as in the judgment of the managers will be most conducive to the benefit and advantage of said children, subject to the consent of any parent who pays regularly to the association for the support of any such child. The managers shall, notwithstanding such placement, exercise a general oversight of the child and may retake the child into their own custody whenever it appears to the managers that the child's welfare so requires. The charge and control of the managers over the said children, shall extend until the age of eighteen years for girls and twenty-one years for boys, or the managers in their discretion may return the children to their parents, or the surviving parent, or their guardians at any time.

Control by managers.

Duties.

General oversight.

Period of care.

4. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 213

AN ACT concerning checks, drafts or warrants issued by the State Board of Children's Guardians which remain uncashed for a period of one year, and providing for the disposition of monies held for the payment thereof.

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

Disposition of uncashed checks or warrants:

1. Whenever the State Board of Children's Guardians shall have issued, or shall hereafter issue, any checks, drafts or warrants to be paid from monies received from the Federal Government, the State, or any county of this State for the maintenance of dependent children, and such checks, drafts or warrants shall not be cashed for a period of one year from the date of issue, the following procedure shall be taken:

Notice to bank;

a. The State Board of Children's Guardians shall give due notice to the bank on which such checks, drafts or warrants were issued that no payment shall be made thereon.

Special fund set up;

b. The State Board of Children's Guardians shall then from time to time deposit in a special fund monies in an amount equal to that represented by such checks, drafts or warrants, which monies shall be held for the payment of such checks, drafts or warrants. Such special fund shall be in the custody and control of the treasurer of the State Board of Children's Guardians, and his official bond given as such treasurer shall be responsible for the faithful keeping and distribution of such fund.

Period of continuance.

c. The monies so deposited shall be maintained in such special fund for a period of six years from the date of deposit, and, if still unclaimed after that time by anyone having a legal right thereto, shall be credited to the Federal Government, the State, or any county of this State in the same pro-

Credited.

portion as such monies were received by the State Board of Children's Guardians in the original instance; *provided, however,* that monies in an amount equal to that represented by checks, drafts or warrants issued prior to the effective date of this act and remaining uncashed, may be proportionately credited to the Federal Government, the State or any county of this State after seven years from the date of issue of such checks, drafts or warrants, although such monies are not deposited or held in such special fund for the period of time hereinbefore specified.

Proviso.

Obligation released.

2. Whenever the State Board of Children's Guardians shall have credited any monies to the Federal Government, the State or any county of this State pursuant to the provisions of this act, it shall thereupon be free of all obligations as to those checks, drafts or warrants for which such monies had been held for payment.

3. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 214

AN ACT to validate certain conveyances of corporations by surviving directors.

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

Vestment of property by surviving directors of corporations.

1. Every deed of lands, tenements and hereditaments heretofore made by the surviving directors of any corporation as trustees shall be held to have vested in the grantee or grantees thereof as full and ample an estate in said lands as was thereby intended to be conveyed notwithstanding the true or actual consideration for said deed shall not have been stated therein. The record of every such deed shall be admissible in evidence as fully and com-

Record in evidence.

pletely for all purposes as if such deed had the true or actual consideration stated therein.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 215

AN ACT to ratify, confirm, validate and make legal and effectual the assignment of certificates of sale for unpaid taxes, assessments or other municipal liens heretofore authorized and made by municipalities.

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

Assignments of certificate of tax sales validated.

1. All assignments of certificates of sale for unpaid taxes, assessments or other municipal liens heretofore authorized by resolution of the governing body of any municipality in this State and made in pursuance of such resolution, and all proceedings had thereunder, are hereby ratified, confirmed, validated and in all respects declared legal and effectual.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 216

AN ACT pertaining to the judicial and executive powers of the Commissioner of Motor Vehicles, and amending sections 39:5–2 and 39:5–30 of the Revised Statutes.

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

Section amended.

1. Section 39:5–2 of the Revised Statutes is hereby amended to read as follows:

Powers of commissioner.

39:5–2. The commissioner shall have the same powers as are conferred by this subtitle on a magistrate.

Holding court.

In considering violations of this subtitle, the commissioner may hold court in any municipality in the State, upon five days' notice given to the defendants summoned to appear before him.

Section amended.

2. Section 39:5–30 of the Revised Statutes is hereby amended to read as follows:

Revocation of license.

39:5–30. Every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked by the commissioner for a violation of any of the provisions of this Title or on any other reasonable grounds, after due notice in writing of such proposed suspension or revocation and the ground thereof.

Witnesses.

He may also summon witnesses to appear before him at his office or at any other place he designates, to give testimony in a hearing which he holds looking toward a revocation of a license or registration certificate issued by or under his authority.

Summons.

The summons shall be served at least five days before the return date, either by registered mail or personal service.

Failure to answer summons.

A person who fails to obey the summons shall be subject to a penalty not exceeding one hundred dollars, to be recovered with

Penalty.

costs in an action at law, prosecuted by the Attorney-General, and in addition the vehicle

registration or driver's license, or both, as the case may be, shall forthwith be revoked. The fees for witnesses required to attend before the commissioner shall be one dollar for each day's attendance and three cents for every mile of travel by the nearest generally traveled route in going to and from the place where the attendance of the witness is required. These fees shall be paid when the witness is excused from further attendance, and the disbursements made from payment of the fees shall be audited and paid in the manner provided for expenses of the department. The actual conduct of said hearing may be delegated by the commissioner to such departmental employees as he may designate, in which case the said employees shall recommend to the commissioner, in writing, whether the said licenses or certificates shall or shall not be suspended or revoked.

Witness fees.

Payment of fees.

Hearing delegated.

3. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 217

AN ACT concerning the salaries of members of the several county boards of taxation, ratifying, validating, approving and confirming all salaries heretofore paid to members of the county boards of taxation, and amending section 54:3–6 of the Revised Statutes.

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

1. Section 54:3–6 of the Revised Statutes is hereby amended to read as follows:

Section amended.

54:3–6. The salaries of the members of the several boards shall be paid in equal monthly installments by the State Treasurer upon warrants

Salaries of members of county tax board.

drawn by the Comptroller, and shall be as follows: In counties having a population of more than five hundred thousand, an annual salary of forty-five hundred dollars; in counties having between two hundred and seventy-five thousand and five hundred thousand inhabitants, an annual salary of thirty-five hundred dollars; in counties having between two hundred thousand and two hundred and seventy-five thousand inhabitants, an annual salary of twenty-six hundred dollars; in counties having between one hundred and fifty thousand and two hundred thousand inhabitants, an annual salary of twenty-four hundred dollars; except as hereinafter provided, in counties having between seventy-five thousand and one hundred and fifty thousand inhabitants, an annual salary of two thousand dollars; except as hereinafter provided, in counties having not more than seventy-five thousand inhabitants, an annual salary of twelve hundred dollars; in counties bordering upon the Atlantic ocean, and having not less than fifty thousand nor more than one hundred and fifty thousand inhabitants, an annual salary of three thousand dollars.

Former salaries ratified.

2. All salaries heretofore paid to members of the county boards of taxation are hereby ratified, validated, approved and confirmed.

3. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 218

AN ACT to provide for the retirement upon pension of certain employees of cities, and amending section 43:12–1 of the Revised Statutes.

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

1. Section 43:12–1 of the Revised Statutes is amended to read as follows: Section amended.

43:12–1. A person who has been continuously in the employ of any city for a period of twenty-five years and has reached the age of seventy years or who has been continuously in the employ of any city for a period of forty years and has reached the age of sixty years, may retire or be retired at any time thereafter. On or after retirement he shall be paid by the city one-half of the amount he was receiving as salary from the city at the time of his retirement. Retirement of city employees. Salary.

Nothing in this section shall in any way affect the provisions of chapter sixteen of this Title (43:16–1 et seq.). Exception.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 219

AN ACT concerning the Department of the Comptroller of the Treasury.

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

1. The position of chief auditor in the Department of the Comptroller of the Treasury shall be classified by the Civil Service Commission in the classified service of the State, and the present chief Chief auditors in Comptroller's and Treasurer's offices in classified service.

auditor in the Department of the Comptroller of the Treasury, who shall have been employed in said department, for a period of at least seven years immediately prior to the taking effect of this act, shall continue to hold his employment and shall not be removed therefrom except in accordance with the provisions of the civil service law, and supplements and amendments thereto.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 220

AN ACT concerning pensioners in public employment, and amending section 43:3–5 of the Revised Statutes.

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

Section amended.

1. Section 43:3–5 of the Revised Statutes is hereby amended to read as follows:

Application of act.

43:3–5. The provisions of this chapter shall not apply to any appointment of a temporary nature made or created by any rule or order of procedure of the Court of Chancery or the Supreme Court, so as to interfere with any rule or order of procedure in such courts for the proper administration of justice therein; nor shall the provisions of this chapter apply to any person appointed to the office of court crier in any court where the term of such office is indefinite.

2. This act shall take effect immediately.

Approved July 12, 1939.

CHAPTER 221

AN ACT concerning evidence and witnesses, and supplementing subtitle eleven, of Title 2, of the Revised Statutes.

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

Blood test to determine paternity.

1. Whenever it is relevant to the case of the prosecution or the defense in a proceeding involving parentage of a child, the trial court, by order, may direct that the mother, her child and the defendant submit to one or more blood grouping tests to determine whether or not the defendant can be excluded from the probability of being the father of the child. The testimony of experts to the result of the test shall be receivable in evidence, but only in cases where definite exclusion of parentage of the defendant is indicated. The tests shall be made by duly qualified physicians, to be appointed by the court. Such experts shall be subject to cross examination by both parties after the court has caused them to disclose their findings to the court or to the court and jury. Whenever the court orders such blood grouping tests to be taken and one of the persons thus directed shall refuse to submit to such tests, such fact shall be disclosed upon the trial in the discretion of the court.

Expert testimony.

By whom tests made.

Declining to give test.

Tests by qualified physician.

2. Whenever it shall be relevant in a civil action to determine the parentage or the identity of any child or other person, the court, by order, may direct that any party to the action and the person whose parentage or identity is involved submit to one or more blood grouping tests, to be made by duly qualified physicians under such restrictions and directions as the court or judge shall deem proper. Whenever such test is ordered and made, the testimony of the experts to the results thereof, subject to cross examination as in section one, shall be receivable in evidence, but only in cases where

Testimony in evidence.

Grouping tests.

definite exclusion is indicated. The order for such blood grouping tests also may direct that the testimony of such experts and of the persons so to be examined be taken by deposition. The court shall determine how and by whom the costs of such examinations shall be paid.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 222

AN ACT placing employees of the Comptroller of the Treasury engaged in the work of auditing or preauditing under tenure of office.

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

Tenure of auditors in State Comptroller's office.

1. All the employees of the Comptroller of the Treasury employed in the work of auditing or preauditing, who shall have been so employed at least three years immediately prior to the taking effect of this act, shall continue to hold their employments and shall not be removed therefrom except for good cause shown after a fair and impartial trial, but shall hold their employments during good behavior, and shall not be removed for political reasons.

Appointments.

2. Nothing herein contained shall alter, vary, limit or abridge the power and authority of the Comptroller of the Treasury to hereafter appoint fit persons or employees in the work of auditing and preauditing, and the power of the Comptroller of the Treasury to appoint and employ persons in his department shall remain as heretofore.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 223

AN ACT concerning the tenure of office of certain deputy county clerks and deputy surrogates in counties of the second class.

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

Tenure of certain county deputies.

1. Any deputy county clerk or deputy surrogate in any county of the second class who has attained the age of fifty-one years, and who has been continuously in the employ of the office of county clerk or surrogate for a period of at least sixteen years, shall enjoy tenure of office, and shall not be removed therefrom except after due hearing, upon notice, for just and sufficient cause.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 224

AN ACT providing tenure of office for superintendents of child welfare in certain cases.

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

Tenure of superintendent of child welfare.

1. Any superintendent of child welfare in any county of this State, now or hereafter having a population of between three hundred fifty thousand and six hundred thousand inhabitants, who has been connected with the said department for a period of at least fifteen years, shall enjoy tenure of office, and shall not be removed therefrom, except after due hearing, upon notice, for just and sufficient cause.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 225

AN ACT concerning alcoholic beverages, and amending section 33:1–43 of the Revised Statutes.

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

Section amended.

1. Section 33:1–43 of the Revised Statutes is hereby amended to read as follows:

Producers of alcoholic beverages not interested in retailing same.

33:1–43. It shall be unlawful for any owner, part owner, stockholder or officer or director of any corporation, or any other person whatsoever interested in anyway whatsoever in any brewery, winery, distillery or rectifying and blending plant, or any wholesaler of alcoholic beverages, to conduct, own either in whole or in part, or be directly or indirectly interested in the retailing of any alcoholic beverages except as provided in this chapter, and such interest shall include any payments or delivery of money or property by way of loan or otherwise accompanied by an agreement to sell the product of said brewery, winery, distillery, rectifying and blending plant or wholesaler. Prior to December sixth, one thousand nine hundred and forty, the ownership of or mortgage upon or any other interest in licensed premises if such ownership, mortgage or interest existed on December sixth, one thousand nine hundred and thirty-three, shall not be deemed to be an interest in the retailing of alcoholic beverages. On and after December sixth, one thousand nine hundred and forty, the ownership of or mortgage upon or any other interest in licensed premises if such ownership, mortgage or interest existed on December sixth, one thousand nine hundred and thirty-three, shall not be deemed to be an interest in the retailing of alcoholic beverages; *provided,* none of the products of the brewery, winery, distillery, rectifying and blending plant, or wholesaler, is sold directly or indirectly at the licensed premises.

As to mortgaged premises.

Proviso.

Retailers not interested in production.

It shall be unlawful for any owner, part owner, stockholder or officer or director of any corporation, or any other person whatsoever, interested in any way whatsoever in the retailing of alcoholic beverages to conduct, own either in whole or in part, or to be a shareholder, officer or director of a corporation or association, directly or indirectly, interested in any brewery, winery, distillery, rectifying and blending plant, or wholesaling or importing interests of any kind whatsoever outside of the State.

Use of signs.

No interest in the retailing of alcoholic beverages shall be deemed to exist by reason of the ownership, delivery or loan of interior signs designed for and exclusively used for advertising the product of or product offered for sale by such brewery, winery, distillery or rectifying and blending plant or wholesaler.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 226

AN ACT to provide for the retirement on pension of municipal recorders, and amending sections 43:12–50 and 43:12–51 of the Revised Statutes.

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

Section amended.

1. Section 43:12–50 of the Revised Statutes is hereby amended to read as follows:

Retirement of municipal recorder.

43:12–50. A recorder in any municipality who shall have been for twenty-five years in public office or position in the municipality and reached the age of sixty years may, upon his own request, be retired from service by the body, board, or officer having power to appoint his successor in case of vacancy.

Section amended.

Pension.

2. Section 43:12–51 of the Revised Statutes is hereby amended to read as follows:

43:12–51. A person so retired shall receive, during his natural life, a pension of such sum as the body or board, by resolution, determines. The pension shall be paid in twelve equal monthly installments.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 227

AN ACT concerning marriages, and amending section 37:1–10 of the Revised Statutes.

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

Section amended.

1. Section 37:1–10 of the Revised Statutes is hereby amended to read as follows:

Marriages lawful until Dec. 1, 1939.

37:1–10. Nothing in this chapter shall be deemed or taken to render any common law or other marriage, otherwise lawful, contracted before December first, nineteen hundred and thirty-nine, invalid by reason of the failure to take out a license as herein provided. But no marriage contracted on and after December first, nineteen hundred and thirty-nine, shall be valid unless the contracting parties shall have obtained a marriage license as required by section 37:1–2 of this Title, and unless, also, the marriage, after license duly issued therefor, shall have been performed by or before any person, religious society, institution or organization authorized by section 37:1–13 of this Title to solemnize marriages; and failure in any case to comply with both prerequisites aforesaid, which shall always be construed as mandatory and not merely directory, shall render the purported marriage absolutely void.

When marriage required.

Ceremony solemnized.

Failure to comply renders marriage void.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 228

AN ACT concerning alcoholic beverages, and amending section 33:1–77 of the Revised Statutes.

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

1. Section 33:1–77 of the Revised Statutes is hereby amended to read as follows: Section amended.

33:1–77. Anyone who sells any alcoholic beverage to a minor shall be guilty of a misdemeanor; *provided, however,* that the establishment of all of the following facts by a person making any such sale shall constitute a defense to any prosecution therefor: (a) that the minor falsely represented in writing that he or she was twenty-one (21) years of age or over, and (b) that the appearance of the minor was such that an ordinary prudent person would believe him or her to be twenty-one (21) years of age or over, and (c) that the sale was made in good faith relying upon such written representation and appearance and in the reasonable belief that the minor was actually twenty-one (21) years of age or over. Selling to minors. Proviso.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 229

AN ACT appropriating moneys for the reimbursement of school districts for the education of crippled children.

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

Appropriation toward crippled school children.

1. There is hereby appropriated eighty-three thousand, nine hundred sixty-six dollars and ninety-five cents ($83,966.95) for the reimbursement of school districts for one-half of the excess cost of educating crippled children within the several districts of the State for the school year ending June thirtieth, one thousand nine hundred and thirty-nine, in accordance with the provisions of sections 18:10–41 and 18:10–49 of the Revised Statutes. The moneys in this item are to be deducted pursuant to Revised Statutes, section 18:10–31. Payments to the several districts shall be made by the State Treasurer upon the warrant of the Commissioner of Education.

Payments.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 230

AN ACT authorizing certain counties to appropriate moneys for the maintenance of charitable hospitals in such counties, and amending section 44:5–16 of the Revised Statutes.

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

1. Section sixteen of chapter five of Title 44 of the Revised Statutes of one thousand nine hundred and thirty-seven is hereby amended to read as follows: Section amended.

44:5–16. Annual appropriations by certain counties for maintenance of charitable hospitals. Any county, other than a county having a population in excess of five hundred thousand, may make annual appropriations not exceeding in the aggregate one-twelfth of one per centum of the total assessed valuations of real and personal property of the county, or a sum of money not in excess of the amount which might be raised at that rate, in the manner in which other appropriations for county purposes are made, for the maintenance of a charitable hospital or hospitals located in the county, the facilities of which are used by the poor or indigent residents of the county, to an amount not exceeding the estimated annual deficit in operating expenses of the hospital, which sum, so appropriated, shall be included in the annual tax levy of the county and collected in the same manner and at the same time as other county taxes. County appropriation for charitable hospitals. Amount.

The amount so appropriated when paid over to a charitable hospital shall be used towards the current maintenance and expense of operation thereof. The appropriation may be made for a specifically named hospital or it may be made generally, and in such case, the board of freeholders may, by resolution, apportion the amount so Use of funds. Specific institution.

appropriated to any such hospital in the manner which in their judgment may be deemed for the best interest of the county, but in no case shall a hospital receive more than the amount of its actual deficit in operating expenses.

Amount limited to deficit.

Examination to determine deficit.

The officials and auditors of the county shall have access at all reasonable times to the books and records of a hospital which shall receive the appropriation or part thereof, for the purpose of ascertaining the deficit in operating expenses and the application of the moneys so appropriated or apportioned and the financial needs or requirements of the hospital.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 231

AN ACT concerning Young Men's Christian Associations, Young Women's Christian Associations, Young Men's Hebrew Associations and Young Women's Hebrew Associations, and amending section 16:19–2 of the Revised Statutes.

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

Section amended.

1. Section 16:19–2 of the Revised Statutes is hereby amended to read as follows:

Certain associations may be incorporated.

16:19–2. Any association enumerated in section 16:19–1 of this Title may, by a majority of the votes cast at a meeting of the association, held in its regular place of meeting and called by them upon ten days' notice in writing set up at such place in plain view, adopt a name, constitution and by-laws, elect a board of directors, not to exceed thirty, and declare themselves incorporated by

such name. A copy of the resolution, with the names of the directors, together with a copy of the official seal of the association, certified, under oath, to be correct by the officers of the meeting or meetings at which such resolution was adopted, directors elected and seal adopted, shall be filed in the office of the clerk of the county in which the association is located, for which service the county clerk shall be entitled to receive the fee provided in section 22:2–19 of the Title Fees and Costs. Thereupon the association shall be a corporation, with all the powers conferred by article one, of chapter one, of this Title (§16:1–1 et seq.). Proceedings to carry out the above.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 232

AN ACT concerning civil service employees in the various counties, municipalities and school districts in the State, and supplementing subtitle three, Title 11, of the Revised Statutes of New Jersey.

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

1. The appointing authority in all counties, municipalities and school districts that have, or shall in the future adopt the provisions contained in subtitle three, Title 11, of the Revised Statutes of New Jersey, shall after consultations with the heads of departments and their principal assistants, prepare regulations regarding holidays, hours of work, attendance and annual sick and special leaves of absence with or without pay or with reduced pay for permanent employees in the classified service of such county, municipality or Schedule of holidays: sick leave.

Proviso: Vacation periods.

school district; *provided, however,* that every permanent employee in the classified service shall be granted at least the following annual leave for vacation purposes with pay in and for each calendar year, except as otherwise herein provided: Up to one year of service, one working day's vacation for each month of service; after one year and up to twenty years of service, twelve working days' vacation; after twenty years of service, sixteen working days' vacation. Where in any calendar year the vacation or any part thereof is not granted by reason of pressure of such county, municipality or school district business, such vacation periods or parts thereof not granted shall accumulate and shall be granted during the next succeeding year only. In determining all vacation leave, the years of service of such employees prior and subsequent to the adoption of this act shall be used.

Accumulated days.

Years of service.

Additional leave for military duty.

2. An employee who is a member of the national guard or naval militia of this State or of the military or naval forces of the United States required to undergo field training therein, shall be entitled to additional leave of absence with pay for the period of such field training.

Sick leave.

3. In the preparation and administration of regulations regarding sick leaves of absence with pay, every employee in the classified service of such county, municipality or school district shall, in addition to his or her annual vacation-leave with pay, be granted sick leave, as hereinafter defined, with pay of not less than one working day for every month of service during the remainder of the first calendar year of service following permanent appointment and in addition fifteen working days in every calendar year thereafter. If any such employee requires none or only a portion of such allowable sick leave for any calendar year, the amount of such leave not taken shall accumulate to his or her credit from year to year and such employee shall be entitled to such accumulated sick leave of absence with pay if and when needed. In computing the accumulation of sick leave, the

Accumulated credit.

Years of service.

years of service of such employee prior and subsequent to the adoption of this act shall be used.

Extending leaves of absence.

4. The appointing authority shall establish regulations extending leaves of absence with pay or with part pay for longer periods to employees disabled either through injury or illness as a result of, or arising from, their respective employment.

Sick leave defined.

5. Sick leave is hereby defined to mean absence from post of duty of an employee because of illness, accident, exposure to contagious disease, attendance upon a member of the employee's immediate family seriously ill requiring the care or attendance of such employee, or absence caused by death in the immediate family of such employee. A certificate of a reputable physician in attendance shall be required as sufficient proof of need of leave of absence of the employee or the need of employee's attendance upon a member of the employee's immediate family. In case of leave of absence due to contagious disease a certificate from the Department of Health shall be required. In case of death in the family of the employee, any reasonable proof required by the department head shall be sufficient.

Certificate of incapacity.

Proviso: Firemen and policemen excepted.

6. *Provided, however,* that nothing herein contained shall be construed to apply to any policemen or firemen or police or fire department in any municipality of this State.

Repealer.

7. 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 18, 1939.

CHAPTER 233

AN ACT concerning civil service employees in the State service, and amending sections 11:14–1 and 11:14–2 of the Revised Statutes.

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

Section amended.

1. Section 11:14–1 of the Revised Statutes is hereby amended to read as follows:

Regulations as to holidays, absence.

11:14–1. The chief examiner and secretary shall, after consultation with the heads of departments and their principal assistants, prepare, and, after approval by the commission, administer regulations regarding holidays, hours of work, attendance and annual, sick and special leaves of absence with or without pay or with reduced pay for permanent employees in the classified service; *provided, however,* that every permanent employee in the classified service shall be granted at least the following annual leave for vacation purposes with pay in and for each calendar year, except as otherwise herein provided: Up to one year of service, one working day's vacation for each month of service; after one year and up to twenty years of service, twelve working days' vacation; after twenty years of service, sixteen working days' vacation. Where in any calendar year the vacation or any part thereof is not granted by reason of pressure of State business, such vacation periods or parts thereof not granted shall accumulate and shall be granted during the next succeeding calendar year only. In determining all vacation leave, the years of service of such employees prior and subsequent to the adoption of this act shall be used.

Proviso: Annual vacation.

Schedule.

Accumulated leave.

Additional leave for military duty.

An employee who is a member of the national guard or naval militia of this State or of the military or naval forces of the United States required to undergo field training therein, shall be entitled

to additional leave of absence with pay for the period of such field training.

2. Section 11:14–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

Regulations covering sick leave.

11:14–2. In the preparation and administration of regulations regarding sick leaves of absence with pay as provided in section 11:14–1 of this Title, every employee in the classified service shall, in addition to his annual vacation leave with pay, be granted sick leave, as hereinafter defined, with pay of not less than one working day for every month of service during the remainder of the first calendar year of service following permanent appointment, and in addition fifteen working days in every calendar year thereafter. If any such employee requires none or only a portion of the allowable sick leave for any calendar year, the amount of such leave not taken shall accumulate to his credit from year to year and such employee shall be entitled to such accumulated sick leave of absence with pay if and when needed. In computing the accumulation of sick leave, the years of service of such employee prior and subsequent to the adoption of this act shall be used.

Accumulated sick leave.

Service counted.

Extending leaves of absence.

The commission shall establish regulations extending leaves of absence with pay or with part pay for longer periods to employees disabled either through injury or illness as a result of, or arising from, their respective employment.

Sick leave defined.

Sick leave is hereby defined to mean absence from post of duty of an employee because of illness, accident, exposure to contagious disease, attendance upon a member of the employee's immediate family seriously ill requiring the care or attendance of such employee, or absence caused by death in the immediate family of said employee. A certificate of a reputable physician in attendance shall be required as sufficient proof of need of leave of absence of the employee or the need of the employee's attendance upon a member of the employee's immediate family. In case of leave of absence due to exposure to contagious disease a

Physician's certificate of incapacity.

In case of death or contagious disease.

certificate from the Department of Health shall be required. In case of death in the family of the employee, any reasonable proof required by the department head shall be sufficient.

Repealer.

3. 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 18, 1939.

CHAPTER 234

AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

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

Ordinance to regulate alcoholic beverages.

1. No regulation concerning the sale, transportation, delivery, serving, mixing, distribution, storing or possession of alcoholic beverages at retail, or the conduct of any business licensed to sell alcoholic beverages at retail, or the nature and condition of the premises upon which the sale of alcoholic beverages at retail may be made, or the retail sale of alcoholic beverages on Sunday, or the fixing of license fees, shall hereafter be adopted by the governing board or body of any municipality except by ordinance; *provided, however,* all such regulations heretofore adopted by the governing board or body of any municipality whether by ordinance or resolution shall continue in full force and effect until repealed, amended or otherwise altered or changed by ordinance.

Proviso.

Sixth class counties excepted.

2. The provisions of this act shall not apply to municipalities situated in counties of the sixth class.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 235

AN ACT concerning alcoholic beverages, and amending section 33:1–10 of the Revised Statutes.

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

1. Section 33:1–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

33:1–10. Class A licenses shall be subdivided and classified as follows: Class A 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 chapter, 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. Plenary brewery; 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 barrels of thirty-one 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 chapter, 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 barrels of thirty-one fluid gallons capacity per annum, five hundred dollars; to so brew not more than one hundred thousand Limited brewery; Output. Fees.

barrels of thirty-one fluid gallons capacity per annum, one thousand dollars; to so brew not more than two hundred thousand barrels of thirty-one fluid gallons capacity per annum, two thousand dollars; to so brew not more than three hundred thousand barrels of thirty-one fluid gallons capacity per annum, three thousand dollars.

Plenary winery;

(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 chapter, 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.

Fee.

The fee for this license shall be five hundred dollars.

Plenary distillery;

(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 chapter, 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.

Fee.

The fee for this license shall be seven thousand five hundred dollars.

Limited distillery;

(3)b. Limited distillery license. The holder of this license shall be entitled, subject to the rules and regulations, to manufacture, to bottle and to sell any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to distribute 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 warehouse these products.

Fee.

The fee for this license shall be one thousand dollars.

(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 chapter, 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 wine gallons per annum, one hundred dollars; to so bottle and rebottle not more than ten thousand wine gallons per annum, two hundred and fifty dollars; to so bottle and rebottle without limit as to amount, five hundred dollars.

Supplementary limited distillery;

Fees.

(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 chapter, 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.

Rectifier and blender;

Fee.

(5). Bonded warehouse bottling license. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by Federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be five hundred dollars. This license shall be issued only to persons holding permits to

Bonded warehouse bottling.

Fee.

operate Internal Revenue bonded warehouses pursuant to the laws of the United States.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 236

AN ACT to amend the title and body of an act entitled "An act to permit the creation, by the governing body of each city of the first class of this State, of a local industrial commission with authority to inquire into, survey and publicize the extent, advantages and utility of the vacant lands owned by the city creating the commission, to acquire, improve and develop the same, and to accomplish by sale, lease and other means the settlement of industrial enterprises thereon; and defining the powers and duties of commissions so created, and of the creating municipalities in connection therewith," approved June twenty-second, one thousand nine hundred and thirty-six, and included in the Revised Statutes as section 40:190–1 to section 40:190–12, inclusive, and to amend sections one, two, three, four and seven of said act set forth in sections 40:190–1, 40:190–2, 40:190–3, 40:190–4 and 40:190–7 of the Revised Statutes, so as to make said act applicable to all cities and not merely to cities of the first class.

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

Title amended.

1. The title of the act, set forth in section 40:190–1 to section 40:190–12, inclusive, of the Revised Statutes, which act is amended by this act, is hereby amended to read as follows:

An act to permit the creation, by the governing body of each city of this State, of a local industrial commission with authority to inquire into, survey and publicize the extent, advantages and utility of the vacant lands owned by the city creating the commission, to acquire, improve and develop the same, and to accomplish by sale, lease and other means the settlement of industrial enterprises thereon; and defining the powers and duties of commissions so created, and of the creating municipalities in connection therewith. New title.

2. Section one of said act as set forth in section 40:190–1 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:190–1. 1. It is hereby found and declared as follows: Declaration:

a. That large quantities of land owned by certain cities of this State have remained vacant and undeveloped for long periods of time. Vacant land;

b. That many of these vacant lands are and for a long time have been suitable for industrial use, and that the use thereof for industrial purposes has been unduly retarded. Suitability;

c. That the inability of the said cities to sell or lease the said lands and to accomplish the settlement of industrial enterprises thereon has been due in part to the lack of facilities to assist industrial concerns to acquire or lease these lands and to erect thereon the buildings required for the industrial use thereof. Certain facilities lacking;

d. That agencies other than those which now exist are necessary to accomplish the settlement of industrial enterprises on these lands, and to overcome the obstacles which now impede such settlement. Agencies needed;

e. That until these lands are put to the productive use to which they are adapted, they constitute an economic liability to the cities in which they are located, and to the inhabitants of these cities. Liability;

f. That the social, economic and general welfare of the inhabitants of these cities and of this State requires that exhaustive study be made of the Welfare requires study;

utility of these lands for private ownership and industrial occupation, and that the advantages thereof be given wide publicity, and that the early productive use and the improvement and development thereof be accomplished.

Means for expansion;

g. That the social, economic and general welfare of the people of these cities, by reason of the concentrated population thereof, requires the immediate exploitation of all reasonable means for the industrial expansion of these cities.

Emergency exists;

h. That an economic emergency exists in these cities and in the State of New Jersey, which is largely contributed to by the high rates of municipal property taxes and by a condition of widespread unemployment.

Use of lands will increase income and afford employment.

i. That the ownership and use of these lands by private industry, and the erection of buildings thereon, will increase the revenues and the amount of taxable ratables of these cities in which they are located, and will afford increased employment and relief from the burdens of taxation to the inhabitants of these cities and of the State of New Jersey.

Section amended.

3. Section two of said act as set forth in section 40:190–2 of the Revised Statutes is hereby amended to read as follows:

Purposes of act.

40:190–2. 2. The purpose of this act is to make provision, through the medium of local industrial commissions, for means to insure adequate study of and publicity for the extent, advantages and utility of the vacant lands owned by the cities of this State; to overcome the obstacles which impede the industrial use thereof; to provide methods for the sale or lease thereof to industrial establishments and, where necessary to induce such sale or lease or the industrial settlement thereof, to provide for the erection of buildings thereon; to provide relief from excessive property taxes in cities through revenues to be derived from the industrial use of vacant lands owned by these cities, and by the ultimate placement thereof among the taxable ratables of the cities; to relieve unemployment by providing a program of industrial build-

ing construction and by inducing industrial establishments to settle on the vacant lands owned by cities; and to promote the social, economic and general welfare of the cities and inhabitants of cities and of this State. The purposes recited are hereby declared to be public purposes.

Section amended.

4. Section three of said act as set forth in section 40:190–3 of the Revised Statutes is hereby amended to read as follows:

Meaning of terms:

40:190–3. 3. The following terms, whenever used or referred to in this act, shall have the following meanings, unless a different meaning clearly appears from the context:

Commission;

A. The term "commission," when used alone, shall mean an industrial commission created by the governing body of a city of the State of New Jersey, pursuant to the provisions of this act.

City;

B. The term "city," when used alone and without qualifying terms, shall mean a municipality by the authority of whose governing body an industrial commission shall have been created, pursuant to the provisions of this act.

Vacant land;

C. The term "vacant land" shall mean land within the corporate limits of and owned by a "city," as defined above, whether acquired before or after the passage of this act, on which no permanent building shall have been erected by the "city," and irrespective of the extent of improvements (such as water, gas and electric, sewer, drainage or similar service) which may exist with reference thereto. It shall not include property of a city which is or has been devoted to governmental purposes. In cities where zoning ordinances are in force, the term shall not include land lying outside of industrial zones.

Exceptions;

Member;

D. The term "member" shall mean a member of a commission as above defined.

Terms.

E. The term "terms" shall include price, method and type of payment, and all the conditions and provisions of a contract.

Section amended.

5. Section four of said act as set forth in section 40:190–4 of the Revised Statutes is hereby amended to read as follows:

Local commission created.

40:190–4. 4. The governing body of each city of this State is hereby authorized to create, by resolution, a local industrial commission, to be known as the "industrial commission of the city of (here name the city)."

Section amended.

6. Section seven of said act as set forth in section 40:190–7 of the Revised Statutes is hereby amended to read as follows:

Sources of assistants;

40:190–7. 7. a. In so far as may be practicable, the employees and assistants required by the commission shall be recruited from the public officers and employees of the city served by the commission. The city engineer shall be the engineer of the commission; the city corporation counsel or attorney for the city shall be counsel to the commission; and the several departments of the city's government shall be available to the commission for the purposes of the commission's business. City employees serving the commission shall do so without compensation other than their regular compensation as employees of the city. The commission shall, from time to time, make known to the mayor of the city served by it, its wants in the nature of services by employees of the city, and the mayor shall designate which of the city's employees shall render such services.

Wants made known;

Additional help and pay;

b. To the extent that the commission shall deem it necessary to carry on its functions, and to the extent that it shall consider the services of existing employees of the city insufficient for its purposes, it may employ such additional employees or services and at such compensation as shall be determined by resolution of its board of governors.

Laws and rules governing;

c. The civil service laws, rules and regulations of the State, applicable to the city served by the commission, shall govern the appointment of employees of the commission. Such laws, rules and regulations shall not be deemed to prevent the use of services of existing city employees, without

extra compensation therefor, nor shall the use of such services operate to enlarge or diminish the civil service rights or status of the city employee rendering the same.

Office. d. The commission shall have and maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the board of governors of the commission shall determine. If practicable, existing office facilities of the city served by the commission shall be used by the commission, without charge by the city, and the office and similar equipment of the city shall, wherever possible, be used by and be made available for the use of the commission, without charge.

Records.

Present facilities used.

7. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 237

AN ACT concerning district courts, and amending ing section 2:8–23 of the Revised Statutes.

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

Section amended. 1. Section 2:8–23 of the Revised Statutes is hereby amended to read as follows:

Salaries of district court clerks: 2:8–23. The annual salaries of the clerks of the district courts, which shall be in lieu of all fees whatsoever, shall be as follows:

In first class counties; a. In counties of the first class:

(1) In cities having two hundred thousand or more inhabitants, not less than three thousand nor more than four thousand dollars;

(2) In cities having between two hundred thousand and thirty-five thousand inhabitants, not less than two thousand eight hundred nor more than three thousand five hundred dollars;

(3) In cities having between thirty-five thousand and twenty thousand inhabitants, not less than one thousand eight hundred nor more than two thousand five hundred dollars;

(4) In judicial districts having more than fifty-five thousand inhabitants, not less than two thousand eight hundred nor more than three thousand five hundred dollars;

(5) In judicial districts having less than fifty-five thousand inhabitants, not less than one thousand five hundred nor more than two thousand five hundred dollars.

In other counties;

b. In counties other than counties of the first class and counties having between two hundred thousand and five hundred thousand inhabitants:

(1) In cities having two hundred thousand or more inhabitants, three thousand three hundred dollars;

(2) In cities having between two hundred thousand and fifty-five thousand inhabitants, three thousand dollars;

(3) In cities having between fifty-five thousand and twenty-five thousand inhabitants, two thousand four hundred dollars;

(4) In cities having between twenty-five thousand and twenty-three thousand inhabitants, one thousand eight hundred dollars;

(5) In cities having between twenty-three thousand and seventeen thousand inhabitants, one thousand five hundred dollars;

(6) In cities of the fourth class situate on the Atlantic ocean and having more than fifty thousand inhabitants, three thousand dollars;

(7) In judicial districts having one hundred thousand or more inhabitants, two thousand eight hundred dollars;

(8) In judicial districts having between one hundred thousand and forty-five thousand inhabitants, two thousand five hundred dollars;

(9) In judicial districts having a population of forty-five thousand or less, one thousand five hundred dollars.

In certain counties.

c. In counties having between two hundred thousand and five hundred thousand inhabitants:

(1) In judicial districts having less than forty-five thousand inhabitants, not less than one thousand eight hundred nor more than two thousand three hundred dollars;

(2) In judicial districts having between forty-five thousand and eighty thousand inhabitants, not less than two thousand five hundred nor more than three thousand dollars;

(3) In judicial districts having eighty thousand or more inhabitants, not less than three thousand nor more than three thousand five hundred dollars.

Salary fixed by judge.

Except as provided by section 2:8–30 of this Title, the amount of the salary to be paid to each clerk of a district court shall, between the minimum and maximum amounts prescribed by this section, be fixed by the judge of the district court to which the clerk is or may be appointed, at any time during the term of office of such clerk.

How paid.

The salaries of the clerks of the district courts shall be paid by the cities in which such courts are or may be established, and by the county treasurer of the counties in which a judicial district has been or may be incorporated, in semi-monthly installments, to be computed from the date of the appointment of such clerks, or their increase in salary, if any.

Dual service.

This section shall not affect the salaries of clerks of district courts in judicial districts where the clerk is serving in the dual capacity of district court clerk and county clerk.

Repealer.

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

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 238

AN ACT vesting the title to real estate of which Mary A. Hartman died seized, and which is alleged to have escheated to the State of New Jersey in the year one thousand nine hundred seventeen, in Charles A. Brown.

Preamble.

WHEREAS, Mary A. Hartman, late of the township of Wall, county of Monmouth and State of New Jersey, departed this life on the second day of February, one thousand nine hundred seventeen, seized of all those certain lots, tracts or parcels of land and premises situate in the township of Wall, county of Monmouth and State of New Jersey, described as follows:

Property.

Known and described as lots numbers fifty-one and fifty-two (Lots Nos. 51 and 52), as shown on map or plan entitled "Property of Frank White, West Belmar, Monmouth County, N. J.," surveyed by William Segoine, bounded and described as follows, to wit:

Description of land in question.

Beginning at a point in the east line of "J" street, distant five hundred (500) feet north from the north line of road leading from New Bedford to the sea and extending from thence (1) easterly, at right angles to said "J" street and parallel with said public road along the north line of lot No. 50, as shown on aforesaid map, one hundred fifty (150) feet to a point; thence (2) north, at a right angle to last mentioned course and parallel with said "J" street,

one hundred (100) feet to the south line of lot No. 53, as shown on aforesaid map; thence (3) west, along the said south line of lot No. 53, one hundred fifty (150) feet to the said east line of "J" street; and thence (4) south, along said east line of "J" street, one hundred (100) feet to the point or place of beginning; and

Preamble.

WHEREAS, The said Mary A. Hartman left no person or persons capable of inheriting the said lands and premises; 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:*

Property vested in Charles A. Brown.

1. All the estate, right, title and interest of every kind and character of which it is alleged the State of New Jersey is seized in and to certain real estate heretofore belonging to Mary A. Hartman, more particularly described in the first preamble to this act, are hereby vested in Charles A. Brown; such title so as aforesaid vested under the provisions of this act is validated and confirmed.

Private act.

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

Approved July 18, 1939.

CHAPTER 239

AN ACT concerning the practice of architecture, and amending sections 45:3–3, 45:3–4, 45:3–5, 45:3–6 and 45:3–7 of the Revised Statutes.

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

Section amended.

1. Section 45:3–3 of the Revised Statutes is amended to read as follows:

Rules. Seal. Records. Examinations. Compensation and expenses of members of board.

45:3–3. The board may adopt all necessary rules, regulations and by-laws to govern its proceedings, not inconsistent with the laws of this State or of the United States; and may adopt a seal, of which the secretary shall have the care and custody. The secretary shall keep a record of all proceedings of the board, which shall be open to public examination. The board may also adopt rules and regulations for the examination and registration of applicants desiring to practice architecture in accordance with the provisions of this chapter, and may amend, modify and repeal such regulations from time to time. Each member of the board shall receive as compensation five dollars for each day that he attends a session of the board and shall also be paid his actual traveling and necessary expenses in and about the business of the board, but in no case shall the expenses of the board exceed the receipts thereof.

Section amended.

2. Section 45:3–4 of the Revised Statutes is amended to read as follows:

Address of officers.

45:3–4. The board shall, immediately upon the election of each officer thereof, file with the Secretary of State the name and post-office address of each such officers.

Section amended.

3. Section 45:3–5 of the Revised Statutes is amended to read as follows:

Application for license. Semi-annual examinations.

45:3–5. A person shall, before entering the practice of architecture in this State, first apply to the board for a license. Provision shall be made by

the board for holding examinations at least twice a year, if there are applicants for registration to practice said profession. Applicants for examination shall, at least ten days before an examination, present to the secretary of the board a written application on forms provided by the board, indorsed by two registered architects of good standing, one of whom must be a resident of this State, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, is a citizen of the United States, has obtained a certificate or diploma issued after at least four years of study in an approved high school of this State or in a legally constituted academy, seminary or institute of equal grade or has received an academic education considered and accepted by the commissioner of education as fully equivalent, has taken a full course in architecture in a university or technical school approved by the board and in addition thereto has studied not less than three years in the office of a reputable architect. The applicant shall pay to the secretary of the board a fee of five dollars for examination.

Form submitted.

Indorsement.

Qualifications.

Fee.

4. Section 45:3–6 of the Revised Statutes is amended to read as follows:

Section amended.

45:3–6. If the examination of an applicant for registration shall be satisfactory to the majority of the board, a certificate shall be issued to said applicant, upon the payment of an additional fee of fifteen dollars to the board, authorizing him to practice the profession of architecture. Any person who shall present to the board a certificate from a similarly constituted board of another State, with such other satisfactory evidence of competency as the board in its discretion may require, where the qualifications required in such State are substantially equal to those required in this State, shall be entitled to receive such certificate upon the payment to the board of such fee of fifteen dollars. Each person licensed shall cause such license to be recorded in the office of the Secretary of State.

License granted.

Fee.

Applicant from another state.

Fee.

License recorded.

Section amended.

5. Section 45:3–7 of the Revised Statutes is amended to read as follows:

Annual license fee by licensee.

45:3–7. Each licensee shall, during the month of July in each year, pay to the board a fee of eight dollars or forfeit his certificate. Notice of the failure to pay such annual registration fee shall be given to any person so failing, which notice shall state that, upon the continued failure to pay such fee, the certificate issued to such person will be declared forfeited by the board at the time and place stated therein unless such fee is sooner paid.

Reissue.

The board may make rules and regulations regarding the reissue of a certificate to any person whose certificate has been forfeited under this section, and fixing the fee to be paid for the reissue of said certificate.

6. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 240

AN ACT relating to the merger and consolidation of charitable corporations conducting their activities in the same county, prescribing the procedure to be followed and the effect of such merger, and supplementing chapter two of Title 15 of the Revised Statutes by adding new sections thereto.

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

Five new sections added.

1. That there be added sections five, six, seven, eight and nine to chapter two, Title 15. of the Revised Statutes, as herein provided:

Merger of charitable corporations.

15:2–5. Merger of charitable corporations conducting their activities in the same county. Any two or more corporations not for pecuniary profit

organized under this Title or any other law of this State for the purpose of extending charitable and benevolent relief and assistance to their members and to others, and all conducting their activities and having their main offices or principal places or homes for charitable relief in the same county, may merge one or more of the corporations into another of them as hereinafter provided.

Agreement of merged boards.

15:2-6. Merger; agreement. The respective boards of trustees of the corporations may, by vote of two-thirds of all the members of each board, make or authorize to be made between the corporations a written agreement in duplicate under their respective seals for the merger of the corporations. A sworn copy of the proceedings of the meetings, made by the secretaries thereof respectively, shall be presumptive evidence of the holding and action of the meetings. The agreement shall specify each corporation to be merged, and the corporation which is to receive into itself the merging corporation or corporations, and shall prescribe the terms and conditions of the merger and the mode of carrying it into effect. The agreement may provide the name to be borne by the receiving corporation, which may be that of any corporation party to the agreement and shall comply with the provisions of the law under which the continuing corporation was organized. The agreement may name the persons who are to constitute the board of trustees of the receiving corporation after the merger shall have been accomplished, or may provide for a meeting of the members to elect a board of trustees, within sixty days after the merger becomes effective, and may make provisions for conducting the affairs of the corporation meanwhile.

Terms of merger.

Duplicate agreements filed.

The merger agreement and sworn copies of the proceedings of the meetings of the respective boards of trustees at which the making of the agreement was authorized shall be submitted in duplicate to the Commissioner of Institutions and Agencies for his approval.

Approval by Commissioner.

15:2–7. Agreement; submission to members; filing. The merger agreement shall, within sixty days after notice to the corporations of its approval by the Commissioner of Institutions and Agencies be submitted to the members having voting rights, of each of the corporations at separate meetings thereof, called upon at least ten days' notice, specifying the time, place, and object thereof, addressed to each member having voting rights, at his last known post-office address and deposited in the post office, postage prepaid. If the agreement so approved by the Commissioner of Institutions and Agencies shall be approved at each of the meetings by vote or ballot of a majority of the members having voting rights, present or represented by proxy and being not less than twenty-five per centum of the whole membership having voting rights, of their respective corporations, it shall thereupon become binding on the corporations. A sworn copy of the proceedings of the meetings of such members, made by the secretaries thereof respectively, shall be presumptive evidence of the holding and action of the meetings.

Approval by merging corporations.

Evidence of action.

Recording agreement of merger.

After such merger agreement shall have been approved by the members having voting rights as aforesaid and thereby become binding upon the respective corporations which are parties thereto, as provided herein, the corporations so merging shall make a certificate containing a duplicate original of said merger agreement, a copy of the written approval of the Commissioner of Institutions and Agencies and a sworn copy of the proceedings of the meetings of members at which the agreement was finally approved, under the respective seals of said corporations and the hands of their respective presidents or vice-presidents and their respective secretaries or treasurers, which certificate shall be proved or acknowledged as required for deeds of real estate and recorded in the office of the clerk of the county where the place of business of the merged corporations is located or its activities conducted, the record being made

in the book provided for the record of certificates of incorporation of corporations organized under the laws of this State; and after being so recorded shall be filed and recorded in the office of the Secretary of State.

When merger in effect.

Upon the filing and recording of the certificate of such merger agreement together with copies of its approval by the Commissioner of Institutions and Agencies and the proceedings of the meetings of the members as herein prescribed, the merger agreement shall take effect according to its terms, and the merger shall thereupon take place as provided in the agreement.

Effect of merger:

15:2–8. Effect of merger. Upon the merger of any corporation into another as herein provided:

Corporate existence;

a. Its corporate existence shall be merged into that of the other corporation, and all its rights, privileges and franchises, and its right, title and interest in and to all its real and personal property, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unmerged existence, shall be deemed fully and finally, and without any right of reversion, transferred to and vested in the corporation into which it has been merged, without further act or deed, and the last mentioned corporation shall have and hold them in its own right as fully as the same were possessed and held by the merged corporation from which it was, by operation of the provisions hereof, transferred;

Rights unimpaired;

b. Its rights, obligations and relations to any person, creditor, inmate of any home conducted by it, trustee or beneficiary of any trust, shall remain unimpaired, and the corporation into which it has been merged shall, by the merger, succeed to all the relations, obligations, trusts and liabilities, and shall execute and perform all the trusts in the same manner as though it had itself assumed the relation or trust, or incurred the obligation or liability. Its liabilities and obligations to creditors existing for any cause shall not be im-

Liabilities;

paired by the merger, nor shall any obligation or liability of any member in any corporation which is a party to the merger be affected by the merger, but such obligations and liabilities shall continue as fully and to the same extent as they existed before the merger;

Legal proceedings not affected.

c. Any pending action or other judicial proceeding to which a corporation that shall be so merged is a party shall not be deemed to have abated or to have been discontinued by reason of the merger, but may be prosecuted to final judgment, order or decree in the same manner as if the merger had not been made, or the corporation into which the other corporation has been merged may be substituted as a party to the action or proceeding, and any judgment, order or decree may be rendered for or against it that might have been rendered for or against the other corporation if the merger had not occurred.

Receipt of legacies or devises valid.

15:2–9. Corporate entity continued for purpose of receiving legacy, bequest or devise; title vested in merged corporation. Upon the merger of any charitable corporation into another, its corporate existence shall be continued for the purpose of enabling it to receive any legacy or devise made for its benefit and intended for its use and purpose the same as though the merger had not been effected.

Trustees.

The trustees of the corporation into which the other corporation or corporations shall have been so merged, shall, for that purpose, be the trustees

Vestment.

of each corporation so merged. Immediately upon the receipt of any such legacy or devise, the proceeds thereof and the title to such property shall vest in the corporation into which the other corporations shall have been merged, subject to any trust or other conditions imposed in relation thereto.

Approved July 18, 1939.

CHAPTER 241

AN ACT to amend section 14:14–2 of the Revised Statutes concerning certain conveyances by corporations so as to except from the operation of said section conveyances made to certain institutions to secure loans.

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

1. Section 14:14–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

14:14–2. When any corporation shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, neither the directors nor any officer or agent of the corporation shall sell, convey, assign or transfer any of its real or personal property, choses in action, rights or credits. nor shall they or any of them make any such sale, conveyance, assignment or transfer in contemplation of insolvency. Not dispose of property during insolvency or suspension.

Any such sale, conveyance, assignment or transfer shall be null and void as against creditors, except that a bona fide purchase for a valuable consideration, before the corporation shall have actually suspended its ordinary business, by any person without notice of such insolvency or of the sale being made in contemplation of insolvency, shall not be invalidated or impeached. The provisions of section 14:14–2 shall not apply to any sale, conveyance, assignment or transfer hereafter made to The Reconstruction Finance Corporation, or to any Federal Reserve bank, or to any bank being a member of the Federal Reserve System, or to any other corporation under State or Federal supervision, as security for the repayment with interest of any sum or sums of money to be loaned or advanced to such corporation at or subsequently to the time of the making of such sale, conveyance, assignment or transfer. Disposing of property preceding suspension. Security for repayment.

Approved July 18, 1939.

CHAPTER 242

AN ACT concerning shellfish, and amending section 50:2–5 of the Revised Statutes.

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

Section amended.

1. Section 50:2–5 of the Revised Statutes is amended to read as follows:

Identification button.

50:2–5. Each licensee shall, at all times while engaged in operating under his license wear in a conspicuous place on his outer clothing a button to be furnished by the person issuing the license. The button shall bear a number corresponding to the number of the license delivered to the applicant and any other matter the board determines. Each licensee shall also have the license on his person and shall exhibit it for inspection to any member of the board, any officer or employee thereof or other person requesting to see the same.

License exhibited.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 243

AN ACT to add Route 18 to the State highway system.

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

Route 18 added.

1. The State Highway Commissioner shall, as soon as practicable and in accordance with the procedure set forth in article one, of chapter seven, of Title 27, of the Revised Statutes, add to the present State highway system the following described route:

Route No. 18. Beginning at Old Bridge and extending from thence to Route No. 35 in the vicinity of Eatontown. Route defined.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 244

AN ACT to annex to the borough of Matawan, in the county of Monmouth, a part of the township of Madison, in the county of Middlesex, and to change the boundaries between said counties to give effect thereto.

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

1. All that part of the township of Madison, in the county of Middlesex, and bounded as follows: Portion of Madison twp. added to Matawan.

Beginning at a concrete monument set by A. T. McMichael, surveyor, November, 1938, on the north side of Lakeside drive as shown on a map entitled Revised Map of Lakeside Heights, now known as Lake Lefferts Estates, situated part in Matawan borough, Monmouth county, and part in Madison township, Middlesex county, N. J., made January, 1936, by Richard Heuser, C. E., resurveyed and redrawn by A. T. McMichael, civil engr. & surveyor, P. O. Building, South Amboy, N. J., June, 1938, said maps being filed in offices of clerks of Monmouth and Middlesex counties. Said beginning monument is distant on a course of south 59 degrees 10 minutes west 195.15 feet from the prolongation of Weldon road; thence, as the needle of the above McMichael pointed January, 1936, (1) north 04 degrees 34 minutes west 544.00 feet to a concrete monument, the first course herein runs parallel with and is distant westerly 175 feet from Description of transferred area.

the westerly side of the said Weldon road measured at right angles to the said road; thence (2) north 13 degrees 34 minutes east 360.05 feet to a point on the north side of Elizabeth avenue; thence (3) north 59 degrees 10 minutes east 530.00 feet, more or less, to the dividing line between Monmouth and Middlesex counties; thence (4) beginning again at the above beginning monument, south 30 degrees 50 minutes east 345.00 feet, more or less, to the above mentioned county line; thence (5) northeasterly along the same to the end of the third course herein, containing 9.283 acres, more or less, and being that part of the premises conveyed by Floyd T. Taylor to Anita G. Taylor by deed dated April 4, 1938, and recorded in the office of the clerk of Middlesex county, which is situated in the township of Madison in the county of Middlesex, is hereby set off from the township of Madison, in the county of Middlesex, annexed to, and made a part of, the borough of Matawan, in the county of Monmouth, and shall be governed by the laws of this State relating to boroughs.

Part of Middlesex county annexed to Monmouth county.

2. The boundary line between the county of Middlesex and the county of Monmouth at this place be, and the same hereby is, made and established as courses one (1), two (2), three (3), and four (4) of the description set forth in section one (1) of this act so as to give effect hereto.

Courses of changed boundary between counties.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 245

AN ACT concerning the care, maintenance, supervision and guardianship of dependent and neglected children, promoting home life therefor, providing penalties for violation thereof, and amending section 30:5–4 of the Revised Statutes.

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

1. Section 30:5–4 of the Revised Statutes is hereby amended to read as follows: Section amended.

30:5–4. The State Board of Children's Guardians shall be empowered to enact such reasonable rules and regulations as are consistent herewith, for the purpose of carrying into effect the meaning of this chapter. Rules and regulations.

All oaths, affirmations and affidavits required to be made or taken as to applications for assistance under the provisions of this chapter, or as may be required to be made or taken to establish continuing eligibility for such assistance, may be made or taken by any and all regular employees of the State Board of Children's Guardians, excepting those employees serving in a clerical capacity only; *provided, however,* that there shall be stated in the jurat the capacity in which the person making or taking the oath, affirmation or affidavit is employed. Such oaths, affirmations and affidavits, as made or taken by such employees, shall be without fee or expense and shall have the same force and effect in law as if made or taken by a notary public. By whom oaths, etc., taken. Proviso. No charges.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 246

AN ACT concerning the State forest fire service and amending section 13:9–23 of the Revised Statutes.

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

Section amended.

1. Section 13:9–23 of the Revised Statutes is hereby amended to read as follows:

Preventing fire hazard in woods.

13:9–23. The owner or lessee of any woodlands, any contractor or employee with authority of the owner of, or any person doing public work in or upon, such woodlands, who shall permit or suffer the accumulation of brush or tree tops, or any litter from felled trees, to lie or be upon such woodlands to such an extent or in such manner as to facilitate either the origin or spread of forest fires, or who shall establish or permit any dump or area for the disposal of waste, rubbish, or debris of any nature, the maintenance. use or disposal of which will facilitate either the origin or spread of forest fires, shall be deemed thereby to have created an extraordinary fire hazard, and to have made and maintained a public nuisance.

Approved July 18, 1939.

CHAPTER 247

AN ACT concerning the Court of Chancery, and amending section 2:65–28 of the Revised Statutes.

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

1. Section 2:65–28 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:65–28. The sheriff or other officer to whom a writ of fieri facias mentioned in section 2:65–27 of this Title shall be directed and delivered shall make sale pursuant to the command of such writ, and shall make and execute a deed or deeds for the premises sold, as the case may require; but no greater estate in the premises sold shall, at any time, be granted to a purchaser than would have been vested in the mortgagee had the equity of redemption been duly foreclosed. Premises sold by sheriff limited to mortgaged portion.

The moneys arising from a sale pursuant to this section shall be applied to pay off and discharge the moneys decreed to be paid, and the remainder, if any, and if the person or persons entitled to receive it shall be absent from the State, may be invested at interest, on such security as the Court of Chancery shall think proper to order; and the same shall be delivered or paid to the person or persons entitled to receive it, upon his or their application to the court therefor. Any person entitled to the remainder or surplus of moneys arising from such sale where the amount does not exceed one hundred dollars may, by verified petition, apply for such remainder or surplus, and all charges in connection with such petition shall not exceed the sum of five dollars. Use of proceeds from sale. Application for surplus. Charges limited.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 248

AN ACT concerning health, morals and welfare of the public, the control of Marihuana weed and making an appropriation for the enforcement thereof.

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

Alleged growth of Marihuana reported to health department.

1. In order to protect the health, morals and welfare of the State of New Jersey whenever the prosecutor of the pleas of any county of the State of New Jersey receives information that wild, cultivated or hidden growth or beds of alleged Marihuana weed are located anywhere within his county, he shall immediately communicate such information to the State Department of Health, and the State Department of Health upon receipt of such information shall immediately dispatch one of its agents to said location who shall make an examination and determination of the alleged Marihuana weed so as to determine the existence or nonexistence of Marihuana weed at said location and the State Department of Health shall immediately communicate by writing its determination to the aforesaid prosecutor of pleas.

Examination by authorized agent.

Prosecutor advised.

Destruction of weed.

2. Upon certification by State Department of Health of the existence of Marihuana weed at the location examined by the State Department of Health, then the prosecutor of pleas is hereby empowered to dispatch one of his agents to the location so certified and said agent shall destroy said Marihuana weed and said prosecutor of pleas or his agent shall not be civilly responsible in any manner whatsoever for destruction of said Marihuana weed.

Appropriation.

3. For the purpose of the enforcement of this act, the sum of twenty-five hundred dollars

($2,500.00) is hereby appropriated from general treasury funds to the State Department of Health.

4. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 249

AN ACT concerning corporations, and amending sections 14:2–4 and 14:2–5 of the Revised Statutes.

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

1. Section 14:2–4 of the Revised Statutes is hereby amended to read as follows: Section amended.

14:2–4. The certificate shall be signed in person by all the subscribers to the capital stock named therein, be proved or acknowledged as required for deeds of real estate, and filed and recorded in the office of the Secretary of State. Certificate signed by incorporators.

The incorporators of such corporation shall forthwith record a certified copy of such certificate of incorporation with the county clerk of the county in which the principal office is located. Certified copy filed with county clerk.

The persons so associating, their successors and assigns, shall, from the date of filing and recording with the Secretary of State, be a body corporate by the name set forth in the certificate, subject to dissolution as hereinafter provided. Body corporate.

The certificate or a copy thereof, duly certified by the Secretary of State, shall be evidence in all courts and places. Copy in evidence.

No certificate of incorporation which does not comply with section 14:2–3 of this Title shall be filed or recorded in any office. Certain compliance required.

Any certificate of incorporation signed by a married woman may be acknowledged or proved in the same manner as the deed of an unmarried woman. As to married woman.

Section amended.

2. Section 14:2–5 of the Revised Statutes is hereby amended to read as follows:

Copy filed with county clerk.

14:2–5. The incorporators of any corporation may, before the payment of any part of its capital record and file with the Secretary of State and record a certified copy thereof with the county clerk of the county in which its original certificate of incorporation was recorded an amended certificate signed by the incorporators named in the original certificate and acknowledged or proved as required for the original certificate, modifying or altering the original certificate of incorporation, in whole or in part.

Amended certificate.

Amended certificate supersedes original.

The amended certificate shall take the place of the original certificate and be deemed to have been filed and recorded on the date of the filing and recording of the original certificate of incorporation with the Secretary of State.

Contents.

No matter not in conformity with the provisions of this Title shall be inserted in the amended certificate.

Fee for filing amended certificate.

For filing such amended certificate of incorporation, the Secretary of State shall charge a fee of twenty dollars, but where the total authorized capital stock of the corporation is increased by such amended certificate the Secretary of State shall charge the prescribed fees for any such increase in stock.

Approved July 18, 1939.

CHAPTER 250

AN ACT relating to the procedure for the punishment of disorderly persons, and amending section 2:206–3 of the Revised Statutes.

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

1. Section 2:206–3 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:206–3. In municipalities having or which may hereafter have a police court, criminal court or recorder's court, all persons arrested for violations of this subtitle shall be taken for a hearing before such court, and no justice of the peace shall have power to hear, try or determine such cases in those municipalities, any law, custom or usage to the contrary notwithstanding. Justices of peace not to act in certain municipalities.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 251

AN ACT relating to the exercise of any testamentary power of sale of real estate by an administrator with the will annexed or by a substituted administrator with the will annexed, and to amend sections 3:17–10, 3:17–11 and 3:17–13 of the Revised Statutes.

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

1. Section 3:17–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

3:17–10. When a will authorizes or directs real estate therein mentioned to be sold and fails to name an executor and letters of administration Validity of deed conveying real estate devised by will.

with the will annexed are granted thereon, a deed or conveyance of such real estate, made and delivered by the administrator or administrators with the will annexed or their survivor or survivors pursuant to a power or direction in the will, and whether or not there be a devise of such real estate by said will, shall be as valid and effectual as if made and delivered by any executor or executors who might have been named in such will.

Section amended.

2. Section 3:17–11 of the Revised Statutes is hereby amended to read as follows:

Transfer of real estate of an estate.

3:17–11. An administrator or administrators with the will annexed, and the survivors or survivor of them, shall have the same powers and authority with respect to the sale of real estate of the testator as were given to, or vested in, the executor or executors named in the will, whether or not such powers and authority constitute a naked power to sell real estate or a special continuing trust, and the discharge of the duties of such trust involves the exercise by the executor or executors of a discretion either in point of time or method, and whether or not there be a devise of said real estate to the executor or to any other person, in trust or otherwise, unless the will provides by express provision that in case of any contingency some person or persons other than the person or persons named as executor or executors shall exercise such powers and authority.

Section amended.

3. Section 3:17–13 of the Revised Statutes is hereby amended to read as follows:

Power of substitute to carry out will.

3:17–13. In case of the death or incapacity of the executor or executors named in the will, or of the administrator or administrators with the will annexed appointed in his or their stead, before the complete execution of a special trust declared and vested in the executor or executors by the will, the same powers and authority with respect to the sale of the testator's real estate shall vest in a duly appointed substituted administrator or administrators with the will annexed, and the survivor or survivors of them, as were vested in the executor

or executors named in the will, and such substituted administrator or administrators with the will annexed, and the survivor or survivors of them, shall have and may exercise all the power, with respect to the sale of real estate of the testator, that the original executor or executors had, either as executors or trustees, under the will, and whether or not there be a devise of said real estate to the executor or to any other person, in trust or otherwise, except where the will expressly confides the exercise of such power of sale to some person or persons named therein other than the executor or executors of the will.

4. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 252

AN ACT to prohibit the use of any light in hunting game other than raccoon, and amending section 23:4–16 of the Revised Statutes.

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

1. 23:4–16 of the Revised Statutes is hereby amended to read as follows: Section amended.

23:4–16. No person, either while in an automobile or vehicle of any kind whatsoever, or by the aid or use of a light carried on or attached to a vehicle of any kind, shall hunt for, pursue, shoot, shoot at, kill, capture, injure or destroy a bird or animal in this State, and no person shall use any portable light or lights for the purpose of hunting for any game bird or animal excepting raccoon, and no person shall, for the purpose of hunting, taking or killing any bird or animal, discharge any firearm upon or across any State or county highway, under a penalty of twenty dollars for each offense. Hunting in vehicle prohibited. Penalty.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 253

AN ACT concerning the operation of radio stations and municipal convention halls in certain municipalities, and amending sections 40:62–28 and 40:62–31 of the Revised Statutes.

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

Section amended.

1. Section 40:62–28 of the Revised Statutes is hereby amended to read as follows:

Receipts kept in separate fund.

40:62–28. The ordinance shall provide that all income from such station or hall, or both, shall be placed in a separate fund under the joint control of the management of the station or hall, or both, and the director in charge of such department or departments, the treasurer of such municipality and such other municipal officer or officers as the ordinance may designate.

Section amended.

2. Section 40:62–31 of the Revised Statutes is hereby amended to read as follows:

System of accounting.

40:62–31. A complete system of accounts covering all income and all expenditures shall be maintained by the authority operating the station or hall and shall be audited quarterly by the comptroller of the municipality.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 254

AN ACT regulating tourist camps, trailer camps and over-night lodging places, providing penalties for violation hereof.

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

Register of guests at touring camps kept.

1. Any person, copartnership, firm, association or corporation engaged in the business of conducting a tourist camp, tourist cabin, trailer camp, tourist home, rooming house, inn or hotel where sleeping accommodations are furnished for pay to tourists, transients or travelers whether meals are served therein or not to such tourists, transients or travelers, and any person, copartnership, firm, association or corporation who may hereafter engage in such business as enumerated above, shall keep and maintain or cause to be kept and maintained therein, a register in which shall be inscribed the true name and address of each and every guest renting or occupying camp space, room, cabin or tent. Such register shall be signed by the person renting such camp space, room, cabin or tent or by someone under his or her direction. The proprietor or his agent shall write opposite each name the number of room, number or name of cabin or tent or camp space assigned to and occupied by each such guest, and the State license number of any motor vehicle then being used or operated by the registrant. The proprietor or his agent shall keep and preserve the record showing the date of registration and date when the occupant of each room, camp space, cabin or tent quits and surrendered the same. Said register shall be available to all duly authorized peace officers upon request.

Register signed.

Details given.

Records preserved.

Official inspection of premises.

2. It shall be the duty of the sheriff or his deputies, any member of an organized police department and any member of the State Police, in whose juris-

diction any of the above-mentioned places may be located, to inspect such place from time to time at any hour of the day or night, to see that the provisions of this act are being complied with.

Hotels excepted.

3. Nothing in this act shall be construed in any way to apply to any duly licensed hotel having more than ten sleeping rooms for guests.

Penalty for violations.

4. Any person, copartnership, firm, association or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined one hundred dollars ($100.00), or be imprisoned in the county jail not to exceed thirty (30) days, or both.

5. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 255

AN ACT concerning building and loan associations, and amending section 17:12–106 of the Revised Statutes.

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

Section amended.

1. Section 17:12–106 of the Revised Statutes is hereby amended to read as follows:

Reorganizing associations:

17:12–106. A reorganization of any such building and loan association effected in pursuance of the provisions of this article shall be made in the following manner:

Plan adopted;

The board of directors of such association may, at a meeting called for that purpose, adopt a plan

Copies.

of reorganization of such association. Two copies of such plan, signed and acknowledged or proved as in the case of deeds to real property, shall be

Examination of plan.

submitted to the commissioner. If it shall appear to the satisfaction of the commissioner, as a result

of an examination or otherwise, that the share liability, creditor obligations, and liability for unpaid taxes of any such association exceeds the fair value of its assets, or if it shall appear to the commissioner that the condition of such association is unsound by reason of its ownership of real property in an excessive amount in proportion to its other assets, or that the aggregate amount of defaulted mortgages held by such association is excessive, and if, in the opinion of the commissioner the plan of reorganization so submitted to him will remedy the situation so found by him to affect such association, or that its adoption will further the interests and will be beneficial to the members and creditors of such association and to the community in which it is located, he shall indorse his approval thereon. One copy, so indorsed, shall be filed in the department of banking and insurance, and the other shall be returned by the commissioner to such association. After such approval, the proposed plan shall be submitted to the members of such association at an annual meeting, or at a special meeting called for the purpose of considering and voting upon such plan. At any such meeting, members may vote in person or by proxy. At least ten days' notice of such meeting shall be given members by mail. A copy of such notice shall at least ten days before such meeting, be published once in a newspaper published in the municipality in which such association has its principal office, and if there shall be no such newspaper, then in one published in the county wherein such principal office is located. If, at such meeting, or any adjournment thereof, a majority of the votes cast are in favor of such plan, a certificate thereof shall be made, signed by the president, or vice president, and secretary or treasurer of such association, and acknowledged or proved as in the case of deeds to real property, and shall be filed in the office of the department of banking and insurance, and thereafter the association may proceed to reorganize in accordance with the provisions of such plan.

Adoption by commissioner.

Indorsed copy filed in department.

Plan submitted to members.

Notice of meeting.

Adoption of plan.

Assenters.

Dissenters.

Grounds of dissent.

Petition filed.

Hearing.

Order.

Plan binding.

In case of disapproval.

Power to reorganize.

Appeal to court.

All members of such association who shall not have dissented from such reorganization plan in the manner provided by this article, shall be conclusively deemed to have assented thereto. Any member who shall dissent from the proposed plan, shall file a petition of dissent, in writing, in the Court of Chancery, in a cause to be entitled "In the matter of the reorganization of ..... building and loan association," the blank to be supplied with the name of such association. Such petition shall set forth the grounds upon which such member dissents from such plan, and shall be filed in such court at least five days before the day appointed for the meeting of members called to consider and vote upon such plan. No such petition shall be filed unless it shall have indorsed thereon proof of service of a copy thereof upon such association. Upon the filing of such petition, the court shall hear and dispose of the matter summarily, and, if satisfied that the plan is equitable and fair, shall make an order approving the said plan, and dismissing such petition. Upon the making of such order, the proposed plan shall be binding upon such dissenting member in the manner as if such member had filed no dissent thereto. In the event that such court shall find that the said plan is unfair or inequitable, it shall make an order disapproving such plan, and thereafter such association shall not proceed to reorganize in the manner set forth in such plan, until the further order of such court, or until such order is modified or vacated. No order disapproving any such plan shall be construed as in anywise limiting the power of such association to reorganize in pursuance of the terms of a further or modified plan, in which event all the provisions of this article shall attach and be effective in the same manner as if any prior plan or plans had not been disapproved by such court.

All persons aggrieved by any order of the Court of Chancery made pursuant to the provision of this article may appeal therefrom to the Court of

Errors and Appeals. Any such appeal shall be made within twenty days from the filing of the order appealed from. For the purposes of this section, the term "persons aggrieved" shall include any member who shall file a petition of dissent, the association in reorganization, and the commissioner reorganizing an association pursuant to the provisions of section 17:12–113 of this Title. Dissenters.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 256

AN ACT relating to the distribution of the personal property whereof a decedent dies intestate, and amending section 3:5–6 of the Revised Statutes.

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

1. Section 3:5–6 of the Revised Statutes is hereby amended to read as follows: Section amended.

3:5–6. If there be no husband or widow, child or any legal representative of any child, nor a parent, brother or sister, nor a child of a deceased brother or sister, then the surplusage shall be distributed equally to the next of kindred, in equal degree, of or unto the intestate and their legal representatives. Distribution of surplus in intestacy.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 257

AN ACT concerning guardianship of minors and mental incompetents and relating to the use of the income and principal of the estates of such minors and mental incompetents, and amending section 3:21–5 of the Revised Statutes.

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

Section amended.

1. Section 3:21–5 of the Revised Statutes is hereby amended to read as follows:

When income insufficient.

3:21–5. When it shall be made to appear to the Court of Chancery or the court to which the guardian is accountable, upon verified petition of the guardian, that the income of the estate of a minor or mental incompetent is insufficient for his proper support, maintenance or education and he is unable to support himself and has no other proper means therefor, the court may inquire into the circumstances of the case or refer the same to a Master in Chancery for investigation and report.

Use of portion of principal.

Thereupon, if the matters set forth in the petition are found to be true and it would be for the best interests of such minor or mental incompetent, the court may by order authorize the guardian to use so much of the principal of the personal estate as it may deem to be for the best interest of the minor or mental incompetent.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 258

AN ACT concerning municipalities, and repealing section 40:52–3 of the Revised Statutes.

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

1. Section 40:52–3 of the Revised Statutes is hereby repealed. Section repealed.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 259

AN ACT concerning the rate of maintenance of non-indigent patients in State and county institutions, and amending section 30:4–67 of the Revised Statutes.

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

1. Section 30:4–67 of the Revised Statutes is hereby amended to read as follows: Section amended.

30:4–67. The minimum rate of payment for the maintenance of a non-indigent patient shall be fixed by the board of managers or the board of chosen freeholders or committee thereof, and such rate of maintenance established pursuant hereto shall be construed to be a reasonable charge for the patient's care and treatment and for necessaries advanced to the patient and the board or committee aforesaid shall not be limited in the fixing of such rate, heretofore or hereafter to be assessed, by the per capita cost of maintenance at the institution. Charges for maintenance of non-indigent.

Approved July 18, 1939.

CHAPTER 260

AN ACT validating foreclosure of tax sales certificates by municipalities.

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

Validating foreclosure in case of marriage.

1. No final decree heretofore entered in the Court of Chancery of New Jersey in any cause wherein a municipality was complainant shall be invalidated or impaired by reason of having failed to have designated, in any one or more pleadings in the cause, any married woman or the husband of a married woman in the manner provided by section 2:29–35 of the Revised Statutes; *provided, however,* that a subpœna shall have been issued and duly served and it having been stated in the bill of complaint that, notwithstanding diligent inquiry therefor, the Christian name of such married woman or the husband of a married woman could not be ascertained and affidavit of solicitor of or agent of complainant, proving such inquiry was actually made, having been filed in the suit prior to entry of decree pro confesso; *and provided, further,* that the bill of complaint stated that the name of such married woman or the husband of a married woman was fictitious and unknown.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 261

AN ACT concerning health and vital statistics, and supplementing Title 26, chapter two, by adding a new subdivision to be known as subdivision "J" of chapter two, Title 26, of the Revised Statutes.

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

1. Chapter two of Title 26 of the Revised Statutes is hereby supplemented by the addition of a new subdivision to be known as J, which reads as follows: Subdivision J added.

J. INSPECTION OF PUBLIC PLACES

26:2–62. Within the meaning of this act a public place shall be any restaurant, lunchroom, cabin, barroom, hotel or other place where food or drink is offered for sale to the public, and any camp, trailer camp, tourist home or public recreation place or place of business where toilet facilities or water for drinking or culinary purposes may be available for use of the public. What constitutes a public place.

26:2–63. Any toilet, toilet room or washroom maintained in or in connection with any public place shall be kept clean at all times. Sanitation.

26:2–64. Any toilet or receptacle for human excrement at or in connection with any public place shall be constructed and maintained so that flies cannot gain access to the excremental matter contained therein and such excremental matter shall at all times be prevented from flowing over or upon the surface of the ground and shall be prevented from gaining access to any of the waters of this State; *provided, however,* that this section shall not apply to effluent from sewage disposal plants which have been or hereafter may be approved by the State Department of Health. Comfort stations. Proviso.

Potable water.

26:2–65. Any water used or available for use for drinking or culinary purposes or for the cleansing of utensils used in preparing or serving food or drink for public consumption, shall be of a quality safe for such use and shall meet standards of quality fixed by the director of health of the State of New Jersey.

Food.

26:2–66. Food offered for sale or intended for public consumption at any public place shall be protected from flies, dust and dirt.

Towels and drinking vessels.

26:2–67. No common towel and no common drinking utensil shall be permitted at any public place except it be thoroughly cleansed after each use and before used by another person.

Washing facilities.

26:2–68. At any public place at which food or drink is offered for sale or public consumption, adequate washing facilities for thoroughly cleansing utensils used in preparing or serving the same

Cleanliness.

shall be provided and such utensils and the counters, table tops, shelves, boxes, refrigerators and other receptacles in or upon which food or drink is stored, prepared, handled, displayed or served shall be kept clean.

Garbage.

26:2–69. Garbage, including waste vegetable and animal material, which may attract flies, shall not be permitted at or in connection with any public place unless the material is kept covered to prevent access of flies and escape of foul odors.

Drainage.

26:2–70. No dishwater, drainage from plumbing fixtures or other foul or putrescible waste liquids from or produced in connection with any public place shall be permitted to accumulate on the surface of the ground or be disposed of in a manner that will pollute any water supply or create a nuisance.

Vermin.

26:2–71. All public places so far as the same may be practicable, shall be kept free from rats, mice, roaches and other vermin.

Local regulations.

26:2–72. Nothing in this act shall be construed to prohibit or limit the authority otherwise granted by statute to any local board of health to regulate or control places defined in this act.

Penalties.

26:2–73. Any person, corporation or their agents violating any of the provisions of this act, shall be liable to a penalty of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00), and for the second and each subsequent offense to a penalty of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), to be recovered by and in the name of the director of health of the State of New Jersey, or by and in the name of the local board of health.

Disposition of penalties collected.

26:2–74. Any penalty recovered in an action brought under the provisions of this subtitle shall be paid to the plaintiff therein. When the plaintiff is the director of health of the State of New Jersey, the penalty shall be paid by said director into the treasury of the State. When the plaintiff is a local board of health, the penalty shall be paid by the local board into the treasury of the municipality within which the local board has jurisdiction.

Complaints.

26:2–75. Every district court, justice of the peace, and police magistrate is empowered, upon the filing of a complaint in writing by any person authorized by the director of health of the State of New Jersey, or the local board of health, alleging that a violation of any provision of this subtitle has occurred, which complaint may be made upon information and belief, to issue process at the suit of the director of health of the State of New Jersey, or the local board of health, as the case may be, as plaintiff. The process shall be either in the nature of a summons or warrant, which warrant may issue without any order of the court first being obtained against the person 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 entire days. The process shall state what provision of the law is alleged to have been violated by the defendant or defendants. The court, justice or magistrate may, at all times, amend all defects and errors in the complaint and process.

Process.

Warrant.

Return.

Defects.

Serving process.

Any officer authorized by law to serve and execute process in the court in which the proceeding is brought shall serve and execute all process in proceedings for violations of any of the provisions of this subtitle.

Summary hearing.

26:2–76. On the return of process issued pursuant to section 26:2–75 of this subtitle or at any time to which the trial shall be adjourned, the court without the filing of any pleadings shall proceed in a summary manner, without a jury, to hear the testimony and to give judgment for plaintiff for the penalty and costs, or for the defendant.

Judgment.

Settling judgment.

26:2–77. The court shall cause a defendant who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto, to be committed to the county jail for a period not exceeding ten days in the case of a first conviction, and in case of a conviction for a second, subsequent or continuing violation, for a period not exceeding thirty days.

Adjourned hearing.

26:2–78. The district court, justice of the peace or police magistrate may adjourn the hearing from time to time but, unless the first process was a summons, shall detain the defendant in safe custody unless he shall enter into bond to the director of health of the State of New Jersey, or the local board of health, 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 to abide by the judgment of the court. Such bond if forfeited may be prosecuted by the director, or local board of health.

Bail.

Form of judgment.

26:2–79. A judgment for a penalty under section 26:2–73 of this subtitle shall be in the following or similar form:

"State of New Jersey }
} ss.
County of ..... }

Be it remembered that on this ..... day of ..... at ....., in said county, C. D. defendant, was by (the district court of ....., or ..... justice of the peace, or ....., police magistrate, or as the case may be), convicted of violating section ..... of the Revised Statutes of New Jersey, in a summary proceeding at the suit of the director of health of the State of New Jersey, or the local board of health, 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."

Form of conviction.

The conviction shall be signed by the judge of the district court, justice of the peace or 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 to the conviction, beneath the signature of the judge, justice of the peace or police magistrate:

"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, justice or magistrate, 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.

Signing and sealing process.

26:2–80. The clerk of a district court or magistrate's court may sign and seal any process required to be issued under the provisions of this subtitle, except a warrant of commitment.

Costs.

The costs recoverable in any such proceeding shall be the same as costs taxed in the district court.

Execution.

Execution may issue for the collection of a judgment and costs, against the goods and chattels and body of the defendant without any order first obtained for such purpose.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 262

AN ACT making an appropriation to the Interstate Sanitation Commission for salaries, administration and other expenses for the fiscal year ending June thirtieth, one thousand nine hundred and forty.

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

Appropriation to interstate sanitation commission.

1. There is hereby appropriated to the Interstate Sanitation Commission from the general funds of the State the sum of fifteen thousand dollars ($15,000.00), which shall be expended for salaries,

administration and other expenses for the fiscal year ending June thirtieth, one thousand nine hundred and forty.

2. This act shall take effect July first, one thousand nine hundred and thirty-nine. Act effective.

Approved July 18, 1939.

CHAPTER 263

AN ACT concerning settlement and relief of poor; county referendum law, and supplementing chapter four of Title 44 of the Revised Statutes.

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

1. Every county welfare board, operating under chapter four of Title 44 of the Revised Statutes, shall require, as a condition to the admission of any person to the county welfare-house, or as a condition to the granting of permanent out-door support to any poor person, that all or any part of the property, either real or personal, of such person, either presently owned or which may subsequently be acquired, be pledged to said county welfare board as a guaranty for the reimbursement of the cost of the care and maintenance of such person at the county welfare-house or for the permanent out-door support furnished to such person pursuant to the provisions of said chapter, and the total amount of the cost thereof shall become a lien upon any lands owned or to be owned by such person, which lien shall have priority over all unrecorded encumbrances. The county welfare board shall take from each applicant a properly acknowledged agreement to reimburse for all benefits furnished, and pursuant to such agreement said applicant shall assign to the welfare board, as collateral

Beneficiaries to pledge property to welfare board.

Agreement.

New Jersey State Library

security for said benefits, all or any part of his personal property and insurance when the terms of the policy so permit, as the board shall specify.

Release of dower.

The agreement to reimburse shall contain a release of dower or curtesy, as the case may be, of the spouse of the person so benefited, and such release shall be as valid and effectual as if the spouse had joined the applicant in a conveyance of the property to a third person; the maintenance and support furnished shall be good and valuable consideration therefor.

Approved July 18, 1939.

CHAPTER 264

AN ACT to add a new section to Route No. 44T of the State highway system.

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

Route 44T extended.

1. The State Highway Commissioner shall, as soon as practical and in accordance with the procedure set forth in article one of chapter seven of Title 27 of the Revised Statutes, add to the present State highway system the following described route:

ADDITION TO ROUTE NO. 44T

Connecting link.

Beginning at a point where Route No. 47 intersects Route No. 41 and from thence to form a connecting link with Route No. 42.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 265

AN ACT relating to the limitation of school debt and appropriations in school districts within municipalities subject to the provisions of an act entitled "An act concerning the supervision, by the State Department of Local Government, over certain municipalities in the State," approved May fifth, one thousand nine hundred and thirty-eight; and supplementing sections 18:6–50, 18:6–51, 18:6–53, 18:6–61, 18:6–62, 18:7–78, 18:7–79, 18:7–82, 18:7–83, 18:7–85, 18:7–86 and 54:4–45 of the Revised Statutes.

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

School matters:

1. From and after December thirty-first, one thousand nine hundred and thirty-nine, in a municipality subject to the provisions of chapter one hundred twenty-seven of the laws of one thousand nine hundred and thirty-eight:

Determination by board of school estimate;

(a) A board of school estimate shall neither determine nor certify pursuant to sections 18:6–50 or 18:6–51 of the Revised Statutes, nor shall the governing body appropriate or levy pursuant to sections 18:6–53 or 18:6–62 of the Revised Statutes, a greater amount for school district purposes than is permitted under section two of this act.

Amount of school tax;

(b) A school district tax authorized pursuant to sections 18:7–78 or 18:7–79, and certified pursuant to sections 54:4–45, 18:7–82 or 18:7–83 of the Revised Statutes, shall not be greater in amount than is permitted under section two of this act; nor shall the board of education designate, in the notices calling an annual or special meeting pursuant to section

Notice of election;

18:7–78 of the Revised Statutes, a sum or sums not permitted under said section two.

Limited borrowing;

(c) A governing body shall not borrow for school district purposes pursuant to section 18:6–61 of the Revised Statutes except as permitted under section three of this act.

Authorization.

(d) The authorization to borrow for school district purposes pursuant to section 18:7–85 of the Revised Statutes, and a proposal to be submitted to the voters by the board of education pursuant to section 18:7–86 of the Revised Statutes, shall be subject to the provisions of section three of this act.

Amount taxable.

2. Pursuant to subsections (a) and (b) of section one, the total amount to be raised by taxes on real and personal property for school purposes shall not exceed by more than five per centum (5%) such amount for the year next preceding the year in which chapter one hundred twenty-seven of the laws of one thousand nine hundred and thirty-eight takes effect in the municipality; *provided, however,* that in municipalities which are now operating under said chapter the total amount to be raised by taxes on real and personal property for school purposes shall not exceed by more than five per centum (5%) the amount raised for such purposes in the year one thousand nine hundred and thirty-nine.

Proviso.

Construing sections.

This section shall not be construed to authorize an appropriation of less than the full amount required for the payment of debt service; nor to authorize the abrogation of any covenant entered into with bondholders.

Exceeding limitation.

The limitation of this section may be exceeded for the purpose of meeting increased requirements for appropriations (a) made mandatory by law, (b) for judgments, (c) for debt service, and (d) for emergencies. The excess, however, shall not be greater than the extent that the requirements of the total of such appropriations to be made for the year, exceed the total of all such appropriations

Excess.

made for the year next preceding the year that chapter one hundred twenty-seven of the laws of one thousand nine hundred and thirty-eight takes effect in the municipality.

Obligations.

3. Pursuant to subsections (c) and (d) of section one, obligations, bonded or otherwise, shall not be authorized or issued for school district purposes except as permitted by this section.

Power:

This section shall not affect the power:

Issue obligations;

(1) To authorize and issue obligations of a strictly current character.

Funding;

(2) To fund outstanding obligations in accordance with applicable school funding laws.

Compliance with law;

(3) To authorize and issue obligations so as to comply with an order issued in accordance with law, by a board, department, or other agency of the State Government.

Providing relief.

(4) To authorize and issue obligations in accordance with a law providing for the relief of unemployment.

Budgeting.

4. The board of education of a school district wherein the limitations of this act are in operation shall, within twenty days after the request therefor by the Local Government Board, transmit to such board a summary of the proposed school budget and of the school budget of any prior year.

Summary.

The summary shall be in the form prescribed by the Local Government Board, which is hereby authorized to require such summaries and to prescribe their form.

5. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 266

AN ACT appropriating to the State Water Policy Commission from the water supply fund the sum of forty-seven thousand nine hundred dollars ($47,900.00).

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

Appropriations to water policy commission.

1. There is hereby appropriated to the State Water Policy Commission from the water supply fund the sum of forty-seven thousand nine hundred dollars ($47,900.00) for the purpose herein enumerated:

Steam gauging stations	$5,700 00
Elizabeth and Rahway rivers—engineering surveys for flood control	8,000 00
Riparian stream and waterway survey.	15,000 00
North Jersey Water Supply District—completion of engineering survey for interconnection of water supply systems	6,350 00
South Jersey Water Supply District—engineering survey for interconnection of water supply systems	5,000 00
Wallkill river, Pequest river, and other streams, extension of engineering surveys for flood control	4,000 00
Settlement of a $5,938 claim against the State, thus terminating a five-year lease of offices in Newark, approved by the Attorney-General in one thousand nine hundred and thirty and occupied by the State Water Policy Commission until October thirty-first, one thousand nine hundred and thirty-four	3,850 00
Total	$47,900 00

2. This act shall take effect July first, one thousand nine hundred and thirty-nine. Act effective.

Approved July 18, 1939.

CHAPTER 267

AN ACT making appropriations from the State highway fund for the maintenance and operation of the Motor Vehicle Department pursuant to the provisions of section 52:22–20 of the Revised Statutes.

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 highway fund for the several purposes herein specified. Appropriation for motor vehicle department.

MOTOR VEHICLE DEPARTMENT

MOTOR VEHICLE TESTING DIVISION

Replacement and repairs of testing equipment	$8,000.00
Ventilation equipment for testing stations	22,500.00
Electric power service for ventilation equipment for six months to December 31, 1939	2,000.00
Total amount appropriated	$32,500.00

2. The appropriations herein made are for the fiscal year ending December thirty-first, one thousand nine hundred and thirty-nine, and for a period of two months thereafter, to pay obligations incurred during said fiscal year only. Period of appropriation.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 268

A SUPPLEMENT to an act entitled "An act for the creation and establishment of a commission to be known as the 'New Jersey Commission on Tax Law Revision' for the purpose of studying the basic tax proposals confronting our people under the existing public statutes relating to taxation and formulating a comprehensive plan for the revision of said statutes to meet modern needs," as said title was amended, approved April fourth, one thousand nine hundred and thirty-eight, and providing for an appropriation therefor.

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

Commission on tax law continued.

1. The New Jersey Commission on Tax Law Revision, created by chapter ninety-five of the laws of one thousand nine hundred and thirty-eight as amended by chapter four hundred two of the laws of one thousand nine hundred and thirty-eight is hereby continued in office until July first one thousand nine hundred and forty, with all the powers conferred by said chapters, and charged with the duty of carrying into effect the provisions of the act to which this act is a supplement. The commission is directed to report to any regular or special session of the legislatures of one thousand nine hundred and thirty-nine or one thousand nine hundred and forty 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.

Report.

Proposed laws.

Appropriation.

2. For the purpose of carrying into effect this act, there is hereby appropriated the sum of seven thousand five hundred dollars ($7,500.00) or so much thereof as may be necessary.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 269

AN ACT concerning the administration of civil and criminal justice, and amending section 2:6–3 of the Revised Statutes.

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

1. Section 2:6–3 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:6–3. In addition to the judge of the court of common pleas provided for by section 2:6–1 of this Title, the Governor may, whenever, in his judgment, the public interest shall so require, appoint additional judges of the court of common pleas, not to exceed five in any one county, as follows: Number of judges in courts of common pleas:

a. In counties now or hereafter having four hundred thousand or more inhabitants, three additional judges, making four in all in each of such counties. Four judges;

b. In counties now or hereafter having more than two hundred thousand and less than four hundred thousand inhabitants, as ascertained by the Federal census of one thousand nine hundred and thirty, or any subsequent census, an additional judge, making two in all, in each of such counties. Two judges;

c. In counties bordering on the Atlantic ocean and now or hereafter having not less than fifty thousand nor more than one hundred thousand inhabitants, an additional judge, making two in all in each of such counties. In counties along coast.

The appointments authorized by this section shall be made in the manner and for the terms provided by section 2:6–2 of this Title, and the appointees shall receive the salaries provided by section 2:6–16 of this Title. Appointments and salaries.

Fifth class counties.

d. In counties of the fifth class having not less than one hundred and twenty-five thousand nor more than one hundred and fifty thousand inhabitants, an additional judge, making two in all in each of such counties.

2. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 270

AN ACT concerning the purchase, sale and transfer of motor vehicles, requiring the giving of notice to the Commissioner of Motor Vehicles by the holders of liens against motor vehicles upon the satisfaction thereof, and amending sections 39:10–10 and 39:10–11 of the Revised Statutes.

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

Section amended.

1. Section 39:10–10 of the Revised Statutes is hereby amended to read as follows:

Delivery of title papers.

39:10–10. When the contract described in the title papers has been performed by the buyer and title in the motor vehicle described therein is to vest in the buyer, the seller shall deliver to the buyer the title papers thereto executed as provided in this chapter, with proper evidence of satisfaction of the contract. The contract shall contain a provision to this effect. Within a period of five days after the performance of the contract the seller shall file with the commissioner a notice, in such form as he shall prescribe, containing proper evidence of the satisfaction of the contract. The commissioner shall thereupon cause a notation to be made on his records of title of the motor vehicle that the contract has been satisfied. Any person failing to comply with the provisions of this act

Evidence of performance of contract filed.

Penalty.

shall pay a penalty of twenty-five dollars, which may be sued for by the commissioner; the procedure for the collection thereof shall be the same as that set forth in chapter five of this Title.

Section amended.

2. Section 39:10–11 of the Revised Statutes is hereby amended to read as follows:

Title papers submitted to commissioner by buyer.

39:10–11. The purchaser of a motor vehicle in this State, other than a dealer, shall, within five days after its purchase, submit to the commissioner the title papers from the time the motor vehicle was first sold, together with a filing fee of fifty cents. In addition to the filing fee of fifty cents for the filing of title papers and fifty cents for notation of lien or encumbrance on the record of title; within the said five days there shall be paid a fee of twenty-five cents for notation of satisfaction of contract on the record or abstract of title where the motor vehicle is subject to a lien or encumbrance as provided in section 39:10–14. The commissioner shall stamp them, retain and file duplicate original and return originals to the purchaser. If subject to contract, the title papers, with exception of the abstract of contract in case of a sale of a used motor vehicle, shall be returned to the seller in the contract.

Fees.

Return of papers.

Act effective.

3. This act shall take effect August first, one thousand nine hundred and thirty-nine.

Approved July 18, 1939.

CHAPTER 271

AN ACT providing for and regulating tenure of office and service for persons holding secretarial and stenographic positions in the office of the prosecutor of the pleas and the office of county detectives in counties having a population of not less than eighty-two thousand nor more than one hundred and seventy-five thousand.

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

Tenure of certain county clerical workers.

1. All persons holding secretarial and stenographic positions in the office of the prosecutor of the pleas and the office of county detectives in counties having a population of not less than eighty-two thousand nor more than one hundred and seventy-five thousand, who have devoted full time to the duties of their office for five continuous years, shall have and enjoy tenure of office and service.

Permanency of position.

2. No such employee having and enjoying tenure of office and service shall be suspended or discharged nor shall their compensation be decreased, except upon a sworn complaint of inefficiency or misbehavior and after a fair and impartial hearing before the judge of the court of common pleas of such county.

3. This act shall take effect immediately.

Approved July 18, 1939.

CHAPTER 272

AN ACT to appropriate additional moneys for the State Tax Department.

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

1. There is hereby appropriated out of the State fund for expenditure by the State Tax Department for the fiscal year ending on the thirtieth day of June, one thousand nine hundred and forty, and available for expenditure during said fiscal year and for a period of two months thereafter to pay obligations incurred during said fiscal year, the following sums in addition to any sums otherwise appropriated for said period: Salaries for State Tax Department.

Salaries:

a. To continue twenty present employees not otherwise provided for	$34,920 00	
b. For the reinstatement of one Inheritance Tax Investigator whose reinstatement heretofore has not been possible because of lack of sufficient appropriation	2,500 00	
Total salaries		$37,420 00

2. This act shall take effect as of July first, one thousand nine hundred and thirty-nine. Act effective.

Approved July 18, 1939.

CHAPTER 273

AN ACT providing for a further distribution of the Revised Statutes of this State.

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

Distribution of Revised Statutes.

1. The Secretary of State is hereby authorized to deliver to each member of the nineteen hundred and thirty-nine Senate and House of Assembly, who has not previously received the same, a copy of the Revised Statutes of this State.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 274

AN ACT to accord to blind persons the right-of-way, under certain circumstances, in crossing any highway or any intersection thereof.

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

Protecting the blind at crossings.

1. Any blind person using as a guide a curved handle walking cane, white in color, and having a red base of six inches or more wide, shall have the right-of-way in crossing any highway or any intersection thereof, and all drivers of vehicles shall yield the right-of-way to such blind person although traffic on said highway or intersection thereof is controlled by traffic signals, anything in this act to the contrary notwithstanding. This provision shall not apply where traffic is specially directed by a traffic or police officer.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 275

AN ACT concerning disorderly persons, and supplementing chapter two hundred two, of Title 2, of the Revised Statutes of New Jersey.

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

1. Any person, firm or corporation, or any officer, employee or agent thereof, printing for the purposes of sale or distribution, or who circulates, distributes, publishes or offers for sale, any paper or document or any blank form of paper or document, which, when filled out, simulates or is intended to simulate a summons, complaint, writ or court process of any kind, shall be adjudged a disorderly person and shall be punished as provided by section 2:205–1 of this Title. Simulating certain legal papers. Penalty.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 276

AN ACT concerning oaths and affidavits, and supplementing chapter two, of Title 41, of the Revised Statutes.

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

1. County detectives and investigators attached to the office of the prosecutor of the pleas in the several counties of this State are hereby authorized and empowered to administer oaths and affirmations; *provided, however,* that such oath or Taking oaths. Proviso.

affirmation is administered only in relation to a matter involving a violation or an attempted violation of the criminal laws of this State.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 277

AN ACT concerning the welfare of children, and amending sections 9:6–5 and 9:6–9 of the Revised Statutes.

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

Section amended.

1. Section 9:6–5 of the Revised Statutes is hereby amended to read as follows:

Preferring complaint.

9:6–5. Any board of education or police department of any municipality, township, towns and boroughs, its designated officers, members or agents, or any society, association or board incorporated or organized under the laws of this State, having as one of its objects the prevention of cruelty to children, its officers or agents, may prefer a complaint against and cause to be arrested and prosecuted any person who shall offend against the provisions of this chapter, and aid in prosecuting the complaint before the court.

Section amended.

2. Section 9:6–9 of the Revised Statutes is hereby amended to read as follows:

Petition setting out facts of case.

9:6–9. Whenever the parents, guardian or any person having the custody or control of any minor child shall be convicted of abandoning, abusing, neglecting or cruelly treating said child or children as provided in article one of this chapter, any board of education or police department, of any municipality, township, towns and boroughs, its designated officers, members or agents, or any

society or corporation organized under the laws of this State, having as one of its objects the prevention of cruelty to children, the probation officer of the county or any person interested in such child and acting as its next friend, may file a petition setting forth the facts in the case, together with a copy of the record of the case, when such conviction was before another court, with the juvenile and domestic relations court of the county where the child has a settlement.

3. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

4. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 278

AN ACT concerning the use of steel traps for trapping fur-bearing animals, and repealing section 23:4–38 of the Revised Statutes.

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

1. Section 23:4–38 of the Revised Statutes is hereby repealed. Section repealed.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 279

AN ACT concerning criminal procedure and providing for waiver of indictment, and supplementing chapter one hundred eighty-eight, Title 2, of Revised Statutes.

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

Waive indictment.

1. Any person who shall be charged with an indictable offense may in writing signed by him and addressed to the prosecutor of the pleas of the county where the offense was committed, waive

Trial.

indictment and request to be tried before the court of quarter sessions with a jury.

Proceedings.

2. Thereafter all proceedings before and at such trial shall be had in manner similar to that provided by law for such proceedings after indictment.

3. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 280

AN ACT concerning the State Department of Health, and amending sections 26:2–2 and 26:2–3 of the Revised Statutes.

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

Section amended

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

State Board of Health, how composed.

26:2–2. The State Department of Health shall be governed by a board of twelve members. Each member of the board shall be a resident of the State and:

a. Not more than six members shall belong to the same political party;

b. Two members shall be women;

c. At least three members shall be physicians;

d. At least two members shall be sanitary engineers;

e. At least one member shall be a veterinarian; and

f. At least one member shall be a dentist; and

g. At least one member shall be a registered pharmacist.

2. Section 26:2–3 of the Revised Statutes is amended to read as follows: Section amended.

26:2–3. The members of the State Board shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years, and such term shall commence on the first day of July. The terms of the members shall terminate as follows: Appointment. Terms.

a. Two in one thousand nine hundred and thirty-six, and every four years thereafter;

b. Two in one thousand nine hundred and thirty-seven, and every four years thereafter;

c. Five in one thousand nine hundred and thirty-eight, and every four years thereafter; and

d. Three in one thousand nine hundred and thirty-nine, and every four years thereafter.

A vacancy shall be filled in the same manner as the original appointment and for the unexpired portion of the term. Vacancies.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 281

AN ACT concerning the renewal of alcoholic beverage licenses, and supplementing chapter one of Title 33 of the Revised Statutes.

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

Renewal.

1. Any license which is issued for a new license term to replace a license which expired on the last day of the license term which immediately preceded the commencement of said new license term or which is issued to replace a license which will expire on the last day of the license term which immediately precedes the commencement of said new term shall be deemed to be a renewal of the expired or expiring license; *provided,* that said license is of the same class and type as the expired or expiring license, covers the same licensed premises and is issued to the holder of the expired or expiring license; *and provided further,* that the application for said renewal shall have been filed with the proper issuing authority prior to the commencement of said new license term or not later than thirty days after the commencement of said new license term shall be deemed to be applications for new licenses.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 282

A SUPPLEMENT to an act entitled "An act to define the duties of the commission commonly known as the State of New Jersey Delaware and Raritan Canal Commission, and to provide an appropriation therefor," approved April tenth, one thousand nine hundred and thirty-seven.

Preamble. WHEREAS, Various plans have been suggested for the use or disposal of the Delaware and Raritan canal or sections thereof and the appurtenances of said canal; and

Preamble. WHEREAS, The duties of the State of New Jersey Delaware and Raritan Canal Commission have not been completed and the said commission is in need of funds to carry out the functions for which their commission was created; therefore,

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

Appropriation for canal. 1. For the purpose of continuing the functions and carrying out the duties for which the State of New Jersey Delaware and Raritan Canal Commission was created, there is hereby appropriated to said commission, from the State highway fund, and directed to be paid by the State Treasurer the sum of eight thousand dollars ($8,000.00).

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 283

AN ACT relating to sentences in criminal prosecution, and supplementing chapter one hundred ninety-two of Title 2 of the Revised Statutes.

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

Sentencing defendant after judge's term expired.

1. Sentence by other than trial judge. When a judge of the court of oyer and terminer, court of quarter sessions or court of special sessions dies or goes out of office without having sentenced a defendant convicted before him, his successor in office, or any other judge holding such court or courts within the county, shall impose sentence on such defendant as speedily as possible under the circumstances. All sentences so imposed shall be as valid and effectual as if duly pronounced by the judge in office at the time they were imposed.

Prior sentencing.

Nothing in this section shall be deemed as indicating that, prior to the passage of this act, sentence could not be imposed on a convicted defendant by some other judge of the trial court in cases where the trial judge has died or gone out of office before pronouncing sentence.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 284

AN ACT relating to probation, and amending section four, chapter one hundred ninety-nine, of Title 2 of the Revised Statutes.

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

1. Section 2:199–4 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:199–4. Upon a report from the chief probation officer that the probationer has complied with the conditions of probation and that the best interests of the public and the probationer will be subserved thereby or for other good cause, the court may, at any time, discharge a person from probation, or may extend the probation period within the limits of the maximum period provided by section 2:199–1 of this Title. Discharge from probation. Extending probation.

At any time during the probation period the court may issue a warrant and cause the probationer to be arrested for violating any of the conditions of his probation, or any probation officer, police officer, or other officer with power of arrest, upon the request of the chief probation officer, may arrest the probationer without a warrant; and a commitment by such probation officer setting forth that the probationer has, in his judgment, violated the conditions of his probation shall be sufficient warrant for the detention of such probationer in the county jail, house of detention or local prison, when designated in the commitment, until he can be brought before the court. Such probation officer shall forthwith report such arrest or detention to the court and submit to the court a report showing the manner in which the probationer has violated his probation. Thereupon the court, after summary hearing, may continue or it may revoke the probation Arrest for violating probation. Commitment. Arrest reported; report to court. Hearing.

and the suspension of sentence, and may cause the sentence imposed to be executed or impose any sentence which might originally have been imposed. When the trial judge dies or goes out of office all of his powers and duties under this section shall be exercised by his successor in office, or by any other judge of the trial court, as fully as if duly exercised by the judge in office at the time of such action, and all such exercises shall be as valid and effectual as if such actions were duly taken by the judge in office at the time thereof.

Succeeding judge.

Nothing in this section shall be deemed as indicating that, prior to the passage of this act, probation could not be revoked, for violation of the terms thereof, by some other judge of the trial court in cases where the trial judge has died or gone out of office before the expiration of the probation period.

Revoking probate.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 285

AN ACT to provide that certain regularly appointed marshals in boroughs operating under civil service shall hold their positions as part of the classified civil service and as members of the police department, when a police department is established by ordinance in any such borough.

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

Continuance of marshals on police force.

1. When a borough operating under the provisions of subtitle three, Title 11, Civil Service, of the Revised Statutes, shall establish by ordinance a police department, the regularly appointed marshals who have served on a full-time basis for

at least one year, and the regularly appointed marshals who have served an aggregate time equivalent to three or more months within the past two calendar years, shall hold and continue to hold their respective positions and automatically become members and form a part of the personnel of the police department established by the borough, and shall hold and thereafter continue to hold their respective positions within and as a part of the classified service of the borough in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 286

AN ACT concerning municipalities, and supplementing chapter forty-six of Title 40 of the Revised Statutes.

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

Fixing salary of chief of police in minor municipalities.

1. In addition to the methods now prescribed by law, the governing body of any municipality in this State now or hereafter having a population of not less than fifteen thousand (15,000) nor more than twenty-five thousand (25,000) inhabitants, as determined by the Federal census of one thousand nine hundred and thirty, is hereby authorized and empowered to fix and determine by ordinance, the annual compensation of all chiefs of police of any such municipality; *provided, however,* that nothing herein contained shall be construed to permit the reduction of the salary or compensation of chiefs of police as aforesaid.

Proviso.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 287

AN ACT concerning workmen's compensation, and amending section 34:15–12 v, of the Revised Statutes.

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

Section amended.

1. Title 34, section 34:15–12 v, of the Revised Statutes is hereby amended so that the same shall read as follows:

Complete disability.

34:15–12 v. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof as a result of any one accident, shall constitute total and permanent disability to be compensated according to the provisions of paragraph "b".

Approved August 2, 1939.

CHAPTER 288

AN ACT to vest in Susan F. Swan, of the town of Kearny, in the county of Hudson, title to lands herein described, which title escheated to the State of New Jersey.

Preamble.

WHEREAS, One Minnie Brown died intestate, a resident of the town of Kearny, Hudson county, New Jersey, on November twenty-eighth, one thousand nine hundred and thirty-one, seized of certain real estate located in the said town of Kearny; and

Preamble.

WHEREAS, The said Minnie Brown left no next of kin or relatives capable of taking said real estate; and

WHEREAS, By reason thereof title to the said real estate escheated to the State of New Jersey; and Preamble.

WHEREAS, Notwithstanding said escheat, the administrator of the estate of Minnie Brown, deceased, on notice to the Attorney-General of the State of New Jersey, sold said real estate to pay debts of Minnie Brown, deceased, and one Julia Plackties purchased same for a cash payment of eight hundred fifty dollars ($850.00) made to said administrator and by the assumption of all encumbrances against said real estate and went into possession thereof; and Preamble.

WHEREAS, Susan F. Swan purchased said real estate for valuable consideration from Julia Plackties and has been continuously in possession and occupation thereof, and is desirous of obtaining title thereof from the State of New Jersey for the purpose of being able to secure a mortgage loan thereon; therefore, Preamble.

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

1. There is hereby conveyed, set over, transferred and assigned to and vested in Susan F. Swan in the town of Kearny, in the county of Hudson, all right, title and interest of the State of New Jersey in and to certain lands bounded and described as follows: Vestment of lands in Susan F. Swan.

Being all that certain tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the town of Kearny, in the county of Hudson, and State of New Jersey, as the same is laid out on a certain map filed in the Register's Office of the said Hudson county, entitled "Map No. 3 of Lots at Arlington, Hudson county, New Jersey, belonging to the North Jersey Land Company and the Fuller Brothers, dated November, 1876; Dodge & Bailey, City Surveyors, 45 Montgomery street, Jersey City," the said lot or piece of land beginning at a point on the Description of property in question.

westerly side of Forest street, at the distance of one hundred and seventy-five feet (175') from the southwesterly corner of Oakwood avenue and Forest street, containing in front or breadth on the said Forest street twenty-five feet (25') and extending of that breadth and parallel with Oakwood avenue to the length or depth of one hundred feet (100'). The same being known and designated on the above mentioned map as lot number sixty-three (63) in block number thirty-five (35). Subject to nuisance clauses as contained in former deeds;

Legal record.

Being the same premises as conveyed by John D. Crane, administrator of the estate of Minnie Brown, late of the county of Hudson, deceased, to Julia Plackties, by deed dated November thirteenth, one thousand nine hundred and thirty-three, and recorded in the Register's Office of the county of Hudson, New Jersey, on January twenty-ninth, one thousand nine hundred and thirty-four, in Book 1828 of Deeds for said county, on page six hundred and eight, et cetera.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 289

AN ACT concerning the Unemployment Compensation Commission, and amending section 43:21–7 of the Revised Statutes as amended by chapter fifty-eight of the laws of one thousand nine hundred and thirty-eight.

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

Section amended.

1. Section seven of chapter twenty-one of Title 43 of the Revised Statutes as amended by chapter fifty-eight of the laws of one thousand nine hun-

dred and thirty-eight is hereby amended to read as follows:

43:21–7. (a) Payment.

(1) On and after December first, one thousand nine hundred and thirty-six, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter, with respect to wages payable for employment (as defined in subsection (i) of section 43:21–19 of this Title) occurring during such calendar year, except that for the month of December, one thousand nine hundred and thirty-six, such contributions shall accrue and become payable with respect to wages payable for employment during the month of December, one thousand nine hundred and thirty-six. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

Contributions to accrue.

Contributions not deducted from pay.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent ($0.00½) or more, in which case it shall be increased to one cent ($0.01).

Fractional cent.

(b) Rate of contribution. Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment *(provided, however,* that if the Federal Social Security Act be at any time amended to permit such construction thereof by the Federal Social Security Act or by this chapter, the term "wages" as used in this subsection (b) and in subsection (c), below, shall, from and after the date when such amendment to the Federal Social Security Act shall become effective, mean all remuneration for employment except that part

Rate of contributions.

Proviso.

Wages defined.

of such remuneration in excess of three thousand dollars ($3,000.00) thereof paid by any employer to any employee with respect to employment during any calendar year):

December, 1936;

(1) Ten and eight-tenths per centum (10 8/10%) with respect to employment during the month of December, one thousand nine hundred and thirty-six; *provided,* that if the total of such contributions at such ten and eight-tenths per centum (10 8/10%) rate equals less than nine-tenths of one per centum (9/10 of 1%) of the annual pay roll of any employer for the calendar year one thousand nine hundred and thirty-six, such employer shall pay, not later than January twenty-fifth, one thousand nine hundred and thirty-seven, an additional lump-sum contribution with respect to employment for such one month's period beginning December first, one thousand nine hundred and thirty-six, equal to the difference between nine-tenths of one per centum (9/10 of 1%) of his annual pay roll for the calendar year one thousand nine hundred and thirty-six and the total of his contributions at such ten and eight-tenths per centum (10 8/10%) for such one month's period beginning December first, one thousand nine hundred and thirty-six; *and provided, further,* that the total of such contributions with respect to employment for such one month's period beginning December first, one thousand nine hundred and thirty-six, shall not exceed nine-tenths of one per centum (9/10 of 1%) of such employer's annual pay roll for the calendar year one thousand nine hundred and thirty-six; *provided, further,* that if the Federal Social Security Act be amended or an extension thereunder be granted to permit payment of the tax on pay rolls provided in section nine hundred one (1), at a date later than January thirty-first, one

Proviso.

Proviso.

Proviso.

thousand nine hundred and thirty-seven, the commission may, by regulation, postpone to a later date the required payment of contributions as provided in this subsection.

Year 1937;

(2) One and eight-tenths per centum (1 8/10%) with respect to employment during the calendar year one thousand nine hundred and thirty-seven;

Years 1938, 1939, 1940, 1941;

(3) Two and seven-tenths per centum (2 7/10%) with respect to employment during the calendar years one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty, and one thousand nine hundred and forty-one; and

After 1941;

(4) With respect to employment after December thirty-first, one thousand nine hundred and forty-one, the percentage determined pursuant to subsection (c) of this section.

Future rates;

(c) Future rates based on benefit experience:

Separate accounts;

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of his most recent employers against whose accounts the maximum charges hereunder have not previously been made in the inverse chronological order in which the employment of such individual occurred, but the maximum amount so charged shall not exceed one-sixth of the wages payable to such individual by each such employer for employment on and after the first day of the nine completed calendar quarters immediately preceding such

Construing;

Benefits charged;

individual's benefit year, or two hundred and forty dollars ($240.00), whichever is the lesser, but this provision shall not be construed to limit the duration of benefits payable pursuant to subsection (d) of section 43:21–3 of this Title. The commission shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment during the same week.

Rules to regulate benefits;

Rules to govern joint accounts;

(2) The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

Employers' rates;

(3) Each employer's rate shall be two and seven-tenths per centum (2 7/10%), except as otherwise provided in the following provisions. No employer's rate shall be less than two and seven-tenths per centum (2 7/10%) unless and until there shall have been three calendar years throughout which any individual in his employ could have received benefits if eligible.

Determining employers' rates;

(4) Each employer's rate for the twelve months commencing January first of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(A) One and eight-tenths per centum (1 8/10%), if such excess equals or exceeds seven and one-half per centum (7½%), but

is less than ten per centum (10%) of his average annual pay roll (as defined in paragraph (2) subsection (a) of section 43:21–19 of this Title);

(B) Nine-tenths of one per centum (9/10 of 1%), if such excess equals or exceeds ten per centum (10%) of his average annual pay roll.

If the total of his contributions, paid on his own behalf for all past periods or for the past one hundred and twenty consecutive calendar months, whichever period is more advantageous to such employer for the purposes of this paragraph, is less than the total benefits charged against his account during the same period, his rate shall be three and six-tenths per centum (3 6/10%).

Minimum rates;

(5) No employer's rate for the period of twelve months commencing January first of any calendar year shall be less than two and seven-tenths per centum (2 7/10%), unless the total assets of the fund, excluding contributions not yet paid at the beginning of such calendar year, exceed the total benefits paid from the fund within the last preceding calendar year; and no employer's rate shall be less than one and eight-tenths per centum (1 8/10%) unless such assets at such time were at least twice the total benefits paid from the fund within such last preceding year.

(d) Contribution by workers.

Workers' contributions;

(1) Each worker shall contribute to the fund one per centum (1%) of his wages paid by an employer with respect to his employment which occurs after December thirty-first, one thousand nine hundred and thirty-seven, and after such employer has satisfied the conditions set forth in subsection (h) of section 43:21–19 of this Title with respect to becoming an employer. Each employer shall, notwith-

standing any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his pay roll records, shall furnish such evidence thereof to his workers as the commission may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the commission in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid, for the next succeeding pay roll period, he alone shall thereafter be liable for such contributions, and for the purposes of section 43:21–14 of this Title, such contributions shall be treated as employer's contributions required from him. As used in this chapter, except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section: the term wages as used in this subsection (d) means all remuneration for employment, except that such term shall not include that part of such remuneration in excess of the first three thousand dollars ($3.000.00) thereof paid by any employer to any employee with respect to employment during any calendar year.

Failure of employer to deduct contributions;

Wages and contributions defined;

(2) If an individual does not receive any wages from the employing unit which for the purposes of this chapter is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such

Where individual does not receive pay from employing unit;

employing unit or in the absence of such an employing unit, from such individual, in a civil action for debt; *provided,* proceedings therefor are instituted within three months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer. Proviso

(3) Every employer who has elected to become an employer subject to this chapter or to cease to be an employer subject to this chapter, pursuant to the provisions of section 43:21–8 of this Title, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the executive director may determine to be necessary to give notice thereof to persons in his service. Employer to post notice;

(4) Contributions by workers, payable to the commission as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts. Workers' contributions not subject to attachment.

2. This act shall take effect immediately.
Approved August 2, 1939.

CHAPTER 290

AN ACT to authorize the borough of Glen Ridge, in the county of Essex, to pay a pension to John A. Brown.

WHEREAS, John A. Brown, a resident of the borough of Glen Ridge, in the county of Essex, New Jersey, has served the said borough in Preamble.

various capacities during a period exceeding forty-three years, rendering excellent, efficient and faithful service to the borough of Glen Ridge in the performance of his duties; and

Preamble.

WHEREAS, The borough of Glen Ridge does not have in force and effect any pension that would inure to the benefit of the said John A. Brown; therefore,

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

John A. Brown pensioned.

1. The borough of Glen Ridge, in the county of Essex, is hereby authorized to grant and empowered to pay to the said John A. Brown, for the remainder of his natural life, a pension, to be effective beginning on the date of his retirement, in

Amount.

such sum as the governing body of the said borough of Glen Ridge shall, in its discretion, deem advisable and just, which pension shall be paid in semimonthly installments.

Provision for payment.

2. The said borough of Glen Ridge shall provide in its annual budget, after the date of such retirement, for the payment to the said John A. Brown of the aforementioned pension, and, from the date of his retirement from active service until the adoption of its next annual budget, may pay such pension as the governing body may decide upon from any funds available therefor.

3. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 291

AN ACT concerning workmen's compensation, and amending section 34:15–60 of the Revised Statutes.

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

1. Section 34:15–60 of the Revised Statutes is amended to read as follows: Section amended.

34:15–60. The commissioner, each deputy commissioner and each of the referees shall have the same power as the court of common pleas to issue subpœnas to compel the attendance of witnesses and the production of books and papers. The fees for the attendance of witnesses shall be such as are now provided for the attendance of witnesses in other civil cases, and shall be paid by the party arranging for the attendance of such witnesses. The subpœnas shall be authenticated by the seal of the department, and either party to any such proceeding may, without charge, secure subpœnas from the commissioner, a deputy commissioner or any referee. Misconduct on the part of any person attending a hearing, or the failure of any witness, when duly subpœnaed, to attend or give testimony shall be punishable by the commissioner, each deputy commissioner and each of the referees, in the same manner as such failure is punishable by the court of common pleas in a case therein pending.

Power to subpoena and compel witnesses.

Fee.

Subpœna legalized.

Penalty to enforce attendance.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 292

AN ACT concerning the State Employees' Retirement System, and amending section 43:14–35 of the Revised Statutes.

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

Section amended.

1. Section 43:14–35 of the Revised Statutes is amended to read as follows:

Retirement:

43:14–35. Retirement from service shall be as follows:

At 60 years;

a. A member who shall have reached sixty years of age may retire from service by filing with the board of trustees a written statement, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. The board of trustees shall retire him at the time specified or at such other time within thirty days after the date so specified as the board finds advisable.

After 20 years' service.

Any member who for a period of more than twenty years was in the service of the State and eligible for retirement under the provisions of this chapter, whose application for retirement from service was duly filed with the board of trustees, during the year nineteen hundred and thirty-seven

Time of death;

or nineteen hundred and thirty-eight, but who died before the expiration of the time so specified for his said retirement, shall be deemed to have been retired as of the date of his said application, and payment hereunder shall be made to the person or persons nominated by his written designation to

Payments;

receive the benefits provided by this chapter. Such payments shall be made at the rate of eighteen hundred dollars ($1,800.00) per annum in semimonthly installments.

At 70 years.

b. A member who shall have reached seventy years of age shall be retired by the board for serv-

ice forthwith, or at such time within ninety days thereafter as it deems advisable, except that an employee reaching seventy years of age may be continued in service from time to time upon written notice to the Comptroller by the head of the department where the employee is employed. Continuance.

2. This act shall take effect immediately.

Filed August 3, 1939.

CHAPTER 293

AN ACT for the protection of fur-bearing animals in New Jersey, and amending section 23:4–39 of the Revised Statutes.

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

1. Section 23:4–39 of the Revised Statutes is hereby amended to read as follows: Section amended.

23:4–39. No person shall hunt, pursue, take or trap a mink, muskrat or otter in this State at any time, except from December first in each year to March fifteenth of the following year. This section shall not prevent the destruction at any time of muskrats which are damaging dams or canal banks by the owners or agents thereof. Trapping certain animals. Season. Muskrats.

Approved August 2, 1939.

CHAPTER 294

AN ACT relating to the public schools of this State, and supplementing chapter fourteen of Title 18 of the Revised Statutes.

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

Ascertaining tubercular pupils.

1. The board of education of every school district shall periodically determine or cause to be determined, the presence or absence of active or communicable tuberculosis in any or all pupils in public schools, and, with respect to frequency, procedure, and selection of pupils, shall comply with rules and regulations of the State Board of Education.

Provisions to determine tuberculosis.

2. The board of education may provide at its expense the equipment, materials, and services necessary to fulfill the requirement provided in section one of this act, or it may contract to use, with or without financial reimbursement, the equipment, materials, and services available through a sanitorium or hospital approved by the State Department of Institutions and Agencies or through a public health agency approved by the State Department of Health.

Pupil excluded for not complying.

3. Any pupil failing to comply with the regulations of the board of education or with an order issued by a school officer as provided in such regulations shall be excluded from school.

Pupil found tubercular excluded.

4. Any pupil found to have tuberculosis in an active or a communicable stage shall be excluded from school and a report of each such case shall be filed by the school medical inspector with the health officer or the secretary of the board of health of the municipality in which the pupil resides.

Readmission to school.

Readmission to school may be granted when proof satisfactory to the school medical inspector is furnished to indicate that the pupil is free from communicable tuberculosis, is physically competent

to engage in school activities, and is not a menace to the health of other pupils.

Records kept.

5. All records and reports of tuberculosis case-finding procedures conducted by or under the auspices of a board of education shall be the property of the board and shall be filed with the medical inspector as confidential information except that such records and reports shall be open for inspection by officers of the State Department of Health and of the local board of health, of the municipality in which the pupil resides and of the municipality in which the school is located.

Inspection.

Approved August 2, 1939.

CHAPTER 295

AN ACT relating to the public schools of this State, and supplementing Title 18 of the Revised Statutes.

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

Physical examination of school employees.

1. Every board of education shall require a physical examination of all employees of the board at least once in three years and shall cause the first examination within one year from the date this act becomes operative. The scope of such examination shall be determined under rules of the State Board of Education.

Special examination.

In addition to the routine examination of all employees as provided in this act, the board of education may require the individual examination of an employee whenever in its judgment such employee shows evidence of deviation from normal physical or mental health.

Data obtainable.

If as a result of the examination hereinbefore set forth, the board deems it advisable, it may require diagnostic data obtained by means of laboratory tests or by fluroscopic or X-ray technics.

Expenses borne by school board.

Personal expense.

Proviso.

Ineligibility.

Sick leave.

On recovery.

Proviso.

Records.

Open to inspection.

The cost of examinations, laboratory tests, or X-ray procedures may be borne by the board of education when made by a physician or institution designated by the board. In lieu of the examination by such authority with payment by the board, an employee may be examined at his own expense by a physician or institution of his own choosing; *provided,* that such physician or institution shall be approved by the board of education.

If the result of the examination indicates mental abnormality or a communicable disease, the employee shall be ineligible for further service until satisfactory proof of recovery is furnished. If an employee is under contract or tenure protection, he may be granted any sick leave compensation provided by the board of education for other employees, and shall upon satisfactory recovery be permitted to complete the term of his contract, or, if under tenure, shall be re-employed with the same tenure status as he possessed at the time his services were discontinued; *provided,* the absence does not exceed a period of two years.

All records and reports shall be the property of the board and shall be filed with the medical inspector as confidential information, except that such records and reports shall be open for inspection by officers of the State Department of Health and of the local board of health.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 296

AN ACT relating to examination of pupils in the public schools of this State, and supplementing Title 18 of the Revised Statutes.

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

1. In conducting the examination of pupils as provided in section 18:14–57 of the Revised Statutes, the medical inspector may require pupils to loosen, open, or remove their clothing above the waist in a manner to facilitate inspection and examination; *provided,* in any such case the parents or guardians shall be notified in writing of such proposed examination and in such notice the presence of one of the parents or guardians shall be requested and that in the absence of a parent or guardian there shall be present a nurse or teacher and in the examination of a female pupil the nurse or teacher present shall be of the female sex; *and further, provided,* that the notice of examination shall state that if the parent or guardian objects to it, then the parent or guardian may file with the medical inspector a report of the family physician upon the condition for which such examination was deemed advisable by the medical inspector.

Bodily exposure.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 297

AN ACT concerning the State Employees' Retirement System, and amending section 43:14–31 of the Revised Statutes.

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

Section amended.

1. Section 43:14–31 of the Revised Statutes is hereby amended to read as follows:

Retirement for disability.

43:14–31. A member who has not attained age seventy shall, upon the application of the head of the department in which he is employed or upon his own application or the application of one acting in his behalf, be retired by the board of trustees for accident disability, on an accident disability allowance. No such application shall be valid or acted upon unless a report, in a form acceptable to the retirement board, of the accident is filed in the office of the retirement system within sixty (60) days next following the accident; no such application shall be valid or acted upon unless it is filed in the office of the retirement system within two (2) years of the date of the accident; but the retirement board may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action.

Report.

Filing application.

Medical examination.

Before consideration of the application by the retirement board, the physician or physicians designated by the board shall have first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty, that the performance of duty was the natural and proximate cause of the disability, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence and that he should be retired.

Certificate of incapacity.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 298

AN ACT to ratify, confirm and validate any purchase of lands or real estate heretofore made by any municipality of not more than six thousand (6,000) population to perfect any lien of said municipality, without taking proceedings to enforce the lien.

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

Validating purchase of lands to perfect lien.

1. Any purchase of lands or real estate heretofore made by any municipality of not more than six thousand (6,000) population of this State to perfect any lien of said municipality is hereby validated and confirmed, if otherwise legal and effective, although the consideration paid therefor may have been more than the approximate amount of the cost of the proceedings ordinarily incidental to the enforcement of said lien.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 299

AN ACT relating to the public schools of this State, and supplementing chapter fourteen of Title 18 of the Revised Statutes.

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

Immunity to diphtheria.

1. The board of education of any school district may require immunization to diphtheria as a prerequisite to attendance at school, and it may at its discretion require or waive proof of immunity.

Pupil not complying excluded from school.

Any pupil failing to comply with such a requirement may be excluded from school, unless the pupil shall present a certificate signed by a physician stating that the pupil is unfit to receive the immunizing treatment, or a certificate signed by a physician or by the board of health or the health officer of the municipality in which the pupil resides to the effect that the pupil is known by evidence of an appropriate test to be immune to diphtheria; *provided,* that in either or any such instance the certification and the test employed shall have the approval of the school medical inspector.

Proviso.

Providing immunization.

2. In administering the provisions of this act, a board of education may provide the necessary equipment, materials and services for immunizing pupils whose parents or guardians in the opinion of the board are unable to meet the necessary expense; and, further, when proof of immunity is included in the requirement, a board of education may provide the necessary equipment, materials, and services for testing any or all pupils to determine susceptibility to diphtheria or to measure the effectiveness of the immunizing treatment.

If pupil has had diphtheria.

3. In administering the provisions of this act, the board of education shall require any child or pupil who has had diphtheria and who can furnish proof to that effect satisfactory to the medical inspector to submit first to a test of immunity, and, if by this means immunity is established, he shall not be required to undergo the immunization procedure, but if the test reveals susceptibility to diphtheria he shall be subject to the requirement as hereinbefore set forth in section one of this act.

Further test.

Approved August 2, 1939.

CHAPTER 300

AN ACT authorizing and empowering the State Board of Education to purchase land and equipment, and to construct buildings for the State Teachers College of Trenton and appropriating therefor the proceeds received from the sale of the lands and buildings formerly used for State Normal School purposes in the city of Trenton.

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

Additional lands and buildings at Trenton teachers college.

1. In addition to the powers conferred upon the State Board of Education by the provisions of Title 18 of the Revised Statutes, the State Board of Education is hereby empowered to purchase land and equipment and to construct buildings for the State Teachers College of Trenton, and for such purposes there is hereby appropriated the proceeds of the sale of the lands and the buildings which were formerly used for State Normal School and State Teachers College purposes in the city of Trenton.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 301

AN ACT concerning commitments to the State Homes for Boys and Girls respectively, and amending section 30:4–157.4 of the Revised Statutes.

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

Section amended.

1. Section 30:4–157.4 of the Revised Statutes is hereby amended to read as follows:

Ability of parents to meet charges.

30:4–157.4. Whenever a boy or girl shall be committed to the home under the provisions of section 30:4–157.1, 30:4–157.3 or 30:4–157.9 of this Title, it shall be the duty of the judge, at the time of the examination, to make inquiry as to the ability of the parent or guardian to pay the expenses of the commitment proceedings and the board of the boy or girl, and he shall indorse on the warrant of commitment a statement of his finding in that regard.

Payment.

Payment by the parent or guardian of these costs shall be made to the probation officer or county adjuster, whichever the court shall designate; *provided, however,* that upon collection thereof the costs of the commitment proceedings shall be paid to the county treasurer, and any amount received representing maintenance shall be forwarded to the institution wherein the inmate is confined. In the event of failure of the parent or guardian to pay the amount ordered by the court then the probation officer or county adjuster, as the case may be, shall bring the matter before the court for such further order as shall appear proper therein to compel payment.

Proviso.

Compelling payment.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 302

AN ACT to amend an act entitled "An act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter eight, Title 45, of the Revised Statutes," approved June fourteenth, one thousand nine hundred and thirty-eight.

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

1. Section twenty of the act of which this act is amendatory is hereby amended to read as follows: Section amended.

20. Nothing in this chapter shall be construed as prohibiting licensed professional engineers from making surveys where such surveys are essential to engineering projects, nor as prohibiting any person from doing land surveying; *provided,* he does not hold himself out to be a licensed land surveyor, and accept or receive compensation for such service nor as prohibiting the practice of land surveying in connection with the examination of land titles by any corporation legally authorized under the laws of this State to transact the business of insurance or guaranty against loss or damage on account of encumbrances upon or defects in title to real property; *provided,* such land surveying is performed by or under the direction of a licensed land surveyor. Right to make survey. Proviso. Proviso.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 303

AN ACT relative to transfer inheritance taxes, and amending section 54:34–4 of the Revised Statutes.

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

Section amended.

1. Section 54:34–4 of the Revised Statutes is hereby amended to read as follows:

Tax exempt transfers:

54:34–4. The following transfers of property shall be exempt from taxation:

Property for public use;

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 or other political subdivision thereof, for exclusively public purposes.

Property passing to beneficiaries;

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, to the trustee or trustees under such trust deed or agreement.

Property passing to trustees;

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 defeasible interest under such trust deed or agreement.

Property for educational purposes;

d. Property passing since July first, 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.

Estate of decedent;

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. 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.

Refund.

Proviso.

Proceeds of insurance;

f. The proceeds of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent paid or payable at or after the death of such decedent to any beneficiary or beneficiaries other than the estate or the executor or administrator of such decedent.

Transfer of right to change beneficiaries.

g. Any transfer, relinquishment, surrender or exercise at any time or times by a resident or nonresident of any right to nominate or change the beneficiary or beneficiaries of any contract of insurance heretofore or hereafter in force insuring the life of such resident or nonresident irrespective of whether such transfer, relinquishment, surrender or exercise of such right took place or whether the proceeds of such policy were paid or payable, before or after the taking effect of this act.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 304

AN ACT concerning the operation of radio stations and municipal convention halls in municipalities bordering upon the Atlantic ocean, and supplementing article six of chapter sixty-two of Title 40.

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

Convention hall and radio budgets.

1. The governing body of any municipality having a population of sixty thousand or more operating under the provisions of sections 40:62–27 to 40:62–34, inclusive, of the Revised Statutes shall cause the director in charge of the radio broadcasting station and the municipal convention hall and the manager thereof to prepare a budget for each fiscal year, which budgets shall be designated as "municipal convention hall budget" and "municipal radio broadcasting station budget."

Hearing.

2. Following the preparation of the budgets set forth in section one, the governing body shall at a public hearing, grant to taxpayers and other interested persons, an opportunity to present objections and to be heard with respect to the aforesaid budgets. The hearing on the aforesaid budgets shall commence not later than the fortieth day after the beginning of the budget year.

Budget prepared before hearing.

3. The governing body shall cause to be prepared and shall approve the budget prior to the public hearing and shall fix the time when and the place where the hearing shall be held. Notice of such hearings, together with the budget as approved shall be published at least once in at least one newspaper circulating in the municipality.

Notice.

Time and place for hearing.

4. The hearing on the budget shall be held at the time and place specified in the published notice, but may be adjourned from time to time until the

hearing is closed. After closing the hearings, the governing body may, by resolution, adopt the budget with or without alterations or amendments. However, no alteration or amendment adding to the budget any item of appropriation in amount in excess of one per centum (1%) of the total amount of the appropriations as stated in the approved budget or increasing or decreasing any item of appropriation by more than ten per centum (10%) of the amount of such item as stated in the approved budget shall be made in the approved budget unless the governing body shall first, at a public hearing, grant to taxpayers and other interested persons an opportunity to present objections and to be heard with respect to the alteration or amendment, after publishing in at least one newspaper circulating in the municipality not less than two days prior to the hearing, a notice describing the alteration or amendment and specifying the time and place when and where the hearing will be held.

Adopting budget.

Altering budget.

Opportunity to be present.

5. The aforesaid budgets shall be adopted not later than the fifty-fifth day after the beginning of the budget year.

Date of final adoption.

6. The aforesaid budgets shall consist of (a) a tabulated and an itemized statement of all anticipated revenues from the sources provided for in section 40:62–32 of the Revised Statutes (b) all expenditures to be made for the purposes provided for in section 40:62–33 of the Revised Statutes.

What budgets to show.

7. The appropriations for all expenditures shall be itemized according to the respective object and purpose for which they are to be expended.

Expenditures itemized.

8. Any municipality, by resolution, declaring an existence of an emergency adopted by a vote of two-thirds of all the members of the governing body may make emergency appropriations in any fiscal year after the adoption of the budget for such year for any purpose which was not foreseen at the time of the adoption of such budget or for which adequate provision was not made in such budget provided said emergency appropriation or

Meeting emergencies.

appropriations are within the provisions of sections 40:62–32 and 40:62–33 of the Revised Statutes.

9. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 305

AN ACT concerning health and accident insurance, supplementing chapter thirty-eight of Title 17 of the Revised Statutes, and repealing section 17:18–7 of the Revised Statutes.

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

Group accident policy.

1. Group accident and health insurance defined. Any policy or contract of insurance against death or injury resulting from accident or from accidental means which covers more than one person, other than a blanket insurance policy, shall be deemed a group accident insurance policy.

Group health policy.

Any policy or contract which insures against disablement, disease or sickness of the insured (excluding disablement which results from accident or from accidental means) and which covers more than one such person, other than a blanket insurance policy, shall be deemed a group health insurance policy.

Combined policy.

Any policy or contract of insurance which combines the coverage of group accident insurance and of group health insurance shall be deemed a group accident and health insurance policy.

Requirements stated:

2. Eligible groups. No policy of group accident, group health or group accident and health insurance shall be issued or delivered in this State unless the policy conforms to the description and complies with the requirements contained in one of the following paragraphs:

Insuring group employees;

(a) A policy issued to an employer, who shall be deemed the policyholder, covering not less than twenty-five employees of such employer, and covering, except as hereinafter provided, only all employees of such employer or all of any class or classes thereof determined by conditions pertaining to employment, for amounts of insurance based upon some plan which will preclude individual selection. If the premium is paid by the employer and employees jointly, or by the employees, the group shall comprise not less than seventy-five per centum of all employees or not less than seventy-five per centum of any class or classes of employees determined by conditions pertaining to the employment;

Joint premiums;

In case of corporation or association;

(b) A policy issued to and in the name of an incorporated or unincorporated association of employees, which shall be deemed the policyholder, and which association has a constitution and by-laws and has fifty or more members and is organized and maintained in good faith for purposes other than that of obtaining insurance, and has been so organized and maintained for a period of not less than two years prior to the issuance of such policy or contract, and where the members covered by such contract are not less than seventy-five per centum of all the members of such association. If membership in such association is confined to employees of one employer, its affiliates or subsidiaries, no policy or contract of group accident, group health or group accident and health insurance may be issued to such association unless the qualifications for membership in such association are determined by conditions pertaining to the employment, the amounts of insurance are based on a plan precluding individual selection, and not less than seventy-five per centum of all employees eligible for membership in such association are insured.

Qualification for membership.

Explaining employees.

The term "employees" as used in this section shall be deemed to include, for the purposes of insurance hereunder, as employees of a single employer, the officers, managers and employees of the employer and of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners and employees of individuals and firms of which the business is controlled by the insured employer through stock ownership, contract or otherwise. The term "employer" as used herein may be deemed to include any municipal corporation or the proper officers, as such, of any unincorporated municipality, or any department of such corporation or municipality determined by conditions pertaining to the employment.

Employer.

Coverage.

3. Dependents. Any of the benefits provided by any policy of group insurance as defined in section one and covering any group defined in section two of this act may be extended to cover such classes of dependents of insured employees or members as may be specified in the policy; *provided,* such coverage is granted according to some plan which will preclude individual selection, and only with respect to benefits for hospitalization of, or medical or surgical aid for such dependents.

Proviso.

Blanket insurance policy:

4. Blanket accident insurance. Any policy or contract of insurance against death or injury resulting from accident or from accidental means which conforms with the description and complies with the requirements contained in one of the following two paragraphs shall be deemed a blanket insurance policy.

Passenger insurance;

(a) A policy or contract issued to any railroad, steamship, motorbus or airplane carrier of passengers, which carrier shall be deemed the policyholder, covering a group defined as all persons who may become such passengers and whereby such passengers shall be insured against loss or damage resulting from death or bodily injury either while, or as a result of, being such passengers.

Volunteer firemen, first aid, etc.;

(b) A policy or contract issued in the name of any volunteer fire department, first aid or ambulance squad or volunteer police organization, which shall be deemed the policyholder, and covering all the members of any such organization against loss from accidents resulting from hazards incidental to duties in connection with such organizations.

Liability for death.

Nothing contained in this act shall be deemed to affect the legal liability of the policyholder for the death of, or injury to, any member of such group.

Provisions contained in policy:

5. Standard provisions. No policy of group accident, group health, group accident and health or blanket accident insurance and no certificate thereunder shall be issued or delivered in this State unless the policy contains in substance all the provisions specified in subsections (a) to (o) following:

Written application;

(a) A provision that no statement made by the applicant for insurance shall avoid the insurance or reduce benefits thereunder unless contained in the written application signed by the applicant; and a provision that no agent has authority to change the policy or to waive any of its provisions; and that no change in the policy shall be valid unless approved by an officer of the insurer and evidenced by endorsement on the policy, or by amendment to the policy signed by the policyholder and the insurer.

Changing policy;

Entire contract;

(b) A provision that the policy, the application of the person or association in whose name the policy is to be issued, a copy of which shall be attached to the policy, and the individual applications, if any, of the employees or members, shall constitute the entire contract between the parties and that all statements contained in any such application for insurance shall be deemed representations and not warranties.

Adding new members;

(c) A provision that all new employees or new members, as the case may be, in the groups or classes eligible for such insurance must be added to such eligible groups or classes.

Remitting premiums;

(d) A provision that all premiums due under the policy shall be remitted by the employer or employers of the persons insured, by the policyholder, or by some other designated person acting on behalf of the association or group insured, to the insurer on or before the due date thereof with such period of grace as may be specified therein.

Declining renewal;

(e) A provision stating the conditions under which the insurer may decline to renew the policy.

Individual certificate;

(f) A provision that the insurer shall issue to the employer, the policyholder, or other person or association in whose name such policy is issued, for delivery to each employee or member, an individual certificate setting forth in summary form a statement of the essential features of the insurance coverage, to whom the benefits thereunder are payable, and in substance the provisions of subsections (g) to (n) inclusive of this section. This subsection shall not apply to blanket accident policies issued pursuant to subsection (a) of section four of this act.

Ages;

(g) A provision specifying the ages, if any there be, to which the insurance provided therein shall be limited; and the ages, if any there be, for which additional restrictions are placed on benefits, and the additional restrictions placed on the benefits at such ages.

Notice to insurer;

(h) A provision that written notice of sickness or of injury must be given to the insurer within twenty days after the date when such sickness or injury occurred. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such

notice and that notice was given as soon as was reasonably possible.

Loss of time; (i) A provision that in the case of claim for loss of time for disability, written proof of such loss must be furnished to the insurer within thirty days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within ninety days after the date of such loss. Failure to furnish such proof within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof and that such proof was furnished as soon as was reasonably possible.

Form to show proof of loss; (j) A provision that the insurer will furnish to the person making claim, or to the policyholder for delivery to such person, such forms as are usually furnished by it for filing proof of loss. If the person making claim does not receive such forms before the expiration of fifteen days after the insurer receives notice of any claim under the policy, the person making such claim shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

Examining insured; (k) A provision that the insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make an autopsy in case of death where it is not prohibited by law.

When benefits payable;

(l) A provision that all benefits payable under the policy other than benefits for loss of time will be payable not more than sixty days after receipt of proof, and that, subject to due proof of loss, all accrued benefits payable under the policy for loss of time will be paid not later than at the expiration of each period of thirty days during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of such proof.

Indemnity for loss of life;

(m) A provision that indemnity for loss of life of the insured shall be payable to the beneficiary or beneficiaries designated by the insured, other than the policyholder or an officer thereof as such, or if no beneficiary is designated, to such other person or persons as shall be specified in the policy; and that all other indemnities of the policy are payable to the employee or member, except that, at the request of the employee or member or in the event of his death, payment of benefits to the extent of expenses incurred on account of hospitalization may be made by the insurer to the hospital. If a beneficiary is designated, the consent of the beneficiary shall not be requisite to change of beneficiary or to any other changes in the policy or certificate except as may be specifically provided by the policy.

Recovery on policy;

(n) A provision that no action at law or in equity shall be brought to recover on the policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of the policy and that no such action shall be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

Sundry features.

(o) In the case of insurance issued pursuant to subsection (a) of section four of this act, a provision that the company will issue to the

policyholder, for delivery to the insured persons, certificates setting forth the name of the insurance company and the essential features of such insurance.

Terms must be statutory.

6. Special provisions. No policy of group accident, group health, group accident and health, or blanket accident insurance, and no certificate thereunder shall be issued or delivered in this State if such policy or certificate contains any provision inconsistent with any of the provisions of this act, except that such policy may contain any provision which in the opinion of the Commissioner of Banking and Insurance is more favorable to policyholders or certificate holders than the provision herein required.

Certain terms set forth in print.

Any portion of any such policy, issued or delivered in this State, which purports, by reason of the circumstances under which a loss is incurred, to reduce any benefits promised thereunder to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed in such policy and in each certificate issued thereunder in bold face type and with greater prominence than any other portion of the text of such policy; and all other exceptions of the policy shall be printed in the policy and in the certificate with the same prominence as the benefits to which they apply.

Policies filed with commissioner.

7. Filing policies. No policy of group accident, group health, group accident and health, or blanket accident insurance shall be issued or delivered in this State by any insurance company to any resident thereof until a copy of the form thereof, all forms of applications, riders and endorsements for use in connection with the issuance or renewal thereof and all certificates of insurance to be issued thereunder have been filed with the Commissioner of Banking and Insurance. If the commissioner shall at any time notify any company of his disapproval of any such form as contrary to law, specifying particulars, it shall be unlawful for such

If disapproved.

company thereafter to issue any such form so disapproved. Such disapproval of the commissioner may be reviewed by a writ of certiorari.

Section repealed.

8. Section 17:18–7 of the Revised Statutes is hereby repealed.

Act effective.

9. This act shall take effect thirty days after it shall become law.

Approved August 2, 1939.

CHAPTER 306

AN ACT concerning the powers of the chief of police or other person acting in similar capacity in boroughs.

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

Authority to issue warrants, etc.

1. The chief of police or other person acting in similar capacity in boroughs shall have the same power and authority to take complaints, issue warrants and summonses, and hold defendants to bail as is vested in the mayor.

Approved August 2, 1939.

CHAPTER 307

AN ACT concerning the appointment, salary and tenure of special officers appointed by the prosecutor of the pleas in counties of the third class having not less than eighty-two thousand and not more than one hundred and seventy-five thousand inhabitants, and supplementing chapter one hundred and eighty-one of Title 2 of the Revised Statutes.

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

1. In third class counties having not less than eighty-two thousand and not more than one hundred seventy-five thousand inhabitants, the prosecutor of the pleas may appoint suitable persons, not exceeding six, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law. Such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in the several counties of this State, and all said appointments shall be approved by the judge of the court of quarter sessions, and each person so appointed shall receive an annual salary of not less than twenty-five hundred dollars ($2,500.00) and not more than three thousand dollars ($3,000.00), which said compensation shall be fixed by said judge and prosecutor and paid in equal semimonthly installments; *provided, however,* that one person shall be designated as chief of county detectives who shall receive an annual compensation of four thousand dollars ($4,000.00) to be paid in the same manner as other salaries authorized by chapter one hundred and eighty-one of Title 2 of the Revised Statutes to be paid by the county treasurer out of the funds of the county. The officers so appointed shall not be eligible to re-

Appointment of special officers in third class counties.

Rights and powers.

Salary.

Proviso: Chief.

Advanced salary.

ceive any increase in salary over the minimum salary stated herein until he shall have served five continuous years as such officer in the prosecutor's office. No increase in salary fixed by the judge and prosecutor, shall exceed more than one hundred dollars ($100.00) per year for each year of service over five years and all such increases shall cease when the respective maximum sums herein fixed are reached; *and provided, further,* that any special officer who is now or has been employed by said prosecutor's office as a special officer for a period exceeding five years shall be entitled to an increase in salary for any sum equal to one hundred dollars ($100.00) per year for each year of service over five years, but such total salary shall not exceed the maximum sums in this act fixed. Any such special officer, now holding office and who has held such position for a period of six years, shall enjoy tenure of office and shall not be removed therefrom except upon charges, after hearing, upon notice.

Annual increase.

Proviso.

Tenure.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 308

AN ACT making an appropriation to the South Jersey Transit Authority and regulating the disbursement thereof.

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

1. For the purpose of continuing the work of the South Jersey Transit Authority there is hereby appropriated the sum of four thousand dollars ($4,000 00). The said appropriation shall be disbursed in the same manner as appropriations heretofore made to the said Authority.

Appropriation.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 309

AN ACT concerning the establishment and administration of unemployment compensation, providing for the levy and collection of contributions therefor, providing penalties and making appropriations, and amending section 43:21–14 of the Revised Statutes.

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

Section amended.

1. Section 43:21–14 of the Revised Statutes is hereby amended to read as follows:

Information from employer.

43:21–14. (a) Report and payment of contributions. In addition to such reports as the executive director may require under the provisions of subsection (g) of section 43:21–11 of this Title, every employer shall file with the commission periodical contribution reports on such forms and at such times as the executive director, with the approval of the commission, shall prescribe, to disclose the employer's liability for contributions under the provisions of this chapter, and at the time of filing each contribution report shall pay the contributions required by this chapter for the period covered by such report. The commission may require that such reports shall be under oath of the employer. Any employer who shall fail to file any report, required by the commission or the executive director, on or before the last day for the filing thereof shall pay a penalty of one dollar ($1.00) for each day of delinquency until and including the tenth day following such last day and, for any period of delinquency after such tenth day, a penalty of one dollar ($1.00) a day or twenty per centum (20%) of the amount of the contributions due and payable by the employer for the period covered by the report, whichever is the lesser. If there be no liability for contributions for the period

Reported contributions paid.

Penalty for not filing report.

Further penalty.

covered by any contribution report or in the case of any report other than a contribution report, the employer or employing unit shall pay a penalty of one dollar ($1.00) a day for each day of delinquency in filing or fifteen dollars ($15.00), whichever is the lesser. Any employer who shall fail to pay the contributions due for any period on or before the date they are required by the commission to be paid, shall pay interest at the rate of one per centum (1%) a month on the amount thereof from such date until the date of payment thereof. Upon the written request of any employer or employing unit, filed with the commission on or before the due date of any report or contribution payment, the commission, for good cause shown, may grant, in writing, an extension of time for the filing of such report or the paying of such contribution with interest at the rate of one per centum (1%) a month on the amount thereof; *provided,* no such extension shall exceed thirty (30) days and that no such extension shall postpone payment of any contribution for any period beyond the day preceding the last day for filing tax returns under Title IX of the Federal Social Security Act for the year in which such period occurs. (As amended by chapter 59, P. L. 1938. Effective April 1, 1938.)

Penalty for not making contributions.

Extension of time.

Proviso.

(b) Contributions a debt and lien; proceedings to recover; preference. The contributions, penalties, and interest due from any employer under the provisions of this chapter, from the time they shall be due, shall be a personal debt of the employer 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 first lien on all 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 employer, whether in bankruptcy, insolvency or otherwise. Such lien shall not be operative or

Obligations a personal debt of employer.

Debt first lien.

Extent of lien.

effective against any purchaser or mortgagee for value if such purchaser or mortgagee, prior to the acquisition of any interest in the said property, shall make requisition in writing upon the commission for a statement of the contributions, penalties, and interest due from the employer and the commission shall fail. within fifteen days after the receipt of such requisition, either to make certification under its seal and the hand of its executive director to such prospective purchaser or mortgagee of the amount due, or to file, within the said fifteen days, a certificate of debt covering the liability of the employer, in accordance with the provisions of subsection (e) of this section.

Employer not acting State to assess.

(c) Arbitrary assessment. If any employer shall fail to make any report as required by the rules and regulations of the commission pursuant to the provisions of this chapter, the commission may make an estimate of the liability of such employer from any information it may obtain and, according to such estimate so made, assess such employer for the contributions, penalties, and interest due the State from him, give notice of such assessment to the employer, and make demand upon him for payment.

In case of deficiency.

(d) Deficiency assessment. After a report is filed under the provisions of this chapter and the rules and regulations of the commission, the commission shall cause the report to be examined and shall make such further audit and investigation as it may deem necessary, and if therefrom there shall be determined that there is a deficiency with respect to the payment of the contributions due from such employer, the commission shall assess the additional contributions, penalties, and interest due the State from such employer, give notice of such assessment to the employer, and make demand upon him for payment.

Legal procedure to enforce payment.

(e) Certificates of debt; judgment; procedure thereon. As an additional or alternative remedy, the commission may issue a certificate to the clerk of the Supreme Court or the clerk of the court of

common pleas of any county that any employer is indebted under this chapter in such an amount as shall be 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 name of the State, the amount of the debt so certified, a description of the liability under this chapter, and the date of making such entries. 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 commission shall have all the remedies and may take all 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, but without prejudice to the employer's right of appeal.

Judgment docketed.

Priorities in disbursements.

(f) Priorities under legal dissolutions or distributions. In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this State, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for remuneration of not more than two hundred fifty dollars ($250.00) to each claimant, earned within six months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section sixty-four (b) of that act (U. S. C., Title XI, sec. 104 (b) as amended).

In case of bankruptcy.

Refunds in adjustment.

(g) Refunds. If not later than one year after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for

a refund thereof because such adjustment cannot be made, and the commission or executive director shall determine that such contributions or interest or any portion thereof was erroneously collected, such employer shall be allowed to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the said amount shall be refunded, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the initiative of the commission through the executive director.

Use of interest and penalties.

(h) All interest and penalties collected pursuant to this section shall be paid into the unemployment compensation fund.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 310

AN ACT in relation to the conversion, reconversion and reissuance of bonds and notes of counties and municipalities, amending section 40:1–57 and repealing section 40:1–57.1 of the Revised Statutes.

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

Section amended.

1. Section 40:1–57 of the Revised Statutes is hereby amended to read as follows:

Conversion or reissue:

40:1–57. Reissuance and conversion. Unmatured obligations which may be issued pursuant to this article 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 converted or be reissued under the following conditions:

Method of conversion:

(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, any such bond may be converted into a fully 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. Any bond 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 by the preparation and substitution of a new bond and coupons for unmatured interest, of the same form and tenor as those originally authorized, or by attaching to the bond so registered to bearer new coupons for unmatured interest, of the same form and tenor as those originally authorized; an authorized officer of the county or municipality may execute a certificate of such reconversion written, printed or stamped on the back of such bond. Any bond may again be converted into a fully registered bond and be reconverted into a coupon bond from time to time in the manner herein provided. The resolution of the governing body authorizing any conversion or reconversion shall set forth the date, maturities, interest rate. denominations and numbers, of the old and new bonds and the name of the holder.

Details;

Missing security reissued;

(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.

Partially damaged;

(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.

As to re-issuing;

(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 article is a revision, may, on surrender and cancellation of the bonds or note 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.

Reissue of registered bonds.

(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.

Section repealed.

2. Section 40:1–57.1 of the Revised Statutes is hereby repealed.

Approved August 2, 1939.

CHAPTER 311

AN ACT concerning old age assistance, and amending section 44:7–11 of the Revised Statutes.

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

Section amended.

1. Section 44:7–11 of the Revised Statutes is amended to read as follows:

Director of welfare.

44:7–11. The county welfare board shall appoint a director of welfare, who shall have the qualifications herein provided. The county adjuster, when qualified, may be appointed to this office, but when so appointed shall not serve as an ex-officio member of the county welfare board.

Term.

The director of welfare shall hold office for the term of five years or until appointment of his successor, unless sooner removed for cause, after due notice and hearing; except, that a person, who shall have qualifications necessary to the appointment of director of welfare, may be appointed by the

Probationary period.

county welfare board for a probationary period not exceeding six months to the position of acting director of welfare, and be vested, during this period, with the same powers as the director of

No extension.

welfare. This probationary period shall not be subject to extension, and upon expiration thereof, there having been meanwhile no adverse action by the county welfare board, in connection therewith,

Permanent position.

said probationary appointment shall become permanent as director of welfare for the remainder of the five-year term prescribed herein.

Clerk of board—other duties.

He shall be the clerk of the county welfare board and shall serve as such without additional compensation. He shall be the chief executive and approval officer of the county welfare board, and shall exercise all the powers pertaining thereto.

Requirements.

He shall be a citizen of the State and of the United States, shall be able to read and write the

English language, and be capable of making and keeping such records and reports as are lawfully required, shall have adequate knowledge of the laws concerning old age assistance and shall be a trained and qualified expert in the field of welfare service, with administrative experience therein.

Deputy.

Qualifications.

The county welfare board may appoint a deputy director of welfare, who shall have qualifications necessary to the appointment of directors of welfare and be under the supervision of such director of welfare, and be vested, on approval of the county welfare board, with the same powers as the director of welfare. The director of welfare of counties of the first and second class shall be entitled to appoint, with the consent of the welfare board, a deputy director and a secretary, who shall be classified in the exempt class; *provided, however,* that deputy directors now having civil service status shall not be removed or reduced in pay or position except in accordance with the provisions of the civil service laws applying to persons in the classified civil service.

Proviso.

Approved August 2, 1939.

CHAPTER 312

AN ACT appropriating funds to the Department of Institutions and Agencies for the purchase of a tract of land in Landis township, Cumberland county, New Jersey, for a railroad siding for the Vineland State School.

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

Appropriation for land for entrance to Vineland school.

1. There is hereby appropriated the sum of seven hundred and fifty dollars ($750.00) to the Department of Institutions and Agencies for the

purpose of purchasing a strip of land twenty (20) feet in width, of a distance of about fifteen hundred (1,500) feet in length, in Landis township, Cumberland county, New Jersey, over which a railroad siding from the Central Railroad Company to the Vineland State School has been constructed; said sum to be disbursed to the owner of said land by the said Department of Institutions and Agencies upon receiving a deed, in fee simple, therefor.

2. This act shall take effect immediately.

Approved August 2, 1939.

CHAPTER 313

AN ACT concerning the payment of money into court in certain cases and the entry of satisfactions of certain judgments, orders and decrees by an order of court.

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

In case of docketed judgments or decrees.

1. Whenever any party in whose favor a judgment, order or decree is rendered, docketed or assigned in any court of this State shall refuse to accept payment thereof or refuse to execute a warrant in satisfaction upon tender of the amount due thereon with interest and costs; or whenever the whereabouts of any party in whose favor such judgment, order or decree is rendered, docketed or assigned in any court of this State are unknown; or whenever an appeal, or a motion to set aside said judgment, or order or decree, or an application for a rehearing is pending, or an application for a rule to show cause why a new trial should not be granted, or the time limited for taking an appeal, or applying to set aside or for a new trial or for

a rehearing has not expired, any party against whom such judgment, order or decree was recovered may file a verified petition with the court in which such judgment, order or decree is rendered, or if docketed in the court of common pleas or Supreme Court of this State, then in such court where finally docketed, reciting the name of the court in which such judgment, order or decree was recovered or docketed, the parties thereto, the date and amount thereof, and the book and page of record of said judgment and the docketing thereof, and that a tender of the amount due thereon, together with interest and costs, has been made to the holder thereof, but that such holder thereof refused to accept such payment and execute a satisfaction therefor; or that the whereabouts of the person in whose favor such judgment, money order or decree was rendered, docketed or assigned are unknown, and that an investigation has been made to discover such whereabouts, the results of such investigation to be specified in such petition; or that an appeal, or a motion to set aside said judgment or order or decree, or an application for a rehearing is pending, or an application for a rule to show cause why a new trial should not be granted is pending, or that the time prescribed by law for taking an appeal, or moving to set aside said judgment or order or decree, or to apply for a rehearing, or a new trial, has not expired and that the petitioner intends to take an appeal or make a motion to set aside or for a rehearing or a new trial; such court of original entry of such judgment, or if docketed, then the court of final docketing thereof, shall thereupon enter an order directing the clerk of such court to accept payment of such judgment, money order or decree, with interest and costs and to accept a bond in such amount and form as shall be approved by the court as security for the payment of the costs of any action to set aside said judgment, order or decree or for a new trial and upon such payment being made the clerk of such court shall enter satisfac-

Party unknown.

Order for clerk to accept payment.

tion thereon in words following or as nearly in conformity thereto as can be conveniently done:

Form of satisfaction.

I, E. F., clerk of the ..... court of ..... by virtue of an order of said court in the foregoing record named dated .... do hereby acknowledge that the said defendant ..... has satisfied the said damages and costs by payment to me of the sum of $..... in satisfaction thereof. Dated this ..... day of ...., 19..... E. F., Clerk.

Clerk to hold moneys.

2. The clerk of any court receiving payment of the amount due upon any judgment, order or decree, with interest and costs, as aforesaid, shall hold said moneys subject to an order of the court wherein said judgment, order or decree was entered or finally docketed as the case may be, or subject to the order of any other court of competent jurisdiction; *provided, however,* that in case said money is paid pending the taking of an appeal or motion to set aside said judgment, order or decree, or application for a rehearing or rule to show cause, then said clerk shall retain possession of said money until the time limited for the taking of said appeal or motions shall have expired, without said appeal having been taken, or motions having been made, unless prior to the expiration of said period, all the defendants and the holder of said judgment, order or decree, shall file with the said clerk a written consent to the payment of said money. Payment to the clerk of any court of the amount due upon any judgment, order or decree shall in no wise be deemed to affect the right of any party to said suit to appeal, to move to set aside said judgment, order or decree, or to apply for a rehearing in said matter, within the time and in the manner prescribed by law; in the event said judgment, order or decree shall be reversed, set aside, reopened or modified, the clerk shall disburse the moneys held by him, as aforesaid, in such manner as directed by the court.

Proviso.

Right to appeal.

In reversal.

3. Any right, title or interest in or claim or demand upon said judgment, money order or decree, including the lien for costs and compensation, if any, of the attorney or attorneys, solicitor or solicitors for the party or parties recovering such judgment, order or decree, shall be transferred to the moneys so paid into court in satisfaction of such judgment, order or decree. Rights, etc., transferred to moneys paid into court.

4. This act is to take effect immediately.

Approved August 3, 1939.

CHAPTER 314

AN ACT relative to taxes and assessments owing by any corporation in bankruptcy or under receivership proceedings in any municipality of this State.

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

1. It shall be lawful for the governing body of any municipality of this State to make such abatement, revision, alteration, adjustment and settlement of taxes and assessments, both of principal and of 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 Commissioner of Local Government; *and provided, also, however,* that this act shall apply only to the abatement, revision, alteration, adjustment and settlement of taxes and assessments, both of principal and/or any interest and penalties thereon, as may now or hereafter be owing to such municipality from any corporation under the jurisdiction of receivers or trustees appointed by any Adjusting taxes in bankruptcy. Proviso. Proviso.

district court of the United States under its general equity power or by virtue of the bankruptcy laws of the United States of America or by the Court of Chancery of the State of New Jersey.

Rental for used property in bankruptcy.

2. Whenever any trustee in bankruptcy or any receiver for a corporation, appointed by a court of competent jurisdiction, shall proceed, under an order of such court, to operate, use or occupy all or any portion of the property of any such bankrupt corporation or of one under receivership proceedings, either the municipality or such receiver or trustee may apply to the court having jurisdiction of said bankruptcy or receivership proceedings to fix the rental value of any such property, so used or occupied, as a part of the expense of such operation in lieu of said trustee or receiver being liable or required to pay out of operating income or receipts the full amount of taxes or assessments laid or levied against the property of such corporation during such operation, use or occupancy. And if such rental value shall be so fixed by the court having jurisdiction over such bankruptcy or receivership proceedings, then and in such case, such municipality may receive the amount of said rental value from such receiver or trustee out of income coming into the hands of such trustee or receiver by reason of the operation, use or occupancy of such property, and shall then apply same as a credit or credits on account of any taxes or assessments owing to it by any such corporation or on account of any taxes or assessments which may be adjusted or abated as herein provided.

Rental fixed.

Proceeds credited.

Collector to receive taxes agreed upon.

3. 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 taxes and assessments, or either, to receive 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

Receipt

by said statement, shall be sufficient evidence of the payment and satisfaction of such taxes and assessments, and upon presentation thereof, with the bill annexed, to the clerk of the county he shall satisfy the tax or assessment record if any there shall be 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 assessments.

Record satisfied.

4. In case a reduction of any tax, taxes, assessments or assessment 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, unless such governing body, for good cause shown, shall by resolution extend the time for such payment for a further period of not over thirty days.

Period for payment.

Extension.

5. 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 forty-one.

When act void.

6. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed; *provided, however,* that this act shall not be construed to amend or repeal any of the provisions of sections 54:4–99 to 54:4–102, both inclusive, of the Revised Statutes.

Repealer.

Proviso.

7. This act shall take effect immediately.

Approved August 3, 1939.

CHAPTER 315

AN ACT for the prevention of cruelty to animals, and supplementing chapter twenty-two of Title 4 of the Revised Statutes.

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

Action by motorist after striking animal.

1. Each person operating a motor vehicle who shall knowingly hit, run over, or cause injury to a dog, horse or cattle shall stop at once, ascertain the extent of injury, report to the nearest police station, police officer, or notify the nearest Society for the Prevention of Cruelty to Animals and give his name, address, operator's license and registration number, and also give the location of the injured animal.

Penalty.

2. Any person who shall violate any of the provisions of this section shall be fined not less than five dollars ($5.00) and not more than twenty-five ($25.00) for the first offense and not less than twenty-five dollars ($25.00) and not more than fifty dollars ($50.00) and ten days in jail for the second offense.

3. This act shall take effect immediately.

Approved August 7, 1939.

CHAPTER 316

AN ACT concerning mechanic's notices of intention, and amending section 2:60–174 of the Revised Statutes.

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

1. Section 2:60–174 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:60–174. Claim satisfied or abandoned; certificate; contents; discharge by certificate; discharge by court order; fees. When a mechanic's notice of intention has been filed pursuant to section 2:60–112 of this Title and the claim for which the notice was filed has been paid, satisfied or settled by the parties or abandoned by the party filing the notice, the party filing such notice shall file, with the proper county clerk, a certificate duly acknowledged or proved, which shall contain: Certificate of acknowledgment filed.

(a) The date of filing the mechanic's notice of intention; Date.

(b) The file number indorsed thereon; File number.

(c) The name of the owner of the land named in the notice; and Owner.

(d) The name of the person for whom the labor was performed or materials furnished. Debtor.

The certificate shall also direct the proper county clerk to discharge the mechanic's notice of intention of record. Discharge of intention.

If the claimant shall fail or refuse to file such certificate, then upon application by any proper party in interest, the circuit court of the proper county, upon five days' written notice to the claimant, said notice to be served upon him in the same manner as provided by section 2:60–118 of the Revised Statutes, or upon satisfactory proof that Service on claimant.

the claimant has died or is not to be found within the State, may, upon good cause being shown, order the mechanic's notice of intention discharged.

Endorsement on record.

The county clerk shall thereupon attach the certificate or order to the original notice of intention on file and shall note on the record thereof "discharged by certificate" or "discharged by court order", as the case may be, and for so doing he

Fee.

shall be entitled to the fee prescribed by section 22:2–19 of the Title Fees and Costs, for each certificate so filed and noted.

2. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 317

AN ACT to add Route 25B to the State highway system.

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

Route 25B added.

1. The State Highway Commissioner shall, as soon as practicable and in accordance with the procedure set forth in article one of chapter seven of Title 27 of the Revised Statutes, add to the present State highway system the following described route:

Description of Route 25B.

Route No. 25B. Beginning on Route No. 25 of the present State highway system in the city of Newark, county of Essex, in the vicinity of the traffic circle at the Newark Municipal Airport, thence along Port street and Doremus avenue connecting with the Lincoln Highway, which is part of the present State highway system Route No. 25.

2. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 318

AN ACT fixing age limits for the appointment of members of police and fire departments in municipalities of this State, and amending section 40:47–4 of the Revised Statutes.

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

1. Section 40:47–4 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:47–4. No person shall be appointed a member of the police force of any municipality who is less than twenty-one or more than thirty-five years of age. Age at appointment.

No person shall be appointed a member of the paid fire department or force of any municipality who is less than twenty-one or more than thirty-five years of age, but upon the creation of a paid fire department in any municipality, nothing herein contained shall be construed to prohibit the continuance in office or employment of any person who is permanently employed by the municipality in a part-paid fire department at a fixed annual salary and whose sole occupation is that of fireman. Continuance in paid department.

2. Notwithstanding the passage of this act, appointments may be made from any civil service list now in existence under Title 11 of the Revised Statutes of New Jersey. Appointment from civil service list.

3. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 319

AN ACT concerning the holding in perpetuity of trust funds where the income is to be used for the care of cemetery or burial lots and any improvement thereon, and amending section 8:2–30 of the Revised Statutes.

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

Section amended.

1. Section 8:2–30 of the Revised Statutes is hereby amended so that the same shall read as follows:

Creating trust fund.

8:2–30. Any person, by his last will and testament or otherwise, may create a trust fund to be held in perpetuity or for a lesser time where the

Purpose.

income of which is to be used for the care or embellishment of any cemetery or grave, plot or lot, the graves therein, the tombstones or monuments

Proviso.

thereon, or of any mausoleum; *provided, however,* that where any last will and testament purports to create a trust fund for any of the above enumerated purposes, the Court of Chancery of New Jersey may, upon or prior to the settlement of such

Question determined.

an account, hear and determine the question whether, in view of the size of the estate and other pertinent circumstances, the testamentary provision aforesaid is reasonable, and should the court find that the amount of the trust fund so provided is excessive, it may fix in lieu thereof a reasonable sum, which said reasonable sum shall not exceed

Proviso.

the maximum amount of such trust fund; *and provided, further,* that the person or corporation designated to hold such a trust fund shall consent to the hearing and determination as herein provided.

2. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 320

AN ACT concerning food, drugs, devices and cosmetics, amending sections 24:1–1, 24:1–2, 24:2–1, 24:3–1, 24:3–2, 24:3–3, 24:3–4, 24:3–6, 24:4–1, 24:4–2, 24:4–8, 24:4–9, 24:5–1, 24:5–2, 24:5–5, 24:5–6, 24:5–8, 24:5–9, 24:5–10, 24:5–11, 24:5–13, 24:5–16, 24:5–17, 24:5–18, 24:5–19, 24:6–1, 24:6–2, 24:6–3 and 24:17–2 of the Revised Statutes; supplementing Title 24 by the addition of five new sections to be known as 24:1–4, 24:4–12, 24:5–11.1, 24:5–18.1 and 24:5–18.2; and further supplementing Title 24 by the addition of a chapter to be known as chapter six-A.

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

1. Section 24:1–1 of the Revised Statutes is hereby amended to read as follows: Section amended.

24:1–1. As used in this Title: Definitions:

a. "State department," "department of health" and "department" mean the "Department of Health of the State of New Jersey." Department of health;

b. "State board" means the State Board of Health which is the governing head of the department. State board;

c. "Local board" or "local board of health" means the board of health of any municipality, or the boards, bodies, or officers in such municipality lawfully exercising the powers of a local board of health under the laws governing such municipality. Local board;

d. "Food" means (1) articles used for food or drink for man or other animals (2) chewing gum and (3) articles used for components of any such article. Food;

e. "Drug" means (1) articles recognized in the official United States Pharmacopœia, official Drug;

Homeopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

Package, container;

f. "Package" or "container" means wrapper, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, or other receptacles, but the word, "package" shall not include open containers which permit a visual and physical inspection by the purchaser at retail, nor bags and other receptacles which are filled in the presence of the purchaser at retail.

Device;

g. "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

Cosmetic;

h. "Cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

New drug;

i. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and (2) any drug the composition of which is such that such drug, as a result of investigations

to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

Label; j. "Label" means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this subtitle that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper. The term "immediate container" does not include package liners.

Labeling; k. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.

Official compendium; l. "Official compendium" means the official United States Pharmacopœia, official Homeopathic Pharmacopœia of the United States, official National Formulary, or any supplement to any of them.

Misbranding; m. If an article is alleged to be misbranded because the labeling is misleading, then in determining whether such labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, or any combination thereof, but also the extent to which such labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which such labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

Antiseptic; n. The representation of a drug as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purport-

ing to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

What selling implies;

o. The provisions of this act regarding the selling of food, drugs, devices, or cosmetics, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving away of any such article and the supplying or applying of any such articles in the conduct of any food, drug or cosmetic establishment.

Federal act.

p. The term "Federal Act" means the Federal Food, Drug and Cosmetic Act (Title 21, U. S. C. 301 et seq.: 52 Stat. 1040 et seq.).

Section amended.

2. Section 24:1–2 of the Revised Statutes is hereby amended to read as follows:

Authoritative publications.

24:1–2. The books printed and published and known as the official United States Pharmacopœia, official Homeopathic Pharmacopœia of the United States, official National Formulary, or any supplement to any of them, or any of the printed copies of such books, shall in any action or proceeding brought under any of the provisions of this subtitle be received as evidence of the contents thereof, in any court or before any magistrate.

Judge's decision on books.

The court or magistrate may determine whether the books offered as such were so printed and published, either from inspection or the knowledge of the judge or magistrate, or from testimony.

No error shall be assigned or judgment reversed because of the admission of such books unless it be shown that the books so offered in evidence were not, in fact, printed and published as such official United States Pharmacopœia, official Homeopathic Pharmacopœia of the United States, or official National Formulary.

Supplementary section.

3. Chapter one of Title 24 of the Revised Statutes is hereby supplemented by the addition of the following section to be known as section 24:1–4:

24:1–4. No food, drug, device, or cosmetic, which is established to the satisfaction of the State Department to be subject to, and to comply with, regulations promulgated under the Federal Act shall be deemed to be in violation of this subtitle because of its failure to comply with regulations promulgated hereunder, insofar as the same are in conflict with the regulations under the Federal Act. Federal act paramount.

4. Section 24:2–1 is hereby amended to read as follows: Section amended.

24:2–1. The State Department shall execute and enforce the provisions of this subtitle and make and publish all necessary rules and regulations providing for the enforcement and carrying into effect of any provision of this subtitle and for the government of its officers and employees. The State Department is hereby authorized to adopt, insofar as applicable, the regulations from time to time promulgated by the Secretary of Agriculture of the United States under the Federal Act. Enforcement of act.

5. Section 24:3–1 of the Revised Statutes is hereby amended to read as follows: Section amended.

24:3–1. The State Department and the local board, and any officer or employee thereof, in the performance of any duty imposed by this subtitle, shall have full access to any place, container or conveyance used in the production, preparation, manufacture, packing, storage, transportation, handling, distribution or sale of any food, drug, cosmetic or device, and may examine and open any package or container which is believed to contain any food, drug, cosmetic or device manufactured, sold, exposed for sale or had in possession with intent to sell in violation of any provision of this subtitle and inspect the contents thereof and take therefrom samples for analysis. Accessibility to places and goods.

6. Section 24:3–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

24:3–2. Every person who shall distribute or sell, or offer for distribution or sale, or have in his Sample furnished.

New Jersey State Library

possession with intent to distribute or sell, any food, drug, cosmetic or device, shall, on request and tender of the value by the State Department, deliver so much thereof to the department as it may request as a sample.

Section amended.

7. Section 24:3–3 of the Revised Statutes is hereby amended to read as follows:

Seizure of sample.

24:3–3. If such request is not immediately complied with, the department may demand and take so much of the food, drug, cosmetic or device as it may think necessary, tendering to the person in charge what it deems to be the reasonable value.

Section amended.

8. Section 24:3–4 of the Revised Statutes is hereby amended to read as follows:

Sample sealed.

24:3–4. At the time of the delivery or taking of the sample excepting in the case where the article is a device, it shall be divided in the presence of the person of whom the request or demand was made, or before a witness, into two or more parts and each part shall be sealed in a suitable package. One part shall be tendered and, if accepted, shall be delivered to the person of whom the request or demand was made with a statement in writing that such sample is taken for the purpose of examination, issued in the name of the department and signed by the person taking the same.

Section amended.

9. Section 24:3–6 of the Revised Statutes is hereby amended to read as follows:

Evidence regarding seized article.

24:3–6. In any prosecution for the sale of food, drug or cosmetic in violation of any provision of this subtitle, proof of the analysis of the article so sold may be given in evidence on the part of the prosecutor, notwithstanding the fact that the article may have been purchased by some person other than a representative of the department, if such article shall immediately after such sale be delivered by the purchaser to the department.

Article divided and preserved.

The department shall, in the presence of the person from whom the request or demand was made, or of a witness who may be the purchaser, divide the article into two or more parts and preserve the

sample in the same manner as prescribed by section 24:3–4 of this Title.

Section amended.

10. Section 24:4–1 of the Revised Statutes is hereby amended to read as follows:

Confiscation.

24:4–1. Any food, drug, cosmetic or device, if not in transit from one state to another, that is offered or exposed for sale, or had in possession with intent to distribute or sell or is intended for distribution or sale in violation of any provision of this subtitle, may be confiscated by a summary proceeding.

Section amended.

11. Section 24:4–2 of the Revised Statutes is hereby amended to read as follows:

Jurisdiction.

24:4–2. The circuit court, court of common pleas, or district court having jurisdiction in the county in which such food, drug, cosmetic or device is found or any judge of any such court, or any justice of the peace in such county shall have jurisdiction to hear and determine such proceeding.

Section amended.

12. Section 24:4–8 of the Revised Statutes is hereby amended to read as follows:

Claim of ownership.

24:4–8. Any person who appears and claims the food. drug, cosmetic or device seized under the warrant shall be required to file a claim under oath.

Section amended.

13. Section 24:4–9 of the Revised Statutes is hereby amended to read as follows:

Seizure and destruction.

24:4–9. If upon the hearing it shall appear that the article was offered or exposed for sale, or had in possession with intent to distribute or sell, or was intended for distribution or sale in violation of any provision of this subtitle, it shall be confiscated and disposed of by destruction or sale as the court, judge, or justice of the peace may direct, but no such article shall be sold contrary to any provision of this subtitle.

Proceeds of sale.

The proceeds of any sale, less the legal costs and charges, shall be paid to the State Department which shall pay the same into the State treasury, or to the local board for the use of the municipality.

Supplementary section.

14. Chapter four of Title 24 is hereby supplemented by the addition of the following section to be known as 24:4–12:

Marking illegal articles.

24:4–12. Whenever an agent of the State Department or of a local board of health finds, or has probable cause to believe, that any food, drug, device, or cosmetic is adulterated or so misbranded as to be dangerous or fraudulent within the meaning of this subtitle, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained

Warning.

or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is

Unlawful removal.

given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

Section amended.

15. Section 24:5–1 of the Revised Statutes is hereby amended to read as follows:

Adulteration or misbranding.

24:5–1. No person shall distribute or sell, or manufacture for distribution or sale, or have in his possession with intent to distribute or sell, any food, drug, cosmetic or device which under any of the provisions of this subtitle is adulterated or misbranded.

Section amended.

16. Section 24:5–2 of the Revised Statutes is hereby amended to read as follows:

Selling guaranteed goods in packages:

24:5–2. No dealer shall be prosecuted for a violation of any provision of this subtitle regulating the adulteration or misbranding of any food, drug, cosmetic or device if he distributes or sells it or has it in his possession with intent to distribute or sell it in the original, unbroken package in which it was received by him, and he can establish a guarantee signed by the person from whom he purchased the same;

If resident;

a. If a resident of the State, that the article is not adulterated or misbranded within the meaning of this subtitle, designating it; or

b. If a nonresident of the State residing in the United States, that the article is not adulterated or misbranded within the meaning of an Act of Congress entitled "An act to prohibit the movement in interstate commerce of adulterated and misbranded food, drugs, devices and cosmetics, and for other purposes," approved June twenty-fifth, one thousand nine hundred and thirty-eight, and the supplements and amendments thereto. If nonresident.

17. Section 24:5–5 of the Revised Statutes is hereby amended to read as follows: Section amended.

24:5–5. No guarantee that any food, drug, cosmetic or device is not adulterated or misbranded within the meaning of the federal legislation specified in section 24:5–2 of this Title shall be effective to exempt any dealer from prosecution under this subtitle unless the requirements of the Federal legislation and of this subtitle covering the adulteration and misbranding of the guaranteed article are identical. Exemption from prosecution.

18. Section 24:5–6 of the Revised Statutes is hereby amended to read as follows: Section amended.

24:5–6. No food, drug, cosmetic or device shall be deemed adulterated or misbranded within the meaning of this subtitle when specially prepared for export to any foreign country: Exported food, drugs:

a. If the article shall be prepared and packed according to the specifications of the foreign purchaser; and Specifically prepared;

b. If no substance is used in the preparation or packing of the article which is prohibited by the laws of the foreign country to which the article was prepared for export; and Prohibited by foreign countries;

c. If the article is labeled on the outside of the shipping package to show that it is intended for export. Labeling;

If such food, drug, cosmetic or device shall later be sold or offered for sale within the United States, then all the provisions of this subtitle with regard to adulteration and misbranding shall apply thereto. Law applicable if sold in U. S.

Section amended.

19. Section 24:5–8 of the Revised Statutes is hereby amended to read as follows:

Adulterated food:

24:5–8. For the purposes of this subtitle food shall be deemed adulterated:

Contains injurious ingredients;

a. If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily

Unsafe;

render it injurious to health, or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of regulations promulgated by the Department of Health of the State of New Jersey limiting the quantity therein or thereon to such extent as the Department of Health of the State of New Jersey finds necessary for the protection of the

Decayed matter;

public health; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if

Insanitary conditions;

it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may

Diseased meat;

have been rendered injurious to health; or (5) if it is in whole or in part the product of a diseased animal, unless such animal has at the time of slaughter been inspected and the meat of such animal has been passed as fit for food by an official Federal inspector or an inspector of the Bureau of Animal Industry of the New Jersey Department of Agriculture, or if it is in whole or in part the product of an animal which has died otherwise

Container;

than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

Food value impaired;

b. (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any

substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.

c. If it falls below the standard of purity, quality or strength which it purports or is represented to possess. Below standard;

d. If it bears or contains a coal-tar color other than one from a batch that has been certified by the United States Department of Agriculture. Color.

20. Section 24:5–9 of the Revised Statutes is hereby amended to read as follows: Section amended.

24:5–9. For the purposes of this subtitle, confectionery shall be deemed adulterated if it bears or contains any alcohol, or non-nutritive article or substance except harmless vegetable coloring, or if a coal-tar color one from a batch which has been certified by the United States Department of Agriculture, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one per centum, natural gum and pectin; *provided,* that this paragraph shall not apply to any confectionery by reason of its containing less than one-half of one per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances. Adulterated candy. Proviso.

21. Section 24:5–10 of the Revised Statutes is hereby amended to read as follows: Section amended.

24:5–10. For the purposes of this subtitle a drug or device shall be deemed adulterated: Drug adulteration:

a. (1) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it is a drug and it bears or contains, for purposes of coloring only, a coal-tar Dirt substances; Insanitary conditions; Container; Color;

color other than one from a batch which has been certified by the United States Department of Agriculture.

Standard;

b. If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with tests or methods of assay set forth in such compendium or in the absence of or inadequacy of such tests or methods of assay, those prescribed by the United States Department of Agriculture. Whenever a drug is recognized in both the United States Pharmacopœia and the Homeopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopœia of the United States and not to those of the United States Pharmacopœia.

Quality;

Recognized requirements;

Homeopathic drug;

Below standard;

c. If it is not subject to the provisions of paragraph (b) of this section and its strength differs from, or its purity or quality falls below that which it purports or is represented to possess.

Mixed;

Substitution;

d. If it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its strength, quality, or purity; or (2) substituted wholly or in part therefor.

Dosage.

e. If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

Section amended.

22. Section 24:5–11 of the Revised Statutes is hereby amended to read as follows:

Standard shown on label.

24:5–11. No drug defined in an official compendium shall be deemed to be adulterated under section 24:5–10 because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength,

quality, or purity from such standard is plainly stated on its label.

Section added.

23. Chapter five of Title 24 of the Revised Statutes is hereby supplemented by the addition of the following section to be known as section 24:5–11.1.

Adulterated cosmetics:

24:5–11.1. For the purpose of this subtitle a cosmetic shall be deemed to be adulterated:

Contains dangerous substance;

a. If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual; *provided,* that this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness," and the labeling of which bears adequate directions for such preliminary testing. For the purpose of this paragraph and paragraph e the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

Proviso.

Hair dye, caution in use;

Unclean substance;

b. If it consists in whole or in part of any filthy, putrid, or decomposed substance.

Contamination;

c. If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

Container;

d. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

Color.

e. If it is not a hair dye and it bears or contains a coal-tar color other than one from a batch that has been certified by the United States Department of Agriculture.

Section amended.

24. Section 24:5–13 of the Revised Statutes is hereby amended to read as follows:

Wood alcohol.

24:5–13. No person shall sell or offer or expose for sale, or have in his possession with intent to

distribute or sell, any food, drug, cosmetic, preparation or mixture of any kind, intended for internal use, which contains methyl or wood alcohol; nor shall any person sell, or offer or expose for sale, or have in his possession with intent to distribute or sell, or use upon or apply to the body of another, any drug, hair tonic, bay rum or similar preparation, intended for external use, which contains methyl or wood alcohol.

Penalty for violation.

Any person who shall violate any of the provisions of this section shall be liable to a penalty of one hundred dollars for the first offense, two hundred dollars for the second offense, and three hundred dollars for the third and each subsequent offense.

Section amended.

25. Section 24:5–16 of the Revised Statutes is hereby amended to read as follows:

Misbranded.

24:5–16. The term "misbranded" as used in this subtitle shall apply to all drugs, articles of food, cosmetics and devices and to articles which enter into the composition of foods, drugs, cosmetics or devices, the package or label of which shall bear any statement or design regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product, or cosmetic, or device which is falsely branded as to the State, territory or country in which it is manufactured or produced.

Section amended.

26. Section 24:5–17 of the Revised Statutes is hereby amended to read as follows:

Food misbranded:

24:5–17. For the purposes of this subtitle a food shall also be deemed to be misbranded:

False marking;

a. If its labeling is false or misleading in any particular.

Misnamed;

b. If it is offered for sale or distributed under the name of another food.

Imitation;

c. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

Container;

d. If its container is so made, formed, or filled as to be misleading.

Marking package;

e. If in package form, unless it bears a label or tag containing the name and place of business of the manufacturer, packer, or distributor.

Labels and markings legible;

f. If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Standardization;

g. If it purports to be or is represented as a food for which a definition and standard of identity is established in this subtitle or has been adopted by the Department of Health of the State of New Jersey pursuant to section 24:6–1 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, in so far as may be required by such definition and standard, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food.

Below standard;

h. If it purports to be or is represented as a food for which a standard of quality has been prescribed by the Department of Health of the State of New Jersey, pursuant to section 24:6–1, and its quality falls below such standard, unless such label bears, in such manner and form as specified by the Department of Health of the State of New Jersey a statement that it falls below such standard.

Name;

i. If it is not subject to the provisions of paragraph g of this section, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and color-

Proviso.

ings, without naming each; *provided,* that, to the extent that compliance with the requirements of clause (2) of this paragraph is impractical, or results in deception, exemptions shall be established by regulations promulgated by the Department of Health of the State of New Jersey; *provided, further,* that the requirements of clause (2) of this paragraph shall not apply to any carbonated beverage the ingredients of which have been fully and correctly disclosed, to the extent prescribed by said clause (2), to the Department of Health of the State of New Jersey in an affidavit.

Special food value;

j. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Department of Health of the State of New Jersey determines to be, and by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses.

Flavoring, coloring.

k. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; *provided,* that to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Department of Health of the State of New Jersey. The provisions of this paragraph and paragraphs g and i with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

Proviso.

Exceptions.

Section amended.

27. Section 24:5–18 of the Revised Statutes is hereby amended to read as follows:

Drugs misbranded:

24:5–18. For the purposes of this subtitle a drug or device shall also be deemed to be misbranded:

False marking;

a. If its labeling is false or misleading in any particular.

Marking package;

b. If in package form unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor.

Labels and markings legible;

c. If any word, statement or other information required by or under authority of this subtitle to

appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Habit-forming drugs;

d. If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such substance, which derivative has been by the Department of Health of the State of New Jersey after investigation found to be, and by regulations under this subtitle designated as, habit forming; unless its label bears the name and quantity or proportion of such substance, or derivative and in juxtaposition therewith, the statement "Warning—May be habit forming."

Warning marks;

Naming and indicating ingredients;

e. If it is a drug and is not designated solely by a name recognized in an official compendium, unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; *provided,* that to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, exemptions may be established by regulations promulgated by the State Department.

Proviso.

Use properly indicated;

f. Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings

against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; *provided,* that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Department of Health of the State of New Jersey may promulgate regulations exempting such drug or device from such requirement.

Proviso.

Recognized drug;

g. If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; *provided,* that the method of packing may be modified with the consent of the State Department.

Proviso.

U. S. requirements;

Whenever a drug is recognized in both the United States Pharmacopœia and the Homeopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopœia of the United States and not to those of the United States Pharmacopœia.

Homeopathic drug;

Proper packing and deterioration;

h. If it has been found by the Department of Health of the State of New Jersey to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Department of Health of the State of New Jersey may by regulations require as necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the State Department shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

Official compendium;

i. (1) If it is a drug and its container is so made, formed or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug. Misleading imitation;

j. If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof. Dosage.

28. Chapter five of Title 24 of the Revised Statutes is hereby supplemented by the addition of the following section to be known as section 24:5–18.1. Added section.

24:5–18.1. For the purposes of this subtitle a cosmetic shall also be deemed to be misbranded: Cosmetic misbranded:

a. If its labeling is false or misleading in any particular. False marking;

b. If in package form unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor. Marking package;

c. If any word, statement, or other information required by or under authority of this subtitle to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. Labels and markings legible;

d. If its container is so made, formed, or filled as to be misleading. Container.

29. Chapter five of Title 24 is hereby supplemented by the addition of the following section to be known as section 24:5–18.2. Added section.

24:5–18.2. Foods, drugs, devices, and cosmetics which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed shall be exempted from the labeling and packaging requirements of this subtitle on such conditions as the State Department by regulations shall specify; *provided,* that such food, drugs, devices and cos- Processing, repacking. Proviso.

metics are not adulterated or misbranded under the provisions of this subtitle upon removal from such processing, labeling or repacking establishment.

Section amended.

30. Section 24:5–19 is hereby amended to read as follows:

Dispensing drugs.

24:5–19. Nothing contained in this subtitle, except the provisions of section 24:5–10, shall be construed to apply to (1) any drug personally dispensed by any legally licensed physician, dentist or veterinarian in the course of his practice, or (2) any drug dispensed on a written prescription signed by a physician, dentist, or veterinarian (except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail), if (a) such physician, dentist, or veterinarian is licensed by law to administer such drug, and (b) such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian.

Licensed use.

Label to show data.

Section amended.

31. Section 24:6–1 of the Revised Statutes is hereby amended to read as follows:

Adopting standard.

24:6–1. If the definition or standard of identity, purity, quality, or strength of a particular food, drug, cosmetic or device has not been fixed by any law of this State, but such definition or standard has been or may hereafter be established and published by the Secretary of Agriculture of the United States, the State Board of Health may adopt by resolution duly passed at a regular meeting of the board the definition or standard so established and published.

In case of change.

If such definition or standard shall be changed at any time by the Secretary of Agriculture of the United States, after the adoption of the resolution, it shall not continue in effect in this State after such change has become operative.

Section amended.

32. Section 24:6–2 of the Revised Statutes is hereby amended to read as follows:

Certification and publication.

24:6–2. Such resolution shall be certified to the Secretary of State by the secretary of the board, and shall be published at the end of the first volume of the session laws of the Legislature published after the adoption of the resolution. The definition or standard of identity, purity, quality or strength of a food, drug, cosmetic or device fixed in the resolution shall take effect when so published.

Section amended.

33. Section 24:6–3 of the Revised Statutes is hereby amended to read as follows:

Illegal sale.

24:6–3. No person shall distribute or sell, or offer or expose for sale, or have in his possession with intent to sell, or manufacture for distribution or sale, any food, drug, cosmetic or device which differs in purity, quality or strength from the standards adopted and published in accordance with sections 24:6–1 and 24:6–2 of this Title.

Section amended.

34. Section 24:17–2 of the Revised Statutes is hereby amended to read as follows:

Separate violations.

24:17–2. The production, preparation, manufacture, distribution, sale, offering or exposing for sale or having in possession with intent to distribute or sell of any food, drug, cosmetic or device in different places on the same day, or in the same place on different days, in violation of any provision of this subtitle, or of any rule or regulation of the State Department made pursuant thereto, or of any lawful order or direction of the department given thereunder, shall each be deemed to be a separate violation.

Chapter 6-A added.

35. Title 24 of the Revised Statutes is hereby supplemented by the addition of the following chapter to be known as chapter six-A.

New drugs.

24:6–A. a. No person shall introduce or deliver for introduction into intrastate commerce in the State of New Jersey any new drug unless (1) an application with respect thereto has become effective under the Federal Act, or (2) an application filed pursuant to subsection b is effective with respect to such drug.

Application for analysis, use, composition, etc.

b. Any person may file with the Department of Health of the State of New Jersey an application with respect to any new drug subject to the provisions of subsection a. Such person shall submit to the Department of Health of the State of New Jersey as a part of the application (1) full reports of investigations which have been made to show whether or not such drug is safe for use; (2) a full list of the articles used as components of such drug; (3) a full statement of the composition of such drug; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug; (5) such samples of such drug and of the articles used as components thereof as the Department of Health of the State of New Jersey may require; and (6) specimens of the labeling proposed to be used for such drug.

Samples.

Labeling.

When application effective.

c. The application provided for in subsection b shall become effective on the sixtieth day after the filing thereof unless prior to such day the Department of Health of the State of New Jersey by notice to the applicant in writing postpones the effective date of the application to such time (not more than one hundred eighty days after the filing thereof) as the Department of Health of the State of New Jersey deems necessary to enable it to study and investigate the application.

Notice to applicant.

Investigation as to sufficiency.

d. If the Department of Health of the State of New Jersey finds, after due notice to the applicant and giving him an opportunity for a hearing that (1) the investigations, reports of which are required to be submitted to the Department of Health of the State of New Jersey pursuant to subsection b, do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for,

the manufacture, processing, and packing of such drug, are inadequate to preserve its identity, strength, quality, and purity; or (4) upon the basis of the information submitted to the Department of Health of the State of New Jersey as part of the application, or upon the basis of any other information before the Department of Health of the State of New Jersey with respect to such drug, the Department of Health of the State of New Jersey has insufficient information to determine whether such drug is safe for use under such conditions, the Department of Health of the State of New Jersey may, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

Refusing application.

e. This chapter shall not apply

Exceptions:

(1) to a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs provided the drug is plainly labeled "For investigational use only"; or

Experimental use;

(2) to a drug sold in this State at any time prior to the enactment of this subtitle or introduced into interstate commerce at any time prior to the enactment of the Federal Act; or

Previous sale;

(3) to any drug which is licensed under the virus serum, and toxin Act of July 1, 1902 (U. S. C. 1934 ed. title 42, Chap. 4); or

Licensed drug;

(4) to a drug dispensed on a written prescription signed by a physician, dentist, or veterinarian (except a drug dispensed in the course of conduct of a business of dispensing drugs pursuant to diagnosis by mail) if (1) such physician, dentist, or veterinarian is licensed by law to administer such drug, and (2) such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian.

Prescribed drug.

36. This act shall take effect on the first day of January one thousand nine hundred and forty.

Act effective.

Approved August 8, 1939.

CHAPTER 321

AN ACT concerning carrying of concealed weapons, and amending section 2:176–44 of the Revised Statutes of New Jersey.

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

Section amended.

1. Section 2:176–44 is hereby amended to read as follows:

Application to carry firearms.

2:176–44. Any person desiring to obtain a permit to carry a revolver, pistol or other firearm shall in the first instance make application therefor either to the chief police official of the municipality in which the applicant resides or to the sheriff of the county wherein the applicant resides.

Approved application presented to court.

If such application is approved by the chief police official or by the sheriff, as the case may be, the applicant shall then present the same to the justice of the Supreme Court presiding in the county, or to a common pleas judge of the county in which the applicant is a resident, who, after

Details.

investigation, which shall include the name and address of the manufacturer of such revolver, pistol or other firearm, also any and all of the manufacturer's identification numbers, letters and marks and a complete description of the kind and type of revolver, pistol or other firearm which the applicant intends to carry; *provided, however,*

Proviso.

that one permit shall be sufficient for such revolvers, pistols or other firearms of the applicant, and also

Fingerprints.

the taking of the fingerprints of the applicant and the comparison of the same with any and all records of fingerprints in the municipality and county in which the applicant is a resident and also the records of the supervisor of the State Bureau of Identification of this State and the national bureau in the Department of Justice in Washington, District of Columbia, and being satisfied of the

sufficiency of the application and the need of such person to carry concealed upon his person a revolver, pistol or other firearm, shall issue a permit therefor. Permit issued.

Each applicant for such a permit shall at the time of granting the same pay to the clerk of the county in which he resides and in which the application is made, a license fee of three dollars. License fee.

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

Approved August 8, 1939.

CHAPTER 322

AN ACT concerning discrimination against eligibles certified for appointment in the competitive class in civil service, and supplementing chapter ten of Title 11 of Revised Statutes.

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

1. Whenever, in making an appointment to any position in the competitive class, pursuant to chapter ten of this Title, from among those graded highest in an open competitive examination, an appointing officer shall appoint or give employment to any person graded lower than such examination than any other person or persons whom such appointing officer might lawfully have appointed to or given employment in such position, and who was willing to accept such position or employment, such appointing officer shall within five days after making such appointment or giving such employment enter upon the records of his office the statement in writing of his reasons for appointing or giving employment to the person so appointed or given Appointing person of lower grade to classified service.

Reasons stated.

employment, and his reasons for failing to appoint or to give employment to the person or persons so graded higher in such examination, and shall, within the same period, transmit a copy of such statement to the commission, certifying under oath that the said statement is a true and complete statement of his reasons for the acts referred to therein, and that such acts wherein did not by reason of race, color, political faith or creed of any person so appointed or given employment, or any person not appointed or given employment. Until such certified statement is filed as herein provided the civil service commission shall not include in the payroll the name of the person so appointed or given employment.

Filing statement required.

2. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 323

AN ACT authorizing and empowering the State Board of Education to conduct a contest for the selection of an official State song.

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

Contest to select State song.

1. The State Board of Education is authorized and empowered to conduct a contest for the selection of an official State song. Such contest shall be limited to residents of this State and the Board of Education shall establish rules and regulations governing the submission of manuscripts and data submitted to them.

Report.

2. The State Board shall embody its findings and recommendations in a report to be submitted to the next session of the Legislature.

3. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 324

AN ACT concerning counties.

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

Bank deposits by sheriffs.

1. Whenever the sheriff of any county of this State has heretofore deposited to his account as sheriff monies in any bank or trust company, designated as a depository by the board of chosen freeholders of such county, and such funds shall thereafter have become lost or restricted in any such institution, either through insolvency or because of compulsory restriction under the laws of this State, or whenever any sheriff has not heretofore recovered or collected funds due him for any other cause, resulting in nonpayment of the lawful expenses incurred in fulfilling the duties of said office of sheriff, the county then and in that event may reimburse such sheriff, or any successor to the said office, to such extent of the loss as the board of chosen freeholders of any such county may determine.

Reimbursement for nonpayment of expenses.

Protection of freeholders.

2. Upon making such payment mentioned hereinabove, the board of chosen freeholders of such county shall, in law, immediately be subrogated, either in the name of such county, or in the name of said sheriff for whom reimbursement was made, to the right, title, claim, interest and estate of such sheriff, to the extent of such reimbursement, in any dividend or preferred stock payable, authorized or issued by any such insolvent or restricted bank or trust company. The board of chosen freeholders of the county may, before making such reimbursement, require that such sheriff transfer and assign any certificate of stock in his possession, which may represent lost or restricted funds.

Recovery by county.

3. In addition, upon making such payment mentioned hereinabove, the board of chosen freeholders of such county, may proceed either in the name

of the county, or in the name of said sheriff for whom reimbursement was made, upon proper application, to recover for the use of the county any money, asset, or credit standing or remaining in the name of such sheriff, on the books of the surplus funds accounts of the Court of Chancery of New Jersey, to an amount not exceeding the sum for which the said county made reimbursement; and, further, the said county, to the extent of the reimbursement so made by it, shall succeed by operation of law to the right, title, interest and estate of said sheriff in all unpaid accounts due and owing to such sheriff, for services rendered during his term of office.

Repealer.

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

5. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 325

AN ACT making an additional appropriation to the Department of Labor for the purpose of carrying into effect the provisions of article two of chapter eleven of Title 34 of the Revised Statutes, known as the "New Jersey Minimum Wage Law," for the fiscal year ending June thirtieth, one thousand nine hundred and forty.

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

Additional appropriation to carry out minimum wage law.

1. For the purpose of carrying into effect the provisions of article two of chapter eleven of Title 34, of the Revised Statutes, also known as the "New Jersey Minimum Wage Law", the sum of $25,000 is hereby appropriated to the Department of Labor, for disbursement and expenditure for

said purposes by the Department of Labor during the fiscal year ending June thirtieth, one thousand nine hundred and forty, which said sum shall be in addition to any other sum now or hereafter appropriated by law for said purposes for the use of the Department of Labor for the said fiscal year.

2. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 326

AN ACT concerning certain rights and property the title to which is now held in trust for the State of New Jersey by the Morris Canal and Banking Company, and amending section 13:12–4 of the Revised Statutes.

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

1. Section 13:12–4 of the Revised Statutes is hereby amended to read as follows: Section amended.

13:12–4. The rights vested in the Canal and Banking Company to impound and divert waters of lakes, ponds and streams, and the property and rights vested in such company in Lake Hopatcong, Lake Musconetcong—otherwise known as Stanhope reservoir—Cranberry lake, Bear ponds, the pond on the Musconetcong river at Saxton Falls, and Greenwood lake, together with all such lands, easements, rights and other property, the title to which is vested in such company in trust for the State of New Jersey, as may be necessary to maintain such lakes and ponds, or as may be of public value for public parks or recreation areas, shall be retained by such company in trust for the State of New Jersey, for the public use of conserving the public waters of the State or for public use for recreation, Title to certain rights retained for public benefit.

Control and maintenance.

and shall be and are hereby dedicated to such public use; and the Canal and Banking Company is hereby authorized and directed to control, maintain and operate the dams and sluice gates at such lakes and ponds for the purpose aforesaid and in such manner that the rights of the riparian owners upon such lakes and ponds and the outlets thereof shall be properly conserved.

2. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 327

AN ACT respecting ice fishing, and amending sections 23:5–1 and 23:5–3 of the Revised Statutes.

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

Section amended.

1. Section 23:5–1 of the Revised Statutes be and the same is hereby amended to read as follows:

Time for taking certain fish.

23:5–1. No person shall catch, take, kill or have in possession any:

a. Black bass, Oswego bass, white bass, rock bass, calico bass or crappie, except from June fifteenth to November thirtieth;

b. Trout or landlocked salmon, except from April fifteenth to July fifteenth, and from September first to September thirtieth;

c. Pike perch, pike or pickerel, except from May twentieth to November thirtieth and from the first Saturday in January to the last Sunday in January

Penalty.

Under a penalty of twenty dollars for each fish so unlawfully caught, taken, killed or had in possession.

2. Section 23:5–3 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.

23:5–3. No person shall take or attempt to take a fish from any of the waters of this State by a line with hooks attached thereto, or by any other device, net or tackle operated through an opening in the ice in these waters, or drawn beneath the ice, excepting that: Fishing through ice.

a. Carp and suckers may be taken with a net through or under the ice between December first and March first next ensuing in each year; Taking certain fish through ice.

b. Suckers may be taken through the ice by means of hooks directly attached to a rigid handle, the hooks not to exceed three in number, between December first and March first;

c. Pike perch, pike and pickerel may be taken through the ice in the manner known as angling with hand lines or with rod and line, between the first Saturday in January and the last Sunday in January, the number of lines not to exceed ten in number, each of which lines shall not have more than one hook attached. No person shall take, kill, catch or have in possession on one day from the first Saturday in January and the last Sunday in January, more than ten in the aggregate of perch and pike perch, and ten in the aggregate of pike and pickerel.

Any person who violates any provision of this section shall be liable to a penalty of fifty dollars for each fish unlawfully taken or possessed. Penalty.

3. 23:5–10. No person shall take, catch or kill in one day more than ten trout, ten pike perch, ten pickerel, twenty rock bass, twenty in the aggregate of crappie and calico bass, ten salmon or ten in the aggregate of black bass and Oswego bass, and under no circumstances shall any person take, catch or kill in any one day more than twenty-five in the aggregate of fish commonly classed as fresh Daily take allowed.

Penalty.

water game and food fish, under a penalty of twenty dollars for each fish so taken, caught or killed in excess of the number permitted by this section.

4. This act shall take effect immediately.

Approved August 8, 1939.

CHAPTER 328

AN ACT to fix the share of the State and the several municipalities in the cost of relief.

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

State's share of cost of relief.

1. The cost of relief shall be borne jointly by the State and the several municipalities, but the State's share shall be seventy-five per centum (75%) of the cost thereof in the aggregate not to exceed fifteen million dollars ($15,000,000.00) in any one year, whichever is less, exclusive of administrative expenses which shall be borne solely by the municipalities.

2. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 329

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 twenty-one million dollars ($21,000,000.00) for the relief of the people of the State from the hardships and suffering caused by unemployment and the effects thereof on the public health and welfare; 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 act to the people at a general election.

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

Bond issue for relief.

1. Bonds of the State of New Jersey in the sum of twenty-one million dollars ($21,000,000.00) are hereby authorized for the relief of the people of the State from the hardships and suffering caused by unemployment and the effects thereof on the public health and welfare. Said bonds shall be serial bonds and known as "unemployment relief bonds" and, as to each series, the last installment thereof shall mature and be paid not later than ten years from the date of issuance of such series, but may be issued in whole or in part for a shorter term. All such bonds shall be subject to call for redemption, upon three months' notice, at any time after three years from date of issuance.

Name of issue.

Period.

Call.

Issue per year.

2. Said bonds shall be issued from time to time as money is required for the purpose aforesaid in no greater amount than ten and one-half million dollars ($10,500,000.00) in any calendar year as the State House Commission shall determine.

Issuing officials.

3. The Governor, State Treasurer and Comptroller of the Treasury, or any two of such officials (herein sometimes referred to as "the issuing offi-

cials"), are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

Substitute official.

Bonds obligation of State.

4. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State is pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

Tax free.

Authenticity of bonds.

5. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the great seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the Comptroller of the Treasury or the deputy comptroller. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

Coupons.

Recital in bond.

6. (a) Such bonds shall recite that they are issued for the purpose set forth in section one of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the Month of November, one thousand nine hundred thirty-nine, and that it received the sanction of the majority of the votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to

Referendum.

issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause. Validity.

(b) Such bonds shall be in such form and in such denominations as may be determined by the issuing officials. Said bonds may be coupon bonds or may be registered as to principal only with interest coupons attached, or may be registered as to both principal and interest. Form of bonds.

(c) Whenever said bonds shall have been issued as coupon bonds, whether so issued originally or at the request of a holder thereof subsequent to the original issue, such bonds, or any of them, may be reissued by the issuing officials at the request of a holder as registered bonds, and all registered bonds, whether so issued or subsequently issued at the request of the holder, may be reissued upon such request, by the issuing officials, as coupon bonds. Issue of coupon bonds as registered.

7. When bonds are issued from time to time, the bonds of each installment shall constitute a separate series, to be designated by the issuing officials. Each series of bonds shall bear such rate of interest, not exceeding three per centum (3%) per annum, as may be determined by the issuing officials, which interest shall be payable semiannually; *provided,* that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates. Serial issue. Rate. Proviso.

8. Said bonds shall be issued and sold at not less than par and accrued interest, under such terms, conditions, and regulations as the issuing officials may prescribe, after notice of said sale, published at least three times (the first notice shall be at least seven days prior to the day of bidding) in at least three newspapers published in the State of New Terms of sale.

Jersey, and in one financial paper published in the city of New York. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or failure to receive any bids, the issuing officials are authorized to sell said bonds at private sale. The issuing officials may sell all or a part of the bonds of any series as issued to the sinking fund or funds for other bonds issued by the State or to the trustees for the support of public schools, the Teachers' Pension and Annuity Fund, or any other pension fund established for the benefit of State employees, or to the Federal Government or any agency thereof, at private sale, without advertisement.

Notice of sale.

Private sale.

Temporary issue.

9. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds or certificates in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

Handling proceeds.

10. The proceeds from the sale of the bonds, exclusive of accrued interest and premiums received and interest from deposits received from depositories, shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State relief fund." All accrued interest and premiums from the sale of bonds, excepting as hereinafter directed, together with interest received from deposits of such funds, shall be held by the State Treasurer to the credit of the said State relief fund.

Use of moneys solely for relief.

11. The moneys in the said State relief fund are hereby specifically dedicated to the relief of the people of the State from the hardships and suffering caused by unemployment and the effects thereof on the public health and welfare, and shall be disbursed in accordance with this act through such agencies or by such means as the Legislature may by act have heretofore provided for such purpose

or may by act hereafter continue or provide, for such purpose. Such fund shall be held for the demand of the State Financial Assistance Commission, or its successor, and shall be drawn upon and disbursed on its order, as other funds are now disbursed from the State treasury. Withdrawal.

12. In case any coupon bonds and coupons thereunto appertaining or any registered bond shall become mutilated or destroyed, a new bond shall be executed and delivered of like tenor, amount, date and series, in substitution for the mutilated or destroyed bonds or coupons. In case of destruction or mutilation the applicant for the substituted bond or bonds shall furnish to the issuing officials evidence satisfactory to it of such mutilation or destruction and also such security and indemnity as may be required. Damaged bonds. Substitution. Indemnity.

13. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from accrued interest and premiums from the sale of bonds or from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid. All expenses chargeable to issue.

14. Bonds issued hereunder shall mature in installments in the years commencing with the third year after the date of issue and ending not later than the tenth year from the date of issue as shall be determined by the issuing officials. All such bonds issued pursuant hereto shall be subject to call for redemption upon three months' notice at any time after three years from the date of issuance. The installments falling due in the several years shall be so arranged that the total of the interest on all outstanding bonds for the year plus the amount of bonds falling due within such year shall be practically the same throughout each year of the series, provided that in order to avoid issuing bonds for fractions of one thousand dollars Maturity. Redemption. Installments. Multiple arrangement.

($1,000.00) or to avoid having any of the bonds falling due within any year of the series in amount less than multiples of ten thousand dollars ($10,000.00), the maturities may be arranged in multiples of ten thousand dollars ($10,000.00).

Provision for principal and interest:

15. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

Surplus highway fund;

(a) The surplus of any highway extension sinking fund, whether principal or interest, remaining after the retirement of highway extension bonds;

Revenues from races;

(b) Revenues derived from pari-mutuel betting at race meetings when legislation therefor shall be enacted;

Tax on motor fuels;

(c) From the receipts of the tax on motor fuels, as provided by subtitle six of Title 54 of the Revised Statutes, such funds as the issuing officials shall deem necessary, and the State Treasurer is hereby authorized to retain such amounts.

If funds lacking tax on liquors;

(d) In addition thereto, should the funds from the tax above recited prove in any year to be insufficient for the purposes above stated, then and in that event there is hereby appropriated and the treasurer shall in such year set aside for such purpose such sums as may be required to meet the requirements hereunder for the next ensuing calendar year from the tax collected under and by virtue of the provisions of the alcoholic beverage tax law, being chapters forty-one to forty-seven, inclusive (subtitle eight), of Title 54 of the Revised Statutes, as amended and supplemented, and the said treasurer is hereby authorized to retain such amounts from the receipts of said tax as shall be so required.

When tax levy.

(e) If in any year or at any time funds, as herein above appropriated necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall

be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before the fifteenth day of December in each year the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before the twentieth day of December in each year.

Collection.

Payment to county treasurer.

Payment to State Treasurer.

16. Should the State Treasurer by December thirty-first of any year deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided to meet the interest and principal payments for the year after the ensuing year, then the Treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before the first day of March following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation

Determining amount raised by taxation.

Basis of calculation.

Amount certified to respective taxing authorities.

shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

Proposition submitted to electors.

17. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, one thousand nine hundred and thirty-nine, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect and at least thirty days prior to the said election, to cause this act to be published at least once in at least ten newspapers published in the State. It shall be the duty of the Secretary of State to arrange, in accordance with the statutes of this State in such case made and provided, for such submission, of which submission the same notice shall be given as is required by law to be given of said election, and the people of the State may, at such election, vote for and against the sanction or rejection of this act in the following manner:

Publication.

Legal notice of proposed submission.

Ballot.

There shall be printed on each official ballot the following:

Marking ballot.

If you favor the taking effect of the act entitled below, make an × or a + mark in the square opposite the word "Yes."

If you are opposed to the taking effect of the act entitled below, make an × or a + mark in the square opposite the word "No."

Proposition.

	Yes	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 twenty-one million dollars ($21,000,000.00) for the relief of the people of the State from the hardships and suffering caused by unemployment and the effects thereof on the public health and welfare; 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 act to the people at a general election.
	No	

Data given.

The fact and date of the approval or passage of this act, as the case may be, shall be inserted in the appropriate place after the title in said ballot.

Canvassing results.

The said ballots so cast for and against this act shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is now provided for by law in the case of the election of a Governor, and the sanction or rejection of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the sanction of this act, then all of the provisions of this act shall take effect forthwith.

Declaration.

Effectiveness

18. This section and section seventeen of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved August 17, 1939.

CHAPTER 330

AN ACT authorizing the Treasurer of this State to transfer the sum of three million dollars ($3,000,000.00) received from the tax imposed on motor fuels to the State Financial Assistance Commission, or its successor or successors in office.

Preamble. WHEREAS, The State Treasurer and State Comptroller have advised the Legislature that no payment of moneys into the sinking fund will be required in one thousand nine hundred and forty to maintain the integrity and soundness of such fund and the credit of this State; and

Preamble. WHEREAS, It is deemed advisable to divert approximately the amount of the usual yearly payment into such fund to the purpose of relief; now, therefore,

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

Transfer of certain money to financial assistance commission. 1. The Treasurer of this State is hereby authorized to transfer the sum of three million dollars ($3,000,000.00) received from the tax imposed on motor fuels to the State Financial Assistance Commission, or its successor or successors in office. Such transfer shall be made by draft on or after the first day of September, one thousand nine hundred and thirty-nine.

No sinking fund requirement. 2. The Sinking Fund Commission created by chapter one hundred and eighty-one of the laws of one thousand nine hundred and twenty-seven is hereby directed to refrain from certifying for the year one thousand nine hundred and forty any moneys to be paid from the motor fuel tax for or on account of sinking fund requirements.

3. This act shall take effect immediately.

Filed August 17, 1939.

CHAPTER 331

AN ACT making additional appropriations from the State highway fund to the State highway and other departments of the State government.

STATEMENT

Statement.

Revenues as per Chapter 97, Laws of 1939	$39,281,490	36
Amount received from the city of Newark in settlement of claim of the State Highway Department..	750,000	00
	$40,031,490	36
Appropriation made by Chapter 97 of the Laws of 1939	35,228,660	82
Available for appropriation	$4,802,829	54

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

Appropriation from highway 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.

STATE HIGHWAY COMMISSIONER

Appropriation:

Highway system.

Construction of State highway system, purchase of rights of way, construction of roads, bridges and grade crossings, pursuant to section 52:22–20 of the Revised Statutes:		
State Funds	$1,802,829	54

STATE FINANCIAL ASSISTANCE COMMISSION

Appropriation:

Public assistance.

To meet the State's share of public assistance for the period beginning January first, one thousand nine hundred and thirty-eight, and ending December thirty-first, one thousand nine hundred and thirty-eight, pursuant to statute in such case made and provided.. $3,000,000 00

2. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 332

AN ACT relating to the incurring of indebtedness and the issuance of notes and bonds, for the relief of the poor, by cities, boroughs, towns, townships, villages and other municipalities other than school districts.

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

Supplying municipal relief.

1. Any city, borough, town, township, village or other municipality (other than school districts), may incur indebtedness, borrow money and issue its negotiable bonds for the relief of the poor, including direct relief, expense of administration, the cost of issuance of such bonds and other incidental expenses.

Authority for bond issue.

2. Any bonds issued under this act shall be authorized by ordinance, passed by the governing body of the municipality in the manner or mode of procedure prescribed by the local bond law, constituting sections 40:1–1 to 40:1–88 of the Revised

Statutes, except that (1) no supplemental debt statement need be filed and said bonds may be issued notwithstanding any debt or other limitation prescribed by the said law, (2) no down payment shall be required, (3) said bonds shall mature in not more than five annual installments, commencing not more than one year from the date of said bonds and no annual installment shall exceed the amount of the smallest prior annual installment of such issue, and (4) the ordinance authorizing such bonds need state only the amount of bonds thereby authorized for relief of the poor, the rate or maximum rate of interest the bonds shall bear and the date and maturities of the bonds. Exceptions.

3. Such bonds may be made subject to redemption prior to maturity at par and accrued interest on any interest payment date on such notice as may be provided in the bonds. Any such bonds which are issued subject to redemption prior to maturity shall be redeemed in accordance with their terms on the receipt of moneys from the State if the State Financial Assistance Commission, or its successor, shall so prescribe, in connection with any allotment of State funds for poor relief to such municipality. Redemption.

4. All bonds issued hereunder shall be general obligations of the municipality issuing them and a tax sufficient in amount to pay the principal of and interest on such bonds shall be levied and collected by such municipality in the year in which the same shall become due and payable. Such bonds may contain a recital that they are issued pursuant to this act in the manner or mode of procedure prescribed by the local bond law and such recitals shall be conclusive evidence of their validity and of the regularity of their issuance. Meeting principal and interest. Recital.

5. The powers conferred by this act shall be in addition to the powers conferred by any other law and bonds may be issued hereunder notwithstanding that other laws may provide for the incurring of indebtedness for like purposes. Powers.

6. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 333

AN ACT concerning the issuance of bonds and other obligations and the incurring of indebtedness by counties, cities, boroughs, towns, townships, villages and other municipalities other than school districts, and amending section 40:1–77 of the Revised Statutes.

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

Section amended.

1. Section 40:1–77 of the Revised Statutes is amended to read as follows:

Deductions:

40:1–77. Deductions. Such annual debt statement shall also set forth in the form prescribed the deductions applicable thereto, as follows:

Funds on hand and 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 securities;

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;

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 of the average of the assessed valu-

ations as set forth in such statement pursuant to subsection two of section 40:1–80 of this Title;

d. Notes or bonds issued, or authorized but not issued, only for the relief of the poor, if included in the gross debt. Relief issues.

2. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 334

AN ACT concerning the issuance of bonds and other obligations and the incurring of indebtedness by counties, cities, boroughs, towns, townships, villages and other municipalities other than school districts, and amending section 40:1–76 of the Revised Statutes.

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

1. Section 40:1–76 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:1–76. The 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 law, except tax anticipation, tax revenue and tax title notes or bonds and emergency notes issued for relief of the poor, 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

What annual debt statement to show.

As to school issues.

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 subsection two of section 40:1–80 of this Title.

Act effective.

2. This act shall take effect the first day of December, one thousand nine hundred and thirty-nine.

Approved August 17, 1939.

CHAPTER 335

AN ACT concerning the salaries of assistant prosecutors of the pleas, and amending section 2:182–14 of the Revised Statutes.

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

Section amended.

Section 2:182–14 of the Revised Statutes is amended to read:

Salaries of assistant prosecutors:

2:182–14. Assistant prosecutors of the pleas appointed under authority of section 2:182–13 of this Title shall receive annual salaries as follows:

First class counties;

a. In counties of the first class: the first assistant prosecutor, not less than seven thousand nor more than ten thousand dollars; one of the assistant prosecutors, other than the first assistant prosecutor, not less than six thousand nor more than seven thousand dollars; all other assistant prosecutors, not less than five thousand nor more than six thousand dollars. The amounts of the salaries herein provided for shall be fixed by the board of chosen freeholders of the respective counties.

Counties having two judges;

b. In counties, except counties of the first class, in which there are two or more judges of the court of common pleas: the first assistant prosecutor, seven thousand dollars; one assistant prosecutor,

other than the first assistant, six thousand dollars; the other assistant prosecutor, five thousand dollars.

c. In counties bordering on the Atlantic ocean, except any such county having two or more judges of the court of common pleas: Counties along ocean;

(1) Counties having a population of more than seventy-five thousand and not more than one hundred and five thousand, the assistant prosecutor, four thousand dollars; Counties 75,000-105,000;

(2) Counties having a population of more than one hundred and thirty thousand, the second assistant prosecutor, twenty-five hundred dollars; Second assistant;

(3) In counties having a population of more than thirty-two thousand and not more than fifty thousand, the assistant prosecutor, an amount to be fixed by the board of chosen freeholders; Counties 32,000-50,000;

(4) All other such counties, the assistant prosecutor, an amount to be fixed by and paid out of the salary of the prosecutor of the pleas of any such county. Other counties;

d. In all counties in which the salaries of the assistant prosecutors are not otherwise fixed by this section: Certain counties;

(1) Counties having a population of more than two hundred thousand, the assistant prosecutor, sixty-five hundred dollars; Counties of 200,000;

(2) Counties having a population of more than two hundred thousand and not more than two hundred and fifty thousand, the first assistant prosecutor, four thousand dollars, and the other assistant prosecutor, thirty-five hundred dollars; Counties 200,000-250,000;

(3) Counties having a population of more than one hundred and thirty-five thousand and not more than two hundred thousand, the assistant prosecutor, four thousand dollars; Counties 135,000-200,000;

Counties 100,000-135,000;

(4) Counties having a population of more than one hundred thousand and not more than one hundred and thirty-five thousand, the assistant prosecutor, twenty-five hundred dollars;

Counties 80,000-95,000;

(5) Counties having a population of more than eighty thousand and not more than ninety-five thousand, the assistant prosecutor, fifteen hundred dollars;

Counties 60,000-70,000;

(5a) Counties having a population of more than sixty thousand and not more than seventy thousand, according to the census taken in one thousand nine hundred and thirty, the assistant prosecutor, twelve hundred dollars;

Counties 82,000-150,000;

(6) Counties having a population of more than eighty-two thousand and not more than one hundred and fifty thousand, except counties bordering on the Atlantic ocean, the assistant prosecutor, two thousand dollars;

Remaining counties.

(7) In all other counties, the assistant prosecutor, an amount to be fixed by and paid out of the salary of the prosecutor of the pleas of the county.

How paid.

In each county the salaries of the assistant prosecutors of the pleas shall be paid at the same times and in the same manner as other county salaries are paid, and shall be in lieu of all fees and other compensation or allowances whatever.

No fees.

Fees paid into treasury.

All fees allowed by law to assistant prosecutors of the pleas shall be paid into the treasury of the respective counties for the use thereof.

2. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 336

AN ACT to validate proceedings heretofore taken and notices heretofore given by the director of health and purporting to comply with the provisions of subsection (g) of section 40:1–16 of the Revised Statutes.

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

Validating certain proceedings taken by director of health.

1. All proceedings heretofore had or taken by the director of health of the State Department of Health and all notices heretofore given by such director of health, purporting to comply with the provisions of subsection (g) of section 40:1–16 of the Revised Statutes are hereby ratified, validated and confirmed, and shall be deemed to meet the requirements of the said subsection (g) of section 40:1–16 of the Revised Statutes, notwithstanding that such proceedings and such notices are not orders of the State Department of Health.

2. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 337

AN ACT to validate and confirm the proceedings taken at school district meetings heretofore held and bonds voted at such meetings.

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

Validating certain proceedings at district school meeting authorizing bond issue.

1. All proceedings taken at any school district meeting heretofore held in any school district of this State to authorize the boards of education of such school districts to purchase, take or condemn land to be used as a site for any school building and to construct a building or addition on such land and land now owned by the district and to purchase and provide for the installation of necessary furnishings, furniture and equipment and to issue bonds for such purposes in the corporate name of the district, and any proposal adopted or bonds voted at such meeting for such purposes, are hereby validated and confirmed, notwithstanding that the board of education of such school district did not establish polling places in such school district and did not establish the boundaries of such polling districts, and notwithstanding that the notice or notices of such school district meeting did not contain the boundaries of such polling districts and did not state the location of the polling place in each such polling district; *provided,* such proposal was adopted at said meeting by a majority of the legal voters present and voting at such meeting, and such meeting was held at each of the polling places used as such at the last annual school district meeting, and a notice of such meeting specifying the day and time and such meeting and location of such polling place was posted on each schoolhouse within the polling district for which such polling place was established at least ten days before the date of such meeting, and a notice of

Proviso.

Notice of meeting.

such meeting specifying the day and time of such meeting was published at least one week before the holding of such meeting in a newspaper circulating in the district.

2. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 338

AN ACT concerning old age assistance, and amending section 44:7–12 of the Revised Statutes.

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

1. Section 44:7–12 of the Revised Statutes is hereby amended to read as follows: Section amended.

44:7–12. The county welfare board, as the bureau of old age assistance, shall receive and act upon applications filed pursuant to this chapter, and shall extend to those persons found to be eligible under the provisions of this chapter assistance adequate to provide for their reasonable maintenance and well-being. Old age assistance shall be granted in the form of cash or a check. The amount and nature of assistance which any person shall receive, the manner of providing it, and the conditions upon which it is granted, shall be determined by the county welfare board as the bureau of old age assistance with due regard to the conditions existing in each case, in accordance with the rules and regulations of the State division; but in no case shall such assistance exceed forty dollars per month. Such assistance shall be provided for the recipient only while living in his own or some other suitable family home within this State, except that upon special resolution by the county welfare board, after hearing, and upon written approval

Providing old-age assistance.

Amount of aid.

Maximum assistance.

Residence.

from the State division such assistance may be granted outside his own or other suitable family home; and with the further exception that upon special resolution by the county welfare board, assistance may be continued for such periods as the State division may by regulation prescribe for any individual already receiving same who moves outside the State of New Jersey, in any case where the State division finds that the State to which such individual has moved is willing to provide such supervision and to make such reports as the State division may require.

Exception.

2. This act shall take effect immediately.

Approved August 17, 1939.

CHAPTER 339

AN ACT to amend an act entitled "An act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter eight, Title 45, of the Revised Statutes," approved June fourteenth, one thousand nine hundred and thirty-eight.

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 to read as follows:

Examining board.

3. To carry out the provisions of this chapter, there is hereby created an examining board for the licensing of professional engineers and land surveyors, which board shall consist of five (5) members who shall be appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate, within sixty days after the passage of this chapter, or as soon as practicable

thereafter. The members of said board shall be appointed to serve for the term of five (5) years. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. The term of office of the members of said board shall commence on the first day of May. Vacancies in the membership of the board, however created may be filled by appointment of the Governor from nominees recommended by the representative professional engineering societies of this State, with the advice and consent of the Senate, for the unexpired term. Notwithstanding anything herein contained, the present members of the State board shall continue in office as members of said board until their present respective terms expire.

Term.

Hold over.

Vacancies.

Nominees.

Present members continue.

To direct and supervise the administrative work of the State Board of Professional Engineers and Land Surveyors there is hereby created the office of secretary-director, who shall also be ex-officio a member of the examining board. The secretary-director shall be the chief executive and administrative officer of the State board. The secretary-director shall be named by the Governor of this State, and his term which commences within ten days after this act takes effect shall terminate on the thirty-first day of March, one thousand nine hundred and forty-two. His successor shall be appointed by a majority of the State Board of Professional Engineers and Land Surveyors for a period of three years. The secretary-director is hereby empowered to appoint an assistant secretary and one or more investigators and such assistants as he may deem necessary, who shall hold their respective positions during the pleasure of the secretary-director, and shall perform such duties as he may assign; and shall receive such salaries or compensation as the secretary-director shall fix; *provided, however,* that the total of such salaries and compensation and incidental expenses, together with all other expenses shall not exceed the total receipts from fees during any fiscal year.

Secretary-director.

Chief executive.

Term.

Successor.

Assistants.

Salaries.

Proviso.

Salary of director.

The secretary-director shall be paid a salary of two thousand five hundred dollars ($2,500.00) per annum.

Offices.

The secretary-director is further empowered to lease and maintain suitable offices for the board at such places within the State of New Jersey as he may deem necessary for the conduct of the business of the board.

Regulations.

The secretary-director is empowered to make rules and regulations for effectuating the purposes of this act.

Section 4 amended.

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

Legal designation of board.

4. Said board, when so appointed, shall be designated and known as the "State Board of Professional Engineers and Land Surveyors."

Requirements of members of board.

No person shall be appointed on said board who is not a citizen of the United States and a resident of this State at the time of his appointment, and who has not been engaged in the practice of professional engineering at least ten (10) years, and who shall not have been in responsible charge of professional engineering or land surveying for at least five years.

Subsequent appointments.

After the passage of this chapter appointments to the board to fill expired terms may be made by the Governor from nominees recommended by the representative professional engineering societies of the State, with the advice and consent of the Senate.

Removal by Governor.

The Governor may remove any member of the board after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

One member a surveyor.

One member of said examining board shall be a licensed land surveyor.

Members licensed.

After this chapter becomes effective, no person shall be appointed as a member of said examining board who shall not be a licensed professional engineer or licensed land surveyor under the provisions of this chapter.

Expenses met.

The members of said examining board shall receive no compensation for their services, but shall

be reimbursed for all necessary traveling, hotel, incidental and clerical expenses, incurred in carrying out the provisions of this chapter; *provided, however,* that the total of such expenses shall not exceed the total receipts from fees during any fiscal year.

Proviso.

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. Each member of the examining board before entering upon the duties of his office, shall subscribe to an official oath of office as provided by section 41:1–3 of the Title Oaths and Affidavits of the Revised Statutes, which oath shall be filed in the office of the Secretary of State.

Oath of members of board.

The examining board shall be entitled to the services of the Attorney-General in connection with the affairs of the board and the board shall have power to compel the attendance of witnesses, and any member thereof may administer oaths and the board may take testimony and proofs concerning any matters within its jurisdiction.

Legal adviser.

The board shall adopt and have an official seal.

Seal.

In carrying into effect the provisions of this chapter, the board may, under the hand of its president and the seal of the board, subpœna witnesses and compel their attendance, and also may require the production of books, papers, documents, et cetera, in a case involving the revocation of license or practicing or offering to practice without license. If any person shall refuse to obey any subpœna so issued, or shall refuse to testify or produce any books, papers or documents, the board may present its petition to any justice of the State Supreme Court setting forth the facts, and thereupon such court shall, in proper case, issue a subpœna to such person, requiring attendance before such court and there to testify or to produce such books, papers and documents as may be deemed necessary and pertinent to the board. Any person failing or refusing to obey the subpœna or order of said court may be proceeded

Witnesses.

Refusing subpœna.

against in the same manner as for refusal to obey any other subpœna or order of the said court.

Section 6 amended.

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

Organization.

6. Said examining board shall at its annual meeting to be held in April meet and organize by electing a president, vice-president and treasurer.

Bond.

The secretary-director and treasurer shall give bond for the faithful performance of their duties in such sums as the board shall determine.

Meetings.

Said board shall meet at least every two months and special meetings may be held at such times as called by the secretary-director.

Quorum.

A quorum of the examining board shall consist of three (3) members.

Section 7 amended.

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

Accountings.

An itemized account of all receipts and expenditures of the board shall be kept by the said secretary-director and a detailed report thereof, verified by the affidavit of said secretary-director shall be filed with the Secretary of State within twenty days after the close of the fiscal year.

Filing fees.

The Secretary of State shall be paid such fees for filing the report as are now paid for filing similar reports in his office. All surplus in the hands of the board at the end of the fiscal year shall be paid to the State Treasurer.

Section 11 amended.

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

Licenses.

11. License certificates shall expire on the thirtieth day of April following issuance, renewal or reinstatement and shall become invalid on that day unless renewed. Licensees shall apply for renewal on or before the thirtieth day of April of each year. It shall be the duty of the secretary-director of the board to notify all persons licensed under this chapter of the date of the expiration of their certificates and the amount of the fee that

shall be required for their renewal for one year; such notice shall be mailed at least one month in advance of the date of expiration of said certificate. Renewal may be effected at any time during the month of April by the payment of the following fees, to wit: Renewal fees.

As professional engineer, five dollars ($5.00);

As professional engineer and land surveyor, five dollars ($5.00);

As licensee under one or more of the special titles in professional engineering and land surveying designated by the board prior to the passage of this chapter, five dollars ($5.00);

As land surveyor, five dollars ($5.00).

The failure on the part of the licensee to renew his or her certificate annually in the month of April as required shall not deprive such person of the right of renewal during the ensuing year but the fee to be paid if the license be renewed in any month during the current year subsequent to April shall be seven dollars ($7.00) instead of five dollars ($5.00); and, if the license be not renewed in the current year the licensee shall have to pay a reinstatement fee of ten dollars ($10.00) plus five dollars ($5.00) for each year in which the licensee is in arrears. One notice to the licensee, by mail, on or before April fifteenth, addressed to his or her last place of residence known to the board, informing him or her of his or her failure to have applied for renewal of his or her license, shall constitute legal notification of such delinquency by the board. Fees on failure to renew license. Legal notification.

The failure on the part of the licensee to renew his or her certificate within one year from the date of the expiration of said license will automatically revoke such license and the right of the person to practice thereafter shall be restored only upon the payment of the ten dollar ($10.00) reinstatement fee plus all arrearages. Continuing to practice as Failure to renew revokes certificate. Penalty for violation.

a "professional engineer" or as a "land surveyor" after the expiration of his or her license shall render the person so doing liable to all the penalties prescribed for practicing without a license.

7. This act shall take effect immediately.

Approved October 2, 1939.

CHAPTER 340

AN ACT to authorize boards of chosen freeholders in any of the first class counties of this State to acquire lands and erect and maintain thereon buildings to be used as maternity hospitals, and amending section 30:9–24, of the Revised Statutes.

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

Section amended.

1. Section 30:9–24 of the Revised Statutes is hereby amended to read as follows:

Provisions for county maternity hospital.

30:9–24. The board of chosen freeholders of a county of the first class, whenever in its judgment the public need requires, may acquire land by purchase, condemnation, gift or otherwise anywhere within the county and erect thereon suitable buildings to be used as and for a maternity hospital.

Bond issue to meet expenses.

For the purpose of obtaining moneys to acquire the necessary land and to erect thereon such hospital buildings, and the furnishing and equipping of the same, the board of chosen freeholders of any such county may issue and sell the bonds

Amount.

of such county to an amount not to exceed one per centum of the ratables of such county, which bonds shall be issued under the provisions of article one of chapter one of the Title Municipalities and Counties.

All necessary charges and expenses that may be incurred in conducting such hospital and in keeping the buildings in repair shall be paid by the board of chosen freeholders from funds raised or to be raised by taxation, as other county expenses are raised and paid. Maintenance.

2. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved October 2, 1939.

CHAPTER 341

AN ACT concerning education, and amending sections 18:5–27 and 18:5–28 of the Revised Statutes.

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

1. Section 18:5–27 of the Revised Statutes is amended to read as follows: Section amended.

18:5–27. Whenever the board of education of a municipality shall determine that all or any part of a tract of land with or without a school building or buildings erected thereon is no longer desirable or necessary, or required for school purposes, such board may transfer and convey such land or any portion thereof, with or without improvements thereon, to such municipality, board, body, commission, municipal or county park board or commission, or to any American Legion Post, Veterans of Foreign Wars, or other recognized veterans organization of the United States of America, located in such county or municipality, for a nominal consideration, to be used for public purposes or as a park, or as a meeting place for any such American Legion Post, Veterans of Transfer of unused school property for park.

Foreign Wars or other recognized veterans organization of the United States of America located in such municipality or county.

Section amended.

2. Section 18:5–28 of the Revised Statutes is amended to read as follows:

Authorizing conveyance.

18:5–28. No transfer or conveyance of school property as provided in section 18:5–27 of this Title shall be made until the board of education has adopted a resolution declaring the property to be no longer desirable or necessary or required for school purposes, and authorizing the conveyance thereof for public purposes, or as a park, or to any American Legion Post, Veterans of Foreign Wars or other recognized veterans organization of the United States of America located in such municipality or county, by deed to be executed in the name and under the seal of the board of education by its president and secretary, and until the board, body, commission, municipal or county park board or commission, to whom the conveyance is to be made has adopted a resolution approving the conveyance of such property to it for such public purposes or as a park.

Deed.

Resolution of approval.

If property disused to revert to school board.

Should the property conveyed, pursuant to the terms of this act, cease to be used for any of the purposes contemplated by this statute, such property shall thereupon revert to and the title thereof be vested in the board of education making the conveyance authorized by this act.

3. This act shall take effect immediately.

Approved October 2, 1939.

CHAPTER 342

AN ACT making an appropriation to the Department of Conservation and Development, for the development of the present State parks, subject to the jurisdiction of said department.

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

Appropriation for State parks.

1. There is hereby appropriated to the Department of Conservation and Development the sum of one hundred thousand dollars ($100,000.00) from the State highway fund for the acquisition, development and maintenance of present State parks, subject to the jurisdiction of said department.

Application for Federal assistance.

2. The Department of Conservation and Development shall make application to the Federal Government or any agency thereof, notifying them that such department is sponsoring a project or projects for park purposes, and is authorized to enter into contracts and make commitments necessary to receive benefits of appropriations made by the Federal Government or any agency thereof.

3. This act shall take effect immediately.

Approved October 2, 1939.

CHAPTER 343

AN ACT relating to the formation and government of consolidated municipalities; amending sections 19:38–1, 19:38–2, 19:38–3, 19:38–5 and 19:38–6 of the Revised Statutes; and repealing an act entitled "An act to enable adjoining municipalities, other than cities, lying in the same county, to consolidate and form a city," approved March twentieth, one thousand nine hundred twenty-three, constituting chapter one hundred seventeen of the public laws, one thousand nine hundred twenty-three as amended and supplemented; and repealing sections 40:43–40 to 40:43–64, inclusive, section 40:43–66, section 19:38–4, and section 18:5–13 of the Revised Statutes, and 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 March eleventh, one thousand nine hundred twenty-two, as amended.

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

Title.

1. Short title. This act may be cited as the "Local Units Permissive Consolidation Act (1939)."

Consolidation authorized.

2. Authorization. Any two or more municipalities in the same county and comprising contiguous territory may be consolidated pursuant to this act.

Definitions:

3. Definitions. For the purposes of this act:

State Board;

"State Board" means the Local Government Board of New Jersey.

"Governing body" means the local governing body of a municipality. Governing body;

"Type of municipality" means the statutory classification such as city, town, township, borough. Classification;

"Form of government" means such form as city manager, commission, mayor-council. Form;

"Class" means the statutory classification of municipalities by population and location. Class;

"Joint committee," or "committee," means a joint consolidation committee. Committee;

"Qualified voters" means persons legally qualified to vote at the next preceding general election held in a municipality proposed for consolidation pursuant to this act. Voter.

4. Proceedings instituted by petition; resolution. Qualified voters of a municipality may propose a consolidation pursuant to this act by filing a petition with the governing body of such municipality. The petition may describe the proposed type, form of government and name of the proposed new municipality. The clerk of the municipality, and such assistants as he may require, shall forthwith ascertain and certify to the governing body the number of signatures, and the validity thereof, affixed to any petitions filed in pursuance of this section. Proposal. Petition. Validity of petition.

Whenever the clerk certifies that a petition is signed by at least twenty per centum of the qualified voters of the municipality, the governing body shall forthwith adopt a consolidation resolution, summarizing the proposals of the petition, and forthwith cause a copy of the resolution to be filed with the clerk of the county. Consolidated resolution.

Whenever the county clerk has received consolidation resolutions from each of the governing bodies of the municipalities proposed for consolidation, he shall, forthwith, notify those governing bodies to form a joint consolidation committee pursuant to the provisions of section five. The notice shall be in writing, shall designate the place of the first meeting of the joint committee, and fix a time for such meeting not less than ten nor more than thirty days after the date of such notice. Notification to proceed.

Joint committee.

5. Composition of committee. A joint consolidation committee shall be composed of three residents of each municipality proposed for consolidation. They shall be appointed by their respective governing bodies within ten days from date of the notice by the county clerk. A vacancy shall be filled in the manner provided for original appointment.

Appointment.

Party affiliation.

Not more than two appointees from each municipality shall be of the same political party. Appointees shall hold no remunerative position, employment, or office of public trust. They shall serve without compensation for their services as such, but shall be allowed necessary expenses incurred by them in the performance of their official duties, when itemized and sworn to by the chairman and secretary. The expenses of a joint committee shall be borne by the separate municipalities represented thereon in the proportion that the taxable property within each bears to the whole taxable property within the proposed consolidated municipality. Such apportionment shall be based upon the last abstract of ratables made for the purpose of levying taxes in the respective municipalities concerned.

Expenses met.

How apportioned.

Plan:

6. Consolidation plan; duty of committee. It shall be the duty of the joint committee to formulate a plan for consolidation of the municipalities represented on the committee. A consolidation plan shall provide for and set forth:

Name, type, government;

(1) The name, type, and form of government of the proposed new municipality; but the plan shall be in agreement with the proposals of consolidation petitions with respect to these three matters to the extent that all of the petitions are in explicit accord on one or more thereof;

Charter;

(2) Whether the municipal charter, if any, of one of the municipalities proposed for consolidation shall become the charter of the proposed new municipality;

Obligations adjusted;

(3) Details of adjustment of the indebtedness and other obligations of the municipalities proposed for consolidation in such manner as to pre-

serve a fair and equitable burden of taxation for debt service;

(4) The transfer of property and assets of the consolidating municipalities to the proposed new municipality; Transfers;

(5) The extent to which the municipalities proposed for consolidation may authorize or issue bonds or other obligations or incur contractual duties during the period between the date of a referendum, held pursuant to this act, and the date of consolidation, as defined in section seventeen; Bonding;

(6) Ward boundaries, not inconsistent with the general election laws of the State, which will be the basis for membership on the governing body of the proposed new municipality, whenever such membership is to be by ward representation in whole or in part; Wards;

(7) The date upon which consolidation shall be deemed effected, subject to the provisions of section seventeen; and Effective date;

(8) One of the following methods of treatment of the ordinances, rules and regulations of the municipalities proposed for consolidation: As to ordinances;

a. The ordinances, rules and regulations of one municipality shall take effect throughout the consolidated territory. General effectiveness;

b. The ordinances, rules and regulations of one municipality shall be effective for ninety days after the date of consolidation, but not thereafter unless re-enacted. Period;

c. The joint committee shall remain effective as a codification committee which will present a proposed new code of ordinances, based upon the ordinances of the consolidating municipalities, to the new council for enactment within ninety days after the date of consolidation, with such amendments and supplements as the new council may deem desirable. Pending the enactment of such code of ordinances, the ordinances of the consolidating municipality having the largest population shall remain effective throughout the consolidated territory. Codification. Ordinances governing during formation.

Referendum.

A consolidation plan may also fix the date for a referendum thereon and may contain any additional provisions, including the disposition of special districts and intermunicipal agreements, not inconsistent with the constitution and general laws of the State, relating to the terms and conditions of consolidation.

Committee organization.

7. Meeting; organization. A joint committee shall meet at the time and place designated in the notice of the county clerk, and shall proceed to organize by selecting from its membership a chairman and a secretary. The secretary shall, within two days after the first meeting, certify to the county clerk and the State board the officers and membership of the joint committee. He shall keep a record of all proceedings.

Notification.

Quorum.

A majority of the joint committee shall constitute a quorum for the transaction of its business, but a consolidation plan shall not be adopted by the committee except by the affirmative vote of a majority of the members from each municipality proposed for consolidation.

Meetings.

After organization, the committee shall proceed with its work. It may adjourn any meeting from time to time, not exceeding one week, and may convene after the first meeting at any convenient place.

Completion of work.

Upon the completion of its duties under this act the joint committee shall cease to exist.

Subpœnas.

8. Powers of subpœna. A joint committee shall have the power to issue subpœnas; to compel the attendance of officers and employees of the municipalities concerned; to compel the production of all books, documents and other papers of the municipalities proposed for consolidation, and to administer oaths or affirmations to persons appearing before it to testify.

Failure to comply with subpœna.

If a person subpœnaed fails to appear or to be examined or to answer any question, or to produce any books, papers, correspondence, memoranda, records or documents when subpœnaed or ordered to do so, any court of record or any judge or justice

thereof may, on application therefor by the committee, make such order as may be required, and any failure to obey such order of the court may be punished as a contempt of the court.

Public hearings.

9. Public hearings. The joint committee shall from time to time cause at least two public hearings to be held on the consolidation plan. At least ten and not more than fifteen days prior to the date set for a public hearing, the joint committee shall cause notice of the time, place and purpose of the hearing to be published at least once in a newspaper of general circulation in the municipalities proposed for consolidation.

Notice given.

Co-operation with State Board.

10. Services of State Board. The State Board shall, to every possible extent, advise and cooperate with the joint committee and shall make available its facilities and records and technical and professional assistance from its staff. The secretary of the joint committee shall notify the State Board, in advance, of the time and place of each meeting and hearing of the committee. A member or other representative of the State Board shall be entitled to be present at the meetings and hearings of the joint committee and to take part in discussion, but he will have no vote.

Plans presented.

11. Presentation of plan; approved plan. The plan, and any amendments thereto, formulated and adopted by the joint committee may be presented to the State Board within ninety days from the date of the committee's organization, except that at the committee's request the State Board may extend the period.

Approval of plans.

The State Board shall approve any plan presented to it whenever it determines that the plan complies with the requirements of the constitution and the laws of the State and that its fiscal provisions are practicable. Otherwise the State Board shall disapprove the plan or may give conditional approval of a submitted plan, contingent upon acceptance by the committee of amendments recommended by the State Board.

Certification by State Board.

The State Board shall certify to the joint committee its approval or disapproval and the reasons therefor within thirty days from the date the plan or the last previous amendment thereto is presented to the board. Any plan, including amendments, adopted by the joint committee after the board has made its certification shall, regardless of the approval or disapproval of the State Board, be the "approved plan." The approval or disapproval of the State Board shall, however, be indorsed upon the referendum ballot in accordance with the form prescribed by section fifteen.

Approved plan.

Plans submitted at general election.

12. Referendum. The approved plan shall be submitted to a popular referendum at the next general election to be held not less than thirty days following its adoption, unless such plan provides for a referendum at a different time. Whenever an approved plan is finally adopted by the joint committee, the committee shall forthwith, by formal order directed to and served by registered mail upon the county board of elections, request the holding of an election pursuant to this section. The order shall state the corporate names of the municipalities proposed for consolidation, the name, type and form of government of the proposed new municipality, and the object and date of the election. The committee shall also file a true copy of the order in the office of the county clerk, with the State Board, and with the clerk of each of the municipalities named in the order.

Notice to board of elections.

Order filed.

Abstract of plan published.

13. Notice; publication of plan. The joint committee shall cause to be prepared an "official abstract" of the approved plan consisting of a clear, concise statement, without argument or prejudice, descriptive of the substance of the plan. Not less than twenty nor more than thirty days preceding the date fixed for the election, the committee shall cause the official abstract to be published at least once in a newspaper of general circulation in the municipalities named in the plan, together with notice of:

Notice given:

(1) the time, place and purpose of the election; Election;

(2) the manner in which copies of the approved plan may be obtained; and Procure copies;

(3) the fact that if the voters favor the consolidation by a majority vote in each of the municipalities named in the plan, the approved plan shall become binding and legally enforceable between such municipalities. As to approval.

The joint committee shall make available a sufficient number of printed or typewritten copies of the approved plan to supply them to interested persons upon request. The joint committee shall also file one certified copy of the approved plan in the office of the clerk of each of the municipalities, the county clerk, the State Board and the Secretary of State. Copies supplied to interested persons. Certified copies filed.

14. Conduct of election. It shall be the duty of the county board of elections to conduct the referendum election in compliance with the order of the committee. All qualified voters shall be entitled to vote, and the referendum shall, except as otherwise provided in sections fifteen, sixteen and seventeen, be conducted and the results thereof ascertained and certified in the same manner and under the same conditions, restrictions and penalties as are provided by law for general elections. The clerk of the county, the county board of election, the commissioner of election and municipal clerks, as the case may be, shall prepare and deliver all the necessary books and records of registry of voters as well as all ballots, booths, books and other equipment to be used in the course and for the purposes of the election. Conducting election. Voters. Election equipment supplied.

15. Ballots. In referenda under this act, separate printed ballots in the form required by this section shall be used. Each ballot shall be printed in type not less than eight point, and shall be in substantially the following form: Ballots.

Form of ballot.

OFFICIAL BALLOT

for No.

CONSOLIDATION REFERENDUM

Municipality Ward Election Dist. Date

OFFICIAL ABSTRACT

OF APPROVED CONSOLIDATION PLAN

(Here set forth official abstract)

The above Plan has been { Approved / Disapproved } { by the Local Government Board.

THE QUESTION:

Proposition.

Shall..... and ..... (name of the municipalities) be consolidated and become one municipality in accordance with the Approved Plan of consolidation. an official abstract of which is printed above?

☐ FOR CONSOLIDATION

☐ AGAINST CONSOLIDATION

To vote mark a cross (×) or plus (+) in the square next to your choice.

Canvass.

16. Certification of results; effective vote. The county board of election shall forthwith canvass the returns of the election and shall certify the result of its canvass to the clerk of each municipality. The certificate shall show distinctly the total number of votes cast for and against the consolidation in each of the municipalities voting on the question.

If adopted.

The approved plan of consolidation shall be certified as having been adopted whenever the canvass results in a favorable majority vote in each of the municipalities proposed for consolidation.

Result certified.

The county board of election shall file true copies of its certificate in the offices of the county clerk, the State Board and the Secretary of State.

Consolidation effected.

17. Date of consolidation. Following a favorable majority vote, as provided in section sixteen, the municipalities shall be deemed consolidated as of the date provided for and set forth in the approved plan. If no such date is fixed, then the consolidation shall be deemed effective from and after twelve o'clock noon of the first day of the calendar year next succeeding such favorable vote. If the referendum date, however, is less than thirty days prior to the last day in that year for the filing of nominating petitions for the election of municipal officers in the type and form of government set forth in the approved plan, the consolidation shall be deemed effected as of twelve o'clock noon of the first day of the calendar year next but one succeeding the date of the referendum.

Date of beginning.

Resubmission of plan.

18. Defeat of approved plan. The question as to consolidation of the same municipalities shall not be submitted to the voters thereof within two years from the date of the last previous referendum held for that purpose.

Entity of consolidated municipalities.

19. New corporate entity; adjoining municipalities. From and after the date of consolidation, as defined in section seventeen, the municipalities that have adopted the approved plan, as appears by the certificate of the county board of election, shall constitute and be a single municipality under the name, of the type and form of government, and subject to the provisions set forth in the approved plan. The inhabitants of the territory comprising the consolidated municipalities shall thereafter be a body politic and corporate in fact and in law under such name.

Laws applicable.

The general laws of the State applying to municipalities of the type, form of government and class (if any) of the new municipality shall apply to consolidated municipalities created pursuant to this act.

Ward boundaries.

20. Ward boundaries. The ward boundaries provided for and set forth in the approved plan shall be those of the new municipality until changed in accordance with law. For the purposes of determining such ward boundaries, the joint committee shall have all the powers of a governing body.

Municipal officers.

21. Election of officers of consolidated municipalities. The nomination and election of the first set of officers in a consolidated municipality created under this act shall be in the manner provided by chapter thirty-eight, Title 19, Revised Statutes, as amended by the next five succeeding sections of this act. The newly elected officers shall take office on the date of consolidation.

Section amended.

22. Section 19:38–1, Revised Statutes, is hereby amended to read as follows:

First set of municipal officials.

19:38–1. When the voters of two or more municipalities in the same county shall vote to consolidate and form a municipality by virtue of any act of the Legislature, the first set of officers and officials of that municipality shall be elected within the limits of such municipalities at the general or regular municipal election, as the case may be immediately preceding the date of consolidation at which such officers are required by law to be elected in municipalities of the type and form of government of the consolidated municipality.

Separate municipalities not recognized.

During the calendar year in which such election is held, there shall be no nomination or election for officers of the separate consolidating municipalities, and incumbents thereof shall continue to hold office until the date of consolidation.

Section amended.

23. Section 19:38–2, Revised Statutes, is hereby amended to read as follows:

Records available.

19:38–2. The clerk of the county, the county board, the commissioner and the municipal clerks, as the case may be, wherein such municipalities lie shall prepare and deliver all the necessary books and records of registry of voters as well as all ballots, booths, books and other equipment to be used in such municipalities for registry of voters

and the nomination and election of the officers and officials of the municipality so formed.

Section amended.

24. Section 19:38–3, Revised Statutes, is hereby amended to read as follows:

Powers of county clerk.

19:38–3. The clerk of the county in which the municipalities are located shall have the legal powers and duties of the municipal clerk of the consolidated municipality for the purposes of nomination and election of the first set of municipal officers.

Section amended.

25. Section 19:38–5, Revised Statutes, is hereby amended to read as follows:

Election officers.

19:38–5. The county board of the county wherein such municipalities are located shall appoint and provide proper election officers at the various polling places designated in the manner specified in the law providing for the formation of such municipality, to properly conduct the elections and perform the usual duties required of such officers by this title.

Section amended.

26. Section 19:38–6, Revised Statutes, is hereby amended to read as follows:

Certificates of election issued.

19:38–6. Certificates of election shall be issued by the clerk of the county within which such municipalities lie to the successful candidates, which certificates shall be filed with the clerk of the municipality on the date set for such municipalities to become consolidated.

Termination of present incumbents.

27. Officers of constituent municipalities. The terms of office of all elected and appointed officers and employees of municipalities consolidating under this act shall, except as otherwise provided in sections thirty-four, thirty-five, thirty-six and thirty-seven of this act, terminate on the date of consolidation.

Former obligations vested in new municipality.

28. Succession in government. From and after the date of consolidation the new municipality shall be vested with and subject to the assets, contracts, debts and other obligations of the consolidated municipalities to the extent of and in accordance with the provisions of the approved plan. The consolidating municipality shall have power, which may

be exercised in the manner prescribed by the provisions of law governing the municipalities which have been consolidated, to complete any work, service or improvement, to confirm and collect previously levied taxes and assessments in the consolidated territory, respectively, incomplete, unconfirmed or uncollected on the date of consolidation.

Carrying out plans.

It shall also have power and shall be required to carry out the provisions of the approved plan not inconsistent with this act, the constitution or laws of the State.

Transfer of funds and property.

29. Transfer of funds and property. Immediately upon the installation of the new municipal government the officers having custody of the funds of the consolidated municipalities shall deliver all funds in their possession into the custody of the proper fiscal officer of the new municipality, who shall acknowledge delivery by giving his receipt therefor.

Direction of transfers.

The mayor or other chief executive officer of the new municipality shall supervise and direct the transfer of all personal property, books, papers, vouchers, or other documents belonging to the consolidated municipalities, to the proper officers of the new government. He shall cause a complete inventory to be made of all assets, real and personal, received by the new government.

Auditing.

The State Board shall cause an audit and settlement of officers' accounts to be made forthwith.

Bonds.

The official bonds of the officers and officials shall continue in force and effect until the audit and settlement have been completed.

All legal proceedings continue.

30. Legal proceedings. No suit, action, or proceeding pending in any court or before any board or department wherein one of the consolidating municipalities is a party, or in which it is interested, or by the determination of which it might be affected, shall abate by reason of the consolidation, but the new municipality shall be substituted in the place and stead of such consolidating municipality, and the suit, action, or proceeding shall continue as if the consolidation had not taken place,

and in accordance with the applicable laws, ordinances, and regulations of the constituent municipalities.

Issuing bonds.

31. Bond issues. During the period between the date of a favorable referendum, held pursuant to this act, and the date of consolidation, bonds or other obligations shall be authorized and issued, and contractual duties incurred by any consolidating municipality only to the extent permitted by the approved plan.

As to bonds authorized but not delivered.

Bonds of the consolidating municipalities which have been sold, or in anticipation of the issuance of which temporary notes have been issued prior to the date of consolidation, may be issued and delivered or permanent bonds issued, as the case may be, by the consolidated municipality, after the date of consolidation, without further authorization and notwithstanding any limitations heretofore or hereafter imposed by law on the form, amount or terms of such indebtedness. The issuance of any other bonds or obligations by the consolidated municipality shall require a new authorization after the date of consolidation, pursuant to applicable provisions of law at the time of authorization.

New authorization.

Licenses, etc., continue in force.

32. Permits, licenses and franchises. Permits, licenses and franchises granted to any place or person by any of the consolidating municipalities shall, subject to their conditions, remain in full force and effect and be recognized by the new municipality until the expiration of the term for which they were granted. But this section shall not be construed to prevent the revocation of any such permit or license before its expiration, in the manner provided by law.

School districts consolidated.

33. Succession in school districts. From and after the date of consolidation the school districts of the consolidated municipalities shall be a single school district which shall be administered pursuant to Title 18 of the Revised Statutes, subject to the following provisions:

Administration:

If city; (1) If the consolidated municipality is a city, members of the board of education shall be appointed pursuant to chapter six, Title 18, of the Revised Statutes, but the first appointments shall be made on the date of consolidation, to expire on the next succeeding February first (or, in the case of a city of the first class, on the next succeeding July first).

If town; (2) If the consolidated municipality is an incorporated town in which the mayor or other chief executive officer has power to appoint the members of the board of education pursuant to sections 18:7–48 and 18:7–49 of the Revised Statutes, the members of the school board shall be appointed pursuant to such sections, but the first appointments shall be made on the date of consolidation, to expire on the next succeeding February first.

Electing school boards; (3) Except as provided in subsection two of this section, if the consolidated municipality is not a city. the members of the board of education shall be elected pursuant to the provisions of chapter seven, Title 18, of the Revised Statutes, but the first members of such board shall be selected and shall serve in the manner provided for boards of education of consolidated districts by sections 18:5–15 and 18:5–16 of the Revised Statutes.

New board to supersede former ones. (4) Upon the qualification and taking office of the members of the new school board, pursuant to the provisions of this section, the school districts and school boards as they existed prior to the date of consolidation shall be superseded.

Teachers, etc. 34. Teachers, etc. All principals, teachers, and employees in the public schools of the consolidating municipalities shall, when the consolidation becomes effective, be principals, teachers and employees respectively in the public schools of the new municipality.

Library employees. 35. Library employees. Employees of a library of the consolidating municipality shall, after the date of consolidation, be library employees of the new municipality.

Firemen and policemen.

36. Policemen and firemen. Policemen and paid firemen of the consolidating municipalities shall, after the date of consolidation, be policemen and firemen of the new municipality. They shall be subject to the orders and control of the mayor or other chief executive officer of the new municipality, until the heads of the police and fire departments are chosen and placed in charge thereof.

Volunteer firemen.

Members of volunteer fire departments or companies of the consolidating municipalities shall, after the date of consolidation, be members of the volunteer fire department, if any, of the new municipality. They shall be subject to the orders and control of the mayor or other chief executive officer of the new municipality until the head of the fire department is chosen and placed in charge thereof.

Tenure and pensions.

37. Tenure of office and pension laws. The tenure and pension rights under State laws of officers and employees of consolidating municipalities shall not be affected by the provisions of this act.

Construing statutes.

38. Statutes affected. The provisions of this act with respect to the procedure for adopting a form of government, in connection with a consolidation hereunder, shall be construed as in lieu of, and not limited by, any other provisions of law with respect to the procedure for the adoption of such forms of government.

Sundry repealers:

39. Statutes repealed. The following acts and sections of the Revised Statutes are hereby repealed:

Adjoining municipalities;

Section 40:43–66, Revised Statutes, and an act entitled "An act to enable adjoining municipalities, other than cities, lying in the same county, to consolidate and form a city," approved March twentieth, one thousand nine hundred twenty-three, constituting chapter one hundred seventeen of the public laws, one thousand nine hundred twenty-three as amended and supplemented; and

Sections 40:43–40 to 40:43–64, inclusive, Revised Statutes; and

Section 19:38–4, Revised Statutes; and

School matters.

Section 18:5–13, Revised Statutes, and 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 March eleventh, one thousand nine hundred twenty-two, as amended.

Legality of procedure.

40. Limitation of actions. No action or proceeding may be maintained to question the validity or regularity, de facto or de jure status, of any consolidated municipality created pursuant to this act after thirty days from the date of the county board's certification of the results of the referendum. Thereafter, neither the new municipality, any of its constituent municipalities nor any interested person may question the legal validity of proceedings taken under this act for any purpose whatsoever.

Validity.

Approved October 3, 1939.

CHAPTER 344

AN ACT relating to the sale by municipalities of public lands or buildings not needed for public use, and amending section 40:60–26 of the Revised Statutes.

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

Section amended.

1. Section 40:60–26 of the Revised Statutes is hereby amended to read as follows:

Municipalities may sell property not needed.

40:60–26. The governing body of any municipality may sell any lands or buildings or any right or interest therein not needed for public use. All such sales or disposition except as provided in sections 40:60–27 to 40:60–29 of this Title shall be authorized to be made by one of the following methods:

Procedure:

(a) By public sale to the highest bidder after public advertisement thereof in a newspaper circulating in a municipality in which the lands are situated by two insertions at least once a week during two consecutive weeks, the last publication to be not more than seven days prior to the sale. In the case of public sales the governing body of any municipality may by resolution fix a minimum price to be included in the advertisement of sale of said lands and public notice thereof given at the time of sale. Such sales may be adjourned at the time advertised for not more than one week without readvertising.

By public sale;

Minimum price;

Adjournment;

(b) Such governing body may from time to time by ordinance authorize the sale of any such properties at private sale for a period of time to be stated in said ordinance, which ordinance shall also fix the minimum sale price for each property so to be sold. A list of the properties so authorized to be sold, together with the minimum prices respectively, as determined by the governing body, shall be included in the ordinance and said list shall be posted in the city hall, or in such other municipal building in which the governing body usually holds its regular meetings. Additional copies of said list shall be made available for distribution. Offers for any or all properties so listed may be made to the governing body, at not less than the minimum prices as published by any prospective purchaser or any real estate broker or other persons legally authorized to consummate the transaction. The commission to be paid to any such broker or person consummating a sale, other than the purchaser, shall be not more than five per centum (5%) of the sale price, and may be paid out of the down payment on account of the purchase price.

By private sale;

Minimum price;

List of property to be sold.

List posted;

Tenders;

Commissions.

Any and all private sales made in the manner specified shall not become effective

Sales ratified.

until ratified by the governing body of the municipality at a regular meeting.

Private sales.

(c) In place of the above methods the governing body of any municipality may sell any such properties at private sale, as follows: Upon any offer being made by any person to the municipality to purchase any such property, the said offer shall be submitted to and considered by the governing body thereof at a regular or special meeting, and said governing body may then reject said offer, or may approve the same subject to final approval at a further public meeting of said governing body not less than ten days after said first meeting. Notice of the said further meeting of the governing body, containing said offer of purchase with a description of the land to be sold, the price thereof and the terms and conditions of said sale, shall be published at least once in a newspaper circulating in said municipality, not less than two days nor more than ten days before said further meeting; and at said further meeting the said offer to purchase said property shall be considered by the governing body which may then reject the same, or may confirm and ratify said sale under said terms and conditions, or a modification thereof; *provided,* that no higher price or better terms shall then be bid for said property by any other person; and said governing body may then authorize the proper officers thereof either to execute a formal agreement of sale with the purchaser which shall be binding upon said municipality and upon the purchaser, or may authorize the proper officers to make a deed of conveyance to said purchaser, as the case may require.

Rejection or approval.

Description.

Publication.

Decision by governing body.

Proviso.

Agreement.

Other methods.

(d) In place of the above methods the governing body of any municipality may sell any such properties at public or private sale upon such terms and conditions as shall be authorized by resolution of said governing body,

with the approval in writing of the Commissioner of Local Government.

All sales, either public or private, may be for cash or upon credit. The governing body may by resolution fix the time for settlement and payment of the consideration and when the sales are upon credit the municipality may accept a purchase money mortgage to be given by the purchaser or purchasers, the terms and conditions of which mortgage shall be fixed by the resolution of the governing body of the municipality; *provided, however,* that any such mortgage shall be fully payable within five years from the date of the sale and shall bear interest at the rate of six per centum (6%) per annum. The governing body may also impose conditions and restrictions on the use to be made of such land in the manner and to the same extent as any other vendor of real estate, whether such sale shall be made at public or private sale; *provided, however,* that any conditions for the payment of the consideration upon credit and any conditions and restrictions on the use to be made of the land shall be set forth at length in any advertisement of sale hereinabove required.

Cash sale or credit.

Mortgage.

Proviso.

Use of land.

Proviso.

2. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 345

AN ACT making an appropriation to the New Jersey State Planning Board.

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

1. There is hereby appropriated to the New Jersey State Planning Board from the general funds of the State the sum of twenty thousand dollars ($20,000.00) to be expended by the board, during

Appropriation to planning board.

the fiscal year 1939-1940, in the performance of duties placed upon the said board by law.

2. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 346

AN ACT concerning public records, and amending section 47:1–5 of the Revised Statutes.

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

Section amended.

1. Section 47:1–5 of the Revised Statutes is amended to read as follows:

Rerecording records by photography.

47:1–5. All papers, documents and instruments in writing authorized or required by law to be recorded and indexed in the office of the Secretary of State, register of the prerogative court, clerk, register of deeds and mortgages and surrogate of any county of this State, as well as the record and index of any such papers, documents or instruments in writing, which may be recopied, rerecorded or transcribed pursuant to any law of this State, may be recopied, rerecorded, reindexed or transcribed in such offices by means of photography, and such rerecord or transcribing, made by means of photography, shall have the same legal force, meaning and effect as if made in handwriting or in typewriting.

Photographic copies valid.

The Secretary of State, register of the prerogative court, clerk, register of deeds and mortgages and surrogate of any county of this State may make a copy by means of photography of any document or instrument and such photographic copy, if made, shall have the same legal force, meaning and effect as if made in handwriting or in typewriting.

2. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 347

AN ACT appropriating funds for the annual maintenance costs of the Delaware and Raritan canal for the fiscal year beginning July first, one thousand nine hundred and thirty-nine.

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

Appropriation for canal maintenance.

1. There is hereby appropriated to the State Board of Conservation and Development for the maintenance of the Delaware and Raritan canal property under the jurisdiction of said board for the State for the fiscal year beginning July first, one thousand nine hundred and thirty-nine, twenty-two thousand four hundred dollars ($22,400.00).

2. This act shall take effect immediately.

Approved October 2, 1939.

CHAPTER 348

AN ACT making an appropriation for the further support of the New Jersey Guard.

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

Appropriation for drilling by national guard in 1940.

1. There is hereby appropriated to the Quartermaster-General the sum of six thousand five hundred dollars ($6,500.00) in order to permit the restoration of twelve armory drills in the New Jersey Guard of this State for the fiscal year ending June thirtieth, one thousand nine hundred and forty.

How expended.

2. The appropriation herein authorized shall be expended in the same manner and subject to the

same provisions as other appropriations made by law.

Act effective. 3. This act shall take effect July first, one thousand nine hundred and thirty-nine.

Approved October 3, 1939.

CHAPTER 349

AN ACT making an appropriation for the further support of the New Jersey Guard.

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

Appropriation for drills 1939. 1. There is hereby appropriated to the Quartermaster-General's Department the sum of four thousand eight hundred dollars ($4,800.00) in order to permit the restoration of twelve armory drills in the New Jersey Guard of this State for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-nine.

How expended. 2. The appropriation herein authorized shall be expended in the same manner and subject to the same provisions as other appropriations made by law.

3. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 350

AN ACT concerning menhaden, and amending section 23:3–50 of the Revised Statutes, as amended May fourth, one thousand nine hundred and thirty-nine.

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

1. Section 23:3–50 of the Revised Statutes is amended to read as follows: Section amended.

23:3–50. A person licensed under sections 23:3–50 to 23:3–53 of this Title may take menhaden with a purse or shirred net in accordance with the permission granted by the license, but no person shall use or employ a vessel of more than fifty tons net tonnage for taking menhaden with purse or shirred nets in the waters of Sandy Hook bay, Raritan bay or Lower bay, within this State, or in the waters of the Atlantic ocean within the jurisdiction of this State, north of the United States coast guard station located in the borough of Monmouth Beach, in the county of Monmouth, or in the waters of the Atlantic ocean, within the jurisdiction of this State, between Cape May Point in the county of Cape May and Absecon Inlet in the county of Atlantic. Taking menhaden. Tonnage of vessel. Fishing waters.

2. This act shall take effect immediately.

Approved October 2, 1939.

CHAPTER 351

AN ACT to exempt any corporation the entire capital stock of which is owned by the United States of America from the penalties and provisions of article six, of chapter four, of Title 17, of the Revised Statutes relating to the ownership of stock in banks, trust companies or national banks doing business in this State, and amending section 17:4–60 of the Revised Statutes.

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

Section amended.

1. Section 17:4–60 of the Revised Statutes is hereby amended to read as follows:

Certain exemptions for banking corporations.

17:4–60. The provisions of this article and the penalties thereof shall not apply to banks and trust companies incorporated under the laws of this State and national banks doing business in this State; nor to such banks, trust companies and national banks while acting in a fiduciary capacity representing any individual or the estate of any individual; nor to any other corporation the entire capital stock of which is owned by or held in trust for the shareholders of any bank or trust company organized under the laws of this State or any national bank doing business in this State, in the same relative proportion as the stock held in the bank, trust company or national bank; nor to any corporation the entire capital stock of which is owned by the United States of America.

2. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 352

AN ACT concerning corporations, and amending section 14:5–3 of the Revised Statutes.

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

Section amended.

1. Section 14:5–3 of the Revised Statutes is hereby amended to read as follows:

Closing stock transfers.

14:5–3. The board of directors may close the stock transfer books of the corporation for a period not exceeding fifty days preceding the date of any meeting of stockholders or the date for payment of any dividend, or the date for the allotment of rights, or the date when any change or conversion or exchange of capital stock shall go into effect.

Record date for voting or other purposes.

In lieu of so closing the stock transfer books, the by-laws may fix, or authorize the board of directors to fix, in advance, a date, not exceeding fifty days preceding the date of any meeting of stockholders, or the date for the payment of any dividend, or the date for the allotment of rights, or the date when any change or conversion or exchange of capital stock shall go into effect, as a record date for the determination of the stockholders entitled to notice of, and to vote at, any such meeting, or entitled to receive payment of any such dividend, or any such allotment of rights, or to exercise the rights in respect to any such change, conversion or exchange of capital stock, and in such case only stockholders of record on the date so fixed shall be entitled to such notice of, and to vote at, such meeting, or to receive payment of such dividend, or allotment of rights or exercise of such rights, as the case may be, and notwithstanding any transfer of any stock on the books of the corporation after any such record date fixed as aforesaid.

2. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 353

AN ACT concerning investment companies, the supplement or supplements thereto, and amending section 17:13A–3 of the Revised Statutes.

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

Section amended.

1. Section 17:13A–3 of the Revised Statutes is hereby amended to read as follows:

Certificate of authority.

17:13A–3. Authorization of domestic companies, individuals and partnerships. An investment company, other than a foreign corporation, desiring to secure a certificate of authority shall make application to the commissioner who may issue such certificate of authority to transact business to any such company when:

Procedure by domestic investment company.

a. The investment company, if a corporation of this State, has filed in the department a certified copy of its charter or certificate of incorporation and a statement, in such form as the commissioner shall prescribe, attested by its president or vice-president and secretary or treasurer under its corporate seal, showing the financial condition of the corporation; or if an individual or partnership, has filed in the department such evidence as may be satisfactory to the commissioner that the individual or members of the partnership are citizens of the United States and residents of this State and a statement, in such form as the commissioner shall prescribe, attested by the individual or by the members of the partnership, showing the financial condition of the individual or partnership.

Statement.

Action by commissioner.

b. The commissioner shall be satisfied, by such examination and evidence as he sees fit to make and require; if a corporation, that the whole amount of the capital set forth in the certificate of incorporation and the required minimum surplus of the company has been actually paid in cash and is pos-

sessed by the company in money or in such stocks, bonds, bonds and mortgages, or other securities as are authorized for investment by this chapter, or, if an individual or partnership, that the minimum amount of unencumbered assets over its liabilities required by this chapter are held in such stocks, bonds, bonds and mortgages, or other securities authorized by this chapter for the investment of the funds of investment companies incorporated under the laws of this State. No investment company hereafter incorporated under the laws of this State shall be entitled to commence business unless it has a capital stock of at least one hundred thousand dollars ($100,000.00) and in addition thereto a surplus actually paid in in cash equal to one-half the minimum capital stock required by this chapter. Any company heretofore incorporated under the laws of this State and engaged in the investment business as defined in this act, within this State, shall be entitled to make application to the commissioner for a certificate of authority, authorized by this act; *provided,* such company shall at all times have capital stock and surplus actually paid in cash amounting to twenty per centum (20%) of its liabilities, such liabilities to be determined by the Commissioner of Banking and Insurance of this State; *and provided, further,* that the said capital and surplus shall be at a minimum amount of at least thirty thousand dollars ($30,000.00). No individual or partnership shall be entitled to commence business unless the amount of its unencumbered assets, invested as herein provided, over its liabilities shall not be less than one hundred fifty thousand dollars ($150,000.00).

Stock at beginning.

Surplus.

Previously incorporated companies.

Proviso.

Proviso.

Free assets.

c. The company shall have deposited with the commissioner public stocks or bonds of this State or of the United States, or of the States of New York, Massachusetts, or Pennsylvania, or any of the counties, bureaus, towns or townships of this State, or such securities as are legal for trust funds in this State having a market value of not less than fifty thousand dollars ($50,000.00).

Deposit of securities.

Must conform to requirements.

Every individual or partnership authorized to transact business pursuant to this chapter shall conform to all requirements of this chapter applicable to corporations of this State and which by their nature are applicable to individuals or partnerships. When in this chapter reference is made to officers of an investment company, such reference shall be deemed to be reference to the individual or to the members of a partnership. The commissioner may refuse to issue a certificate of authority to any individual or partnership and may cancel any outstanding certificate of authority of any individual or partnership, if in his judgment, the interests of the public would be best served by such refusal or cancellation.

Meaning of reference.

Refusal to issue certificate.

Approved October 3, 1939.

CHAPTER 354

AN ACT to regulate elections, and amending sections 19:15–7 and 19:23–45 of the Revised Statutes.

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

Section amended.

1. Section 19:15–7 of the Revised Statutes is amended to read as follows:

Voters must be registered.

19:15–7. The board shall permit no person to vote whose name does not appear on the signature copy register or register of voters, as the case may be, of its election district or whose name shall have been ordered removed from such register by the justice or judge, as the case may be, as herein provided; *provided, however,* that in municipalities not having permanent registration in counties of the first class, any qualified elector whose name does not appear upon the register of voters in the

Proviso.

Registering in first-class counties.

election district in which the elector is qualified to vote, may upon application to the district board on any general or special election day, have his name placed upon the register of voters; but he shall first have signed, sworn to or duly affirmed, and filed an affidavit with the district board, which affidavit shall be on a form to be supplied by the county clerk, and which shall show that the affiant is eligible to register and vote in that district and shall set forth the place of his residence, the fact that he actually resides at that place, the length of time of such residence, and also all the facts necessary to qualify him as a voter under the Constitution of this State. After his name has been so placed upon the register of voters he shall be entitled to vote.

Affidavit of eligibility.

When entitled to vote.

Nothing herein contained shall in any way affect the right to challenge such vote or the determination of the right of a challenged person to receive a ballot, as set forth hereinafter in this Title.

Challenging.

2. Section 19:23–45 of the Revised Statutes is amended to read as follows:

Section amended.

19:23–45. No voter shall be allowed to vote at the primary election unless his name appears in the signature copy register or primary election registry book; *provided, however,* that in municipalities not having permanent registration in counties of the first class any qualified elector whose name does not appear upon the primary election registry book may upon application to the district board on the primary election day have his name placed upon such book by the district board. After his name has been so placed upon that book, he shall be allowed to vote at the primary; but he shall first have signed, sworn to or duly affirmed, and filed an affidavit with the district board, on a form to be supplied by the county clerk, which affidavit shall show that the affiant is eligible to register and vote in that district, shall set forth the place of his residence, the fact that he actually resides at that place, the length of time of such res-

Voting at primary.

Proviso.

In first-class counties.

Registering and voting on primary day.

Affidavit of eligibility.

idence, and also all the facts necessary to qualify him as a voter under the Constitution of this State.

Party voting.

A member of any political organization espousing the cause of a candidate or candidates of any political party shall be ineligible to vote in the primary of another political party while such membership is in force or within one year thereafter; such person shall be deemed for all intents and purposes a member of the political party whose candidate or candidates such organization is espousing.

Period of party voting.

A voter who votes in a primary election of a political party shall be deemed to be a member of that party until two subsequent annual primary elections have elapsed after casting of such party primary vote.

Affidavit as to party.

A voter who has not voted in a primary election of a political party for two subsequent annual primary elections shall not be permitted to vote in any primary election of a political party until he has first signed and filed with the district board an affidavit which shall contain the following declaration:

Form of affidavit.

"I am a member of the ..... party (giving name of party) and am not a member or identified with any other political party. I intend to vote for the nominees of the said party at the next ensuing general election. I am not a member of any political organization espousing the cause of candidates of any other political party."

What constitutes party membership.

A member of the county committee of a political party and a public official or public employee holding any office or public employment to which he has been elected or appointed as a member of a political party shall be deemed a member of such political party.

Effect of contribution to party.

Any voter who, within one year preceding a primary election, has contributed toward the campaign funds of a political party shall not be eligible to vote in the ballot-box of any other political party at such primary election.

Any person voting in the primary ballot-box of any political party in any primary election in contravention of the election law shall be guilty of a misdemeanor, and any person who aids or assists any such person in such violation by means of public proclamation or order, or by means of any public or private direction or suggestions, or by means of any help or assistance or co-operation, shall likewise be guilty of a misdemeanor. Voting in other party box a misdemeanor.

3. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 355

AN ACT concerning minors, their adoption, custody and maintenance, and the descent, distribution and inheritance of their property and the property of their natural and adopting parents, and amending sections 9:3–9 and 9:3–11 of the Revised Statutes.

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

1. Section 9:3–9 of the Revised Statutes is hereby amended to read as follows: Section amended.

9:3–9. Upon the entry of a decree of adoption, the parents of the child, if living, shall be divested of all legal rights and obligations due from them to the child, or from the child to them; and the child shall be free from all legal obligations of obedience or otherwise to the parents; and the adopting parent or parents of the child shall be invested with every legal right in respect to obedience and maintenance on the part of the child, as if the child had been born to them in lawful wedlock; and the child shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate, or the distribution of Parents of adopted child divested of obligations. Obligations of adopting parents. Child's rights.

personal estate, on the death of such adoption parent or parents, as if born to them in lawful wedlock; subject, however, to the limitations and restrictions hereinafter in this section set forth.

Exceptions.

The adopted child shall not be capable of taking property expressly limited to the heirs of the body of the adopting parent or parents, nor property coming from the collateral kindred of such adopting parent or parents by right of representation.

Distribution of property after death.

On the death of the adopting parent or parents and the subsequent death of the child so adopted, without issue and without having disposed of the property, real or personal, coming to him on the death of the adopted parent or parents during his lifetime, by deed or by his last will and testament, the property of such adopting deceased parent or parents shall descend to and be distributed among the next of kin of such parent or parents and not to the next of kin of the adopted child. The adopted child shall, however, have the right, during his lifetime, to dispose of any property, real or personal, coming to him from his adopted parent or parents, absolutely and in the same manner as though the same had been acquired by purchase.

Disposition of property during life.

All children equal.

If the adopting parent or parents shall have other child or children, the children by birth and by adoption shall, respectively, inherit from and through each other, as if all had been children of the same parents born in lawful wedlock.

Relationship in case of divorce.

Where a parent who has procured a divorce or a surviving parent, having lawful custody of a child, lawfully marries again, or where an adult unmarried person marries after having secured the lawful custody of a child through adoption, and such parent or parent by adoption consents that the person who thus becomes the stepfather or the stepmother of such child may adopt such child, such parent or such parent by adoption so consenting shall not thereby be relieved of any of his or her parental duties toward or be deprived of any of his or her rights over such child, or to his property by descent or succession.

Nothing in this act contained shall affect any rights, duties or obligations created by adoptions heretofore effected. Former rights preserved.

2. Section 9:3–11 of the Revised Statutes is hereby amended to read as follows: Section amended.

9:3–11. The expense of a proceeding pursuant to this chapter shall be borne by the petitioner, including the report of investigation when directed by the court; *provided, however,* that in such cases a statement of the expense incurred in the investigation shall be annexed to the report, and the Department of Institutions and Agencies, upon reimbursement by the petitioner of the expenses herein, shall be empowered to utilize same to defray the cost of such investigation and other costs incident to the administration of this chapter. Expenses. Proviso.

3. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 356

AN ACT for the relief of Louis Benevente.

WHEREAS, Louis Benevente, of the borough of Keyport, county of Monmouth and State of New Jersey, was convicted of highway robbery in the court of oyer and terminer, Camden county, in the year one thousand nine hundred and nineteen, and was paroled on July eleven, one thousand nine hundred and twenty-four, after having served five years of his sentence at the State Prison; and Preamble.

WHEREAS, The complaining witness, John Dougherty, has confessed that he committed perjury in the aforesaid court and that the aforesaid Louis Benevente was falsely accused of the aforesaid crime of highway robbery and that the aforesaid Louis Benevente was acquitted of the aforesaid crime; and Preamble.

Preamble. WHEREAS, The said Louis Benevente was deprived of his liberty for a period of five years and has suffered ignominy of the aforesaid conviction; therefore,

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

Payment. 1. There be paid to Louis Benevente from the treasury of this State the sum of five thousand dollars ($5,000.00).

2. This act is to take effect immediately.

Approved October 3, 1939.

CHAPTER 357

AN ACT concerning the alcoholic beverage tax, and amending section 54:45–1 of the Revised Statutes.

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

Section amended. 1. Section 54:45–1 of the Revised Statutes is amended to read as follows:

Required report. 54:45–1. Every person who, within this State, shall manufacture, distribute, transport, store, warehouse, import, offer for sale or sell any alcoholic beverages or who shall purchase, transfer, sell or agree to sell warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, or who is the holder of a license permitting the doing of any such acts, shall file with the commissioner 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,

What report to disclose.

and the number and kind of warehouse receipts, 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. Such report shall be filed on or before the fifteenth day of each month, or in the case of the holders of plenary retail consumption licenses, seasonal retail consumption licenses, plenary retail distribution licenses, limited retail distribution licenses and club licenses, issued pursuant to the provisions of Title 33, of the Revised Statutes or any other relative law of this State, on or before the twentieth day of each month; but the commissioner may, in his discretion, allow the holders of permits, issued pursuant to the provisions of Title 33 of the Revised Statutes, authorizing the manufacture of wine for personal consumption only, to file quarterly reports. 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.

Monthly report.

Filing report

Quarterly report by wine producers.

Fee.

Any such person who shall fail to file any such report on the day when it shall be due shall forfeit as a penalty for each day thereafter until the report is filed the sum of five dollars to be collected as herein above 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 it shall be due shall forfeit as a penalty an amount equivalent to five per centum of the tax to be collected as herein above 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.

Penalty for not filing report.

Forfeit penalty.

Remitting penalty.

2. This act shall take effect immediately.

Approved October 3, 1939.

New Jersey State Library

CHAPTER 358

AN ACT concerning the appointment and term of office of commissioners of assessment of taxes in certain cities, and supplementing Title 40, chapter one hundred seventy-one, of the Revised Statutes of New Jersey.

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

Supplementary section.

1. Title 40, chapter one hundred seventy-one, of the Revised Statutes is hereby supplemented by adding the following section to be known as section 40:171–106A, which shall read as follows:

Leave of absence for commissioner of assessment.

40:171–106A. Any commissioner of assessment of taxes, whose term of office is now governed by sections 40:171–105 and 106 shall automatically receive upon his written request to the mayor of the city in which he may then be serving a leave of absence for any period or periods during which the said commissioner shall be a candidate for any elective office in said city, or until the said commissioner shall have accepted an elective office for said city, or from or during the period that the said commissioner shall serve in any such elective office.

Salary ceases.

The salary of said commissioner shall cease during

Reinstatement.

any period or periods of leave. Upon the expiration of any such leave, the said commissioner shall be reinstated with all rights to said position or office existing at the time of the commencement of

Acting commissioner.

the first leave of absence. Upon the acceptance by the said commissioner of any elective office in the city, an acting commissioner may be appointed for the duration of such period and in the absence of the service of the said commissioner, in the same manner that commissioners are appointed; and the said acting commissioner shall receive the same salary as provided by law that other commissioners of taxes and assessments receive.

2. Notwithstanding the provisions of any special or general law, the provisions of this act shall control and any inconsistent laws are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved October 3, 1939.

CHAPTER 359

AN ACT to validate proceedings for the issuance of bonds of municipalities pursuant to the local bond law.

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

1. All proceedings heretofore had or taken by any municipality for the authorization or issuance of bonds to pay, fund or refund outstanding obligations or indebtedness of such municipality pursuant to the local bond law (section 40:1–1 to section 40:1–88, inclusive, of the Revised Statutes of New Jersey), either as originally enacted or as subsequently amended, are hereby ratified, validated and confirmed notwithstanding that a certified copy of the municipal bond ordinance authorizing said bonds or a complete statement signed by the chief financial officer of the municipality as to the outstanding obligations and indebtedness proposed to be funded or refunded by the issuance of such bonds, or both such certified copy and complete statement, were not filed before the final passage of such ordinance either with the State Auditor or with the State Department of Local Government as required by section 40:1–69 of the Revised Statutes; *provided, however,* that such ordinance authorizing said bonds shall have been finally passed prior to the taking effect of this

Validating bond issue although certain statements not filed.

Proviso.

act, and that such ordinance has been or hereafter shall be consented to by the Funding Commission as provided by law

2. This act shall take effect immediately.

Approved October 9, 1939.

CHAPTER 360

AN ACT concerning public parks in certain counties in this State, and supplementing sections 40:37–195 to 40:37–247.

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

Facilities provided.

1. 40:37–201.1. The commission may provide and operate, or arrange for the operation of, such facilities for the use and enjoyment of its parks by the public as it may deem to be necessary and expedient. It may also provide, at its discretion, by a proper rule or regulation, for the terms upon which and the manner in which all of such facilities may be used; but nothing herein contained shall be deemed to authorize the commission to issue or consent to licenses, privileges or franchises to individuals or corporations for the operation for private profit of any facility, utility or devise within the park, except upon terms which will provide for limiting the operation of such license, privilege or franchise to a period not exceeding twenty years in any event. No franchise shall be awarded except after advertisement published at least once, ten days prior to the date fixed for receiving bids, in a newspaper circulating in the county, designating the time and place of the meeting at which the bids will be received; and no franchise shall be awarded except to the responsible person or persons who will, in open competi-

Regulations.

Operation of privileges.

As to franchises.

tion, offer to pay to the commission the highest return for such franchise; and no license or privilege shall be let or awarded except upon terms reserving to the commission the power to revoke the same for cause.

Right to revoke.

The commission may provide for the pleasurable use, subject to rules and regulations, of its parks or any portion or portions thereof for general park purposes, and also by campers, camping parties, vacation outings of societies organized and operated not for pecuniary profit and by vacationists in general, upon such terms as the commission shall fix and either with or without financial compensation to the commission as it shall deem proper.

Use of parks under certain conditions.

The commission shall always have power, at any time, to close the grounds or any part thereof and the buildings thereon and the privileges thereof to the public or to any individual or individuals or to any group of individuals, party or society and, without legal procedure, to evict and remove such persons and their belongings from the buildings and grounds of its parks or portions thereof when, by the determination of the commission, it is to the interest of the county or of the public or of the park so to do. All proceeds derived from the operation of such facilities or from any of the operations of the commission shall be used by such commission for the development and management of its parks, any general or special law to the contrary notwithstanding.

Closing grounds and buildings.

Evicting persons.

Use of proceeds.

Approved October 9, 1939.

CHAPTER 361

AN ACT concerning the regulation of the practice of medicine and surgery, and amending section 45:9–14.4 of the Revised Statutes added by section eighteen of chapter one hundred fifteen of the laws of one thousand nine hundred and thirty-nine.

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

Section amended.

1. Section 45:9–14.4 of the Revised Statutes is hereby amended to read as follows:

Validity of license to practice osteopathy.

45:9–14.4. Any person holding a valid license to practice osteopathy within this State shall be authorized to continue to practice osteopathy, as herein defined, pursuant to said license, as though the act under which said license had been issued had not been repealed.

2. This act shall take effect immediately.

Approved October 14, 1939.

CHAPTER 362

AN ACT concerning the collection of taxes, and supplementing Title 54 of the Revised Statutes.

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

Collector of taxes ex-officio receiver of income of property held for delinquent taxes.

1. That at any time after any taxes or any installment thereof heretofore or hereafter levied and assessed against real property in any municipality shall have been delinquent for more than six months and remain due and unpaid, the collector

or other officer charged with the collection of taxes in such municipality, hereinafter designated the "collector," may, by and with the approval of the governing body of such municipality, and upon five days' notice to the owner, make application to the Court of Chancery by bill or petition to be appointed receiver ex officio of the rents and income of such real property for the purpose of collecting and satisfying out of such rents and income the delinquent taxes against such real property, together with the penalties, interest and costs, and such costs and expenses of the receivership as may be adjudged by the court. Such receiver shall not be required to give bond other than his official bond, and shall be appointed only for the purpose of collecting and satisfying the delinquent taxes, penalties, interest and costs and expenses as aforesaid.

As to bond.

2. Upon his appointment, the receiver, by and with the approval of the governing body of such municipality, in all cases where the real property in question is encumbered by a first mortgage shall appoint such first mortgagee, if such mortgagee is a proper person and is willing to accept such appointment, as the receiver's agent to collect the rents and income from such real property and manage the same and in all other cases the receiver, by and with the approval of the governing body of such municipality may designate the person in charge or management of such real property or some other competent person as the receiver's agent to collect the rents and income from such real property and manage the same, which mortgagee or other person shall account promptly to the collector for the rents and income so collected; *provided, however,* that if the mortgagee or other person so designated is derelict in collecting or accounting for such rents and income or in the management of such real property, the collector shall apply to the court for the removal of such designated mortgagee or other person, upon notice in writing to him, and the court upon removing such

Receiver's agent.

Proviso.

Removal of designated agent.

designated mortgagee or other person, in its discretion, may designate another person to collect the rents and income from such real property and manage the same and account to the collector for the rents and income of such real property as aforesaid.

Another appointment.

No fees.

3. In any such receivership no fees shall be allowed the receiver or his counsel for acting as such receiver or counsel.

Expenses met.

4. Upon a proper showing, the receiver may be authorized by the court to pay out of the rents and income collected by him from such real property such expenses in connection with the operation thereof as may be necessary to secure the greatest income therefrom for the payment of the delinquent taxes, penalties, interest and costs and expenses as aforesaid.

Property subject to act.

5. Real property which has been heretofore or may be hereafter sold for the nonpayment of delinquent taxes, shall be subject to the provisions of this act for the purpose of collecting such delinquent taxes, penalties, interest and costs and expenses as aforesaid.

Statements in petition:

6. The bill or petition for the appointment of such receiver shall set forth:

Taxes due and unpaid;

(a) that such delinquent taxes remain due and unpaid at the date of filing such bill or petition,

Endeavor to collect;

(b) that the collector has exercised due diligence to collect such delinquent taxes, and

Property producing;

(c) that he verily believes that such real property is income-producing, and that the collection of such delinquent taxes can be made through a receivership of the rents and income from such real property, and

Mortgaged.

(d) whether or not such real property is encumbered by a first mortgage and if so, the name and address of such first mortgagee.

Petition verified.

The bill or petition shall be verified, and shall be prima facie evidence of the facts therein stated.

Appeal from levy.

7. In the event that it is made to appear to the court that the owner or any person interested in

such real property has filed an appeal from or is contesting the taxes assessed and levied against such real property, the court shall limit the amount of taxes to be collected by the receiver to the portion of such delinquent taxes which are not in substantial dispute and, if the parties are unable to agree upon the amount thereof, same shall be ascertained by the court directly or by reference to a master, and an order shall be made to stay the collection of the disputed portion of the taxes until the final determination of the proceedings to review said taxes. Thereupon, in the event that such appeal or contest shall be sustained to any part or all of such taxes so collected, the court shall order the collector to pay back and return to such owner or person interested in such real property, such part or all of such taxes so collected to which appeal or contest has been sustained, and in the event that such appeal or contest is not sustained, then the receiver shall proceed to collect from such rents and income any uncollected portion of such delinquent taxes, penalties, interest and costs and expenses as aforesaid.

Amount to collect.

Reference.

If appeal sustained.

Refund.

Uncollected portion.

8. Whenever the delinquent taxes against any such real property and the delinquent taxes for which the property has been sold, together with all penalties, interest and costs and expenses as aforesaid, have been fully paid and satisfied out of the rents and income collected by the receiver from such real property, the collector shall apply to the court for his discharge as such receiver and, upon being discharged by order and decree of the court, the receivership proceedings or suit shall abate and the owner or any person interested in such real property, upon presentation to the collector of a certified copy of such order and decree, may receive, as the case may be, receipted tax bills for the payment of such taxes or a certificate of redemption from such tax sale. For good cause shown, the receiver may be discharged by the court at any time.

Discharge of receiver.

Further procedure.

Procedure to enforce payments.

9. In all cases where a receiver is in possession of such real property by appointment of the court in a mortgage foreclosure suit or in any suit wherein a receiver is charged with the collection of the rents and income of such real property, and the owner or any person interested therein or the receiver thereof shall fail or refuse to make proper payments to the collector upon delinquent taxes against such real property or delinquent taxes for which such real property has been sold, including penalties, interest and other charges and costs, the collector, at any time during the pendency of any such suit, may intervene by verified petition in such suit and apply to the court for such order or orders as the court may deem proper for the payment of such delinquent taxes, penalties, interest and other charges and costs, in accordance with the priority of lien and right of such taxes, penalties, interest and other charges and costs, as is by law provided for other liens, rights and interests.

Application to court.

Remedy to collect dues.

10. The remedy of collecting delinquent taxes herein provided for shall not be in lieu of or in derogation of any other remedy or remedies for the collection of delinquent taxes, but shall be in addition to all other remedies for such collection.

Exception.

11. This act shall not apply to real property occupied by the owner as his residence and from which he derives no rent or to farm property occupied by the owner thereof and from which he derives no rent.

Act effective.

12. This act shall take effect on October tenth, one thousand nine hundred and thirty-nine.

Approved October 16, 1939.

CHAPTER 363

AN ACT to amend section 14:14–2 of the Revised Statutes concerning certain conveyances by corporations so as to except from the operation of said section conveyances made to certain institutions to secure loans.

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

1. Section 14:14–2 of the Revised Statutes is hereby amended to read as follows: Section amended.

14:14–2. When any corporation shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, neither the directors nor any officer or agent of the corporation shall sell, convey, assign or transfer any of its real or personal property, choses in action, rights or credits, nor shall they or any of them make any such sale, conveyance, assignment or transfer in contemplation of insolvency. Not dispose of property during insolvency or suspension.

Any such sale, conveyance, assignment or transfer shall be null and void as against creditors, except that a bona fide purchase for a valuable consideration, before the corporation shall have actually suspended its ordinary business, by any person without notice of such insolvency or of the sale being made in contemplation of insolvency, shall not be invalidated or impeached. The provisions of section 14:14–2 shall not apply to any sale, conveyance, assignment or transfer hereafter made to The Reconstruction Finance Corporation, or to any Federal Reserve bank, or to any bank being a member of the Federal Reserve system, or to any other corporation under State or Federal supervision, as security for the repayment with interest of any sum or sums of money to be loaned or advanced to such corporation at or subsequently to the time of Disposing of property preceding suspension. Security for repayment.

the making of such sale, conveyance, assignment or transfer.

2. This act shall take effect immediately.

Approved October 16, 1939.

CHAPTER 364

AN ACT to amend the title of an act entitled "An act concerning the supervision, by the State Department of Local Government, over certain municipalities in the State," approved May fifth, one thousand nine hundred thirty-eight, constituting chapter one hundred twenty-seven of the laws of one thousand nine hundred thirty-eight; and to amend and supplement said act.

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 concerning the supervision, by the State Department of Local Government, over certain municipalities in the State," approved May fifth, one thousand nine hundred thirty-eight, being chapter one hundred twenty-seven of the laws of one thousand nine hundred thirty-eight, is hereby amended to read as follows:

New title.

"An act concerning the supervision, by the State Department of Local Government, over certain political subdivisions in the State."

Section 3 amended.

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

Effective conditions:

3. Application of act. The provisions of this act shall take effect in a municipality when, at the end of a fiscal year, any of the following conditions exist:

(1) A default exists in the payment of principal or interest upon bonded obligations or bond anticipation obligations, for which no funds or insufficient funds are on hand and available. Default;

(2) Payments due and owing the State, county, school district or special district, or any of them, are unpaid for other than the year just closed and the year next preceding that year. Payments due and unpaid;

(3) An appropriation for "cash deficit of preceding year" in an amount in excess of five per centum (5%) of the total amount of taxes levied upon real and personal property for all purposes in such preceding year, is required to be included in the next regular budget and was required to be included in the budget for the year just closed. Cash deficits;

(4) Less than fifty per centum (50%) of the total amount of taxes levied for all purposes upon real and personal property in the taxing district, in the year just closed and in the year next preceding that year, respectively, were collected during the year of levy. This subsection shall apply only if more than twenty-five per centum (25%) of the amount of such taxes for such year next preceding remained outstanding at the end of the year just closed. Shortage in collections; Limitations;

(5) The appropriation required to be included in the next regular budget for the liquidation of floating debt in accordance with sections 40:2–21 (d) and 40:2–23 (b) of the Revised Statutes exceeds twenty-five per centum (25%) of the total amount of the local budget (except appropriations for schools and for floating debt) for the year just ended. Appropriation exceeding budget.

If subsections two or five are the only provisions of this section applying to a municipality, the governing body may, by resolution, adopted and certified to the State Board not later than January twentieth in any fiscal year, elect to liquidate its floating debt in accordance Liquidating floating debt.

with sections 40:2–21 (d) and 40:2–23 (b) of the Revised Statutes. If the governing body adopts a budget accordingly, the provisions of this act shall not apply.

Section 5 amended.

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

Debt limitation.

5. Limitation on debt. In a municipality subject to this act, obligations, bonded or otherwise shall not be issued or authorized by the municipality, school district, or any special district except as expressly authorized by this section.

Powers not affected:

This section shall not affect the power:

Issuing emergency obligations;

(1) To issue tax anticipation, tax revenue, emergency or any other obligations of a strictly current character.

Funding;

(2) To fund outstanding obligations in accordance with sections 40:1–61 to 40:1–74, both inclusive, of the Revised Statutes.

Complying with orders;

(3) To issue obligations in order to comply with an order issued in accordance with law by a State Board, department or other agency.

Borrowing for relief projects.

(4) To issue obligations, with the prior written approval of the State Board, in accordance with any law authorizing borrowing to finance the relief of the poor, the operation of work relief projects, or other measures for the relief of unemployment.

Section 6 amended.

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

Increasing appropriations.

6. Limitation upon appropriations. In a municipality subject to this act, the amount to be raised by taxes on real and personal property for municipal purposes, school purposes, and any special district purposes shall not be increased by more than five per centum (5%) in excess of such amount, respectively, for the year next preceding the year in which this act takes effect in that municipality.

This section shall not be construed to authorize an appropriation of less than the full amount required for the payment of debt service; or to authorize the abrogation of any covenant entered into with bondholders. Debt service fully met.

The limitation of this section may be exceeded, with the written consent of the State Board, for the purpose of meeting increased requirements for appropriations made mandatory by law, judgments, emergencies, debt service, and exceptional amounts of deferred charges. The excess shall not be greater than the extent that the requirements of the total of such appropriations to be made for the year, exceed the total of all such appropriations made for the year next preceding the year that this act takes effect in the municipality. Meeting increased requirements. Excess limited.

5. Section six (a) is hereby added to the act to which this act is an amendment and supplement so as to read as follows: Section 6 (a) added:

6. (a). Limitations upon counties. The provisions of section five (for the purpose of limiting the issuance of county obligations bonded or otherwise) and of section six (for the purpose of limiting the amount to be raised by taxation for county purposes) shall apply to a county when and so long as both of the following exist: Certain conditions apply;

(1) The limitations of sections five and six apply to one or more municipalities within the county because of the operation of section three, and Limitations within county;

(2) Fifty or more per centum of the average of assessed valuations of taxable real property (including improvements) of the county, as stated in the annual debt statements for the preceding fiscal year (in accordance with subsection two, section 40:1–80 of the Revised Statutes) are located in such municipalities. Limitations within municipalities.

The commissioner shall give notice, and the State Board shall give interested parties an opportunity to be heard and shall make its determinations as to Notice and hearing.

the application of this section to counties at the same time and in the same manner as required by sections four and eleven in the case of municipalities.

Section 8 amended.

6. Section eight of the act to which this act is an amendment and supplement be and the same is hereby amended so as to read as follows:

Liquidating current debt.

8. Liquidation of floating debt. The State Board may, under this section, authorize a municipality subject to this act to liquidate its current debt other than as required by sections 40:2–21 (d) and 40:2–23 (b) of the Revised Statutes.

The State Board may:

Rate and completing liquidation.

(1) Authorize liquidation at a different rate or in different installments but in accordance with a plan which will permit liquidation to be completed on or before January first, one thousand nine hundred forty-four.

Liquidation continued over term of years.

(2) Authorize liquidation to continue for as many years as may be necessary to avoid an appropriation for the liquidation of all current obligations in any one year, prior or subsequent to one thousand nine hundred and forty-four, of more than twenty-five per centum (25%) of the total amount of the local budget (except appropriations for schools and for floating debt) for the next preceding year.

Amounts due other jurisdictions.

(3) Authorize the payment of amounts due other jurisdictions in accordance with an agreement entered into between the governing body of the municipality and such other jurisdictions.

Plan of liquidation.

Liquidations under this section shall be in accordance with a plan of liquidation adopted by resolution of the governing body and approved by the State Board. A plan so adopted and approved shall be binding upon the municipality and annual appropriations as required by the plan shall be mandatory. A plan shall not be amended except with the prior written consent of the State Board.

Supervision by State Board.

Whenever a municipality is operating under an approved plan of liquidation and none of the conditions listed in subsections one, three and four of section three exist in that municipality, the limitations of sections five and six shall not apply. The supervision of the State Board, however, shall continue for the duration of the liquidation plan.

Section 11 amended.

7. Section eleven of the act to which this act is an amendment and supplement be and the same is hereby amended so as to read as follows:

Supervision.

11. Duration of supervision. A municipality shall remain subject to this act as long as any of the conditions listed in section three exist.

Applicability of act.

When the commissioner finds, in his annual examination of the approved budget, the statement of current liabilities, the annual financial report, or any other report, regular or special, of financial condition filed in his office, that none of the conditions listed in section three exists in a municipality subject to this act, he shall give notice to the local governing body that the question of the application of this act to that municipality will be placed before the State Board for its determinations at a time and place which shall be stated in the notice.

Whether certain conditions exist.

The State Board, at the time and place stated in the notice, shall, after giving the local governing body and other interested parties an opportunity to be heard, determine whether any of the conditions listed in section three of this act continue to exist in the municipality. If the board finds that none of such conditions exists, it shall, by resolution, determine that the provisions of this act are no longer in effect in the municipality.

Certifying that provisions not in effect.

The commissioner shall forthwith certify to the governing body that the provisions of this act no longer affect that municipality.

Notice.

Notice shall be given by registered mail to the clerk of the municipality.

Section 11 (a) added.

8. Section eleven (a) is hereby added to the act to which this act is an amendment and supplement so as to read as follows:

Terminating application of act.

11. (a). Municipalities under the Municipal Finance Commission. If a municipality subject to this act is placed under the supervision of the Municipal Finance Commission in accordance with section 52:27–2 or section 52:27–3 of the Revised Statutes, the application of this act in such municipality shall thereupon be terminated.

9. This act shall take effect immediately.

Approved October 25, 1939.

CHAPTER 365

AN ACT creating a temporary commission to continue to examine, report upon and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation for the expenses of such commission.

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

Temporary commission on urban colored population.

1. A temporary State commission is hereby appointed to be known as "The temporary commission to continue to examine, report upon and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State."

Membership.

2. The commission shall consist of three members of the State Senate and two other persons, at least one of which persons shall be of the colored race, to be appointed by the President of the Senate; three members of the House of the Assembly and two other persons, at least one of which persons shall be of the colored race, who shall be appointed by the Speaker of the House of Assembly, and two other persons, at least one of which persons shall be of the colored race, shall be appointed by the Governor of the State, to continue to examine and report upon the economic, cultural, health

Duties.

and living conditions of the urban colored population of the State and to recommend such measures as such committee may deem necessary to improve such conditions and to secure to the urban colored population of the State equal opportunity with the general population thereof for self-support and economic and cultural development to the extent, if any, that such opportunity does not exist. Recommendations.

3. Such commission shall select a chairman and vice-chairman from its own members and may employ counsel and such other assistants as may be needed and may fix their compensation within the amounts made available by the appropriation therefor. Such commission may meet anywhere in the State, may take testimony, subpœna witnesses and require the production of books, records and papers and otherwise have all the powers of a legislative committee under the legislative law. Organization. Witnesses.

4. The chairman and four other members shall constitute a quorum for the transaction of any business. Quorum.

5. In case of a vacancy, by death, resignation or otherwise, the vacancy shall be filled by the person who appointed the said member of the commission. Vacancies.

6. The members of said commission shall receive no compensation for their services, but shall be entitled to their necessary travelling and hotel expenses incurred in the performance of their duties. Expenses met.

7. Such commission shall make a report to the Legislature on or before the first of April, nineteen hundred and forty, and shall include in such report such amendments or additions to or revision of the law and such other measures as the commission deems necessary to carry its recommendations into effect. Report.

8. The sum of twelve thousand dollars ($12,000.00), or so much thereof as may be needed, is hereby appropriated from any money in the treasury, not otherwise appropriated, payable on the certificate of the chairman of such commission on the warrant and audit of the Comptroller. Appropriation.

9. This act shall take effect immediately.

Passed November 14, 1939.

CHAPTER 366

AN ACT to authorize the conveyance of certain State lands situate in the township of North Brunswick, Middlesex county.

Preamble.

WHEREAS, The State of New Jersey is the owner of a tract of land in the township of North Brunswick, Middlesex county, a portion of which and hereinafter particularly described is no longer of any practical value to the State, and which was heretofore acquired for the use of the College of Agriculture and the State Agricultural Experiment Station; therefore,

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

Certain property in North Brunswick township deeded to Johnson and Johnson.

1. The State House Commission is hereby authorized to convey, by good and sufficient deed, in the name of the State of New Jersey, to Johnson and Johnson, a corporation of the State of New Jersey, for the consideration of twelve hundred dollars ($1,200.00), all that certain tract or parcel of land situate, lying and being in the township of North Brunswick, county of Middlesex and State of New Jersey and more particularly described as follows, to wit:

Description of property.

Beginning at a monument which is fifty feet (50′) at right angles from the center line of the Raritan river railroad as now laid out and which is also on the north westerly side of same, said monument also being on the easterly line of the now Johnson and Johnson property and the westerly line of the State of New Jersey College Farm; thence (1) along the line of lands of the State of New Jersey College Farm and Johnson and Johnson north thirty-eight degrees and seven minutes west four hundred and forty-nine and six-tenths feet (N. 38 degrees 07′ W 449.6′) to a stake in the

line of lands of the State of New Jersey College Farm and Johnson and Johnson; thence (2) running through the lands of the State of New Jersey College Farm north fifty degrees and eight minutes east three hundred and seventy-six and seventy-two hundredths feet (N. 50 degrees 08′ E. 376.72′) to a stake which point is fifty feet from the center line of the Raritan river railroad at right angles as now laid out; thence (3) in a southerly direction and on a curve radius of one thousand eight hundred sixty and one-tenth feet (1,860.1′) and concentric with the center line of Raritan river railroad and which is also fifty feet (50′) from the center line at right angles from same and also binding on the line of lands of the Raritan river railroad and the State of New Jersey College Farm five hundred and ninety-seven and sixty-two hundredths feet (597.62′) to a monument which is the point and place of beginning. Containing two and two-tenths of an acre (2.2 acres).

2. The proceeds from the sale of said land shall be paid into the treasury of the State. Proceeds.

3. This act shall take effect immediately.

Approved November 14, 1939.

CHAPTER 367

AN ACT concerning the payment of excise taxes levied in the year one thousand nine hundred and thirty-nine upon certain public utility corporations.

WHEREAS, The apportionment of taxes levied in the year one thousand nine hundred and thirty-nine against certain public utility corporations pursuant to the provisions of chapter seven and chapter eight of the laws of one thousand nine hundred and thirty-eight is in litigation; and Preamble.

Preamble.

WHEREAS, Such corporations are willing and desirous of paying such taxes or a part thereof prior to the completion of such litigation but cannot safely do so under said acts; therefore,

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

Payment of excise taxes to municipalities by corporations.

1. It shall be lawful for any corporation against which excise taxes were assessed in the year one thousand nine hundred and thirty-nine under the provisions of either chapter seven or chapter eight of the laws of one thousand nine hundred and thirty-eight to make payment to the several municipalities entitled to share in the apportionment of such taxes on account of the amount to which such municipalities shall each ultimately be entitled to receive; and the several collectors of taxes, or other officers performing like duties, in any such municipality shall receive such payments and give a proper receipt therefor; and in case it shall ultimately appear that any such payment is in excess of the amount which such municipality shall be entitled to receive, such corporation shall be reimbursed for such excess payment out of the amount of excise taxes thereafter apportioned to and payable to such municipality by such corporation until the full amount of such excess payment shall have been recovered by such corporation from such municipality.

Readjustments.

2. This act shall take effect immediately.

Approved November 14, 1939.

CHAPTER 368

AN ACT concerning private detectives, and repealing chapter nineteen of Title 45 of the Revised Statutes.

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

1. Sections 45:19–1 to 45:19–7, inclusive, of the Revised Statutes are hereby repealed. Sections repealed.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 369

AN ACT to license and regulate the business of private detectives and private detective agencies, and providing penalties for violation of its provisions.

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

1. This act may be known and cited as "The Private Detective Act of 1939." Name of act.

2. Definitions: Definitions:

(a) The term "private detective business" shall mean the business of conducting a private detective agency or for the purpose of making for hire or reward any investigation or investigations for the purpose of obtaining information with reference to any of the following matters, notwithstanding the fact that other functions and services may also be performed by the same person, firm, association or corporation for fee, hire or reward, to Private detective business;

wit: (1) crime or wrong done or threatened or assumed to have been done or threatened against the Government of the United States of America, or any State, Territory or Possession of the United States of America; (2) the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person, association, organization, society or groups of persons, firms or corporations; (3) the credibility of witnesses or other persons; (4) the whereabouts of missing persons; (5) the location or recovery of lost or stolen property; (6) the causes and origin of, or responsibility for, fires, libels, accidents, damage, injuries or losses to persons, firms, associations or corporations, or to real or personal property; (7) the affiliation, connection or relation of any person, firm or corporation with any organization, society, association, or with any official member or representative thereof; (8) with reference to the conduct, honesty, efficiency, loyalty or activities of employees, agents, contractors and subcontractors; (9) the securing of evidence to be used before any investigating committee, board of award, board of arbitration, or in the trial of any civil or criminal cause; *provided, however,* that the term shall not include a person, firm, association or corporation engaged exclusively in the business of making investigations and reports as to the financial standing, credit and financial responsibility of persons, firms, associations or corporations nor to electrically controlled burglar or fire alarm system with a central unit, nor to any person, firm, association or corporation engaged in the business of making reports for insurance or credit purposes. Also it shall mean the furnishing for hire or reward of watchmen or guards or private patrolmen or other persons to protect persons or property, either real or personal, or for any other purpose whatsoever. The term shall not include and nothing in this act shall apply to any lawful activity of any board, body, commission or agency of the United States of America or of any State, Terri-

Proviso.

Further duties.

Exclusion.

tory or Possession of the United States of America, or any county, municipality, school district, or any officer or employee solely, exclusively and regularly employed by any of the foregoing; nor to any attorney or counsellor-at-law in connection with the regular practice of his profession, nor to any person employed by any such attorney or counsellor-at-law when engaged upon his employer's business; nor to any employee, investigator or investigators solely, exclusively and regularly employed by any person, firm, association or corporation which is not engaged in any of the businesses hereinbefore described in items numbered one to nine, both inclusive, of this subsection in so far as their acts may relate solely to the business of their respective employers; nor to any person, firm, association or corporation licensed to do a business of insurance of any nature under the insurance laws of this State, nor to any employee or licensed agent thereof; nor to any person, firm, association or corporation conducting any investigation solely for its own account.

Private detectives;

(b) The terms "the business of detective agency," "the business of investigator" and "the business of watch, guard or patrol agency" shall mean any person, firm, association or corporation engaged in the private detective business as defined in subsection (a) of this section, who employs one or more persons in conducting such business.

Investigator;

(c) The terms "private detective" or "investigator" shall mean and include any person who singly and for his own account and profit conducts a private detective business without the aid or assistance of any employees or associates.

Gender;

(d) The masculine shall include the feminine and the neuter genders.

Superintendent.

(e) The term "superintendent" means the Superintendent of State Police.

Detectives licensed.

3. No person, firm, association or corporation shall engage in the private detective business or as a private detective or investigator or advertise his or its business to be a private detective business or

that of a detective agency or investigator without having first obtained from the superintendent a license to conduct such business, as hereinafter provided. Any person, firm, association or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Penalty.

Application to conduct business.

4. Any person, firm, association or corporation desiring to conduct a private detective business or the business of a private detective or investigator, shall for each bureau or agency, subagency, office and branch office to be owned, conducted, managed or maintained by such person, firm, association or corporation for the conduct of such business, file in the office of the superintendent a written application duly signed and verified, accompanied, in the case of an application by a person, with the written approval of not less than five reputable citizens who shall be freeholders of the county where such applicant resides or in the county in which it is proposed to conduct such business, and in the case of a firm, the written approval of five reputable citizens for each of the members of the firm who shall be freeholders of the county where each member of the firm resides or the county in which it is proposed to conduct such business, or in the case of an association or corporation, the written approval by five reputable citizens for each officer and director of the corporation who shall be freeholders of the county where such officers and directors reside, or of the county in which it is proposed to conduct such business. Such approvals shall be signed and acknowledged by the respective citizens before an officer authorized to take acknowledgments of conveyances of real property. The application shall state the following: Name, age, residence, present and previous occupations of the applicant, or in case of a firm, of each member of the firm, or in the case of an association or corporation, of each officer and director thereof; that each of the foregoing persons are citizens of the United States; the name of the municipality and the location therein by street number or other

Vouchers.

Approval.

Approvals acknowledged.

What application to set out.

apt description where is to be located the principal place of business and the location of each bureau, agency, subagency, office or branch office for which a license is desired, and such other facts as may be required by the superintendent as will tend to show the character, competency and integrity of each person or individual signing such application. Any person who shall knowingly state any fact falsely shall be guilty of a misdemeanor.

License granted.

5. The superintendent, when satisfied from the examination of any application and such further inquiry and investigations as he shall deem proper as to the good character, competency and integrity of the applicant and the persons named in the application, shall issue and deliver to the applicant a license to conduct such business, and to own, conduct or maintain one or more bureaus, agencies, subagencies, offices or branch offices for the conduct of such business at the location stated in said application, together with as many copies of said license as there are to be offices, bureaus, agencies, subagencies, offices or branch offices, upon the payment by the applicant to the superintendent of a license fee which in the case of an individual shall be two hundred dollars ($200.00), and in the case of a firm, association or corporation shall be three hundred dollars ($300.00), and upon the applicant executing and delivering to the superintendent a bond running to the State of New Jersey and which shall be for the benefit of any person injured by willful, malicious or wrongful act of the applicant, with one or more sufficient sureties, which in the case of an individual shall be three thousand dollars ($3,000.00), and in the case of a firm, association or corporation five thousand dollars ($5,000.00), which said bond shall be conditioned for the faithful and honest conduct of such business by the applicant. The license so granted by the superintendent shall be valid for a period of five years but shall be revocable by the superintendent after hearing for cause. In case of revocation or surrender of any license, no refund shall

Fees.

Bond.

Amount of bond.

License good for five years.

Revocation.

be made of any license fee paid under the provisions hereof. The license shall be in a form to be prescribed by the superintendent and shall set forth the full name of the applicant, the location of the principal office or place of business, and the location of each bureau, agency, subagency, office or branch office for which the license is issued, date on which it is issued, the date on which it will expire, and the name or names of the persons named in the application, and their respective addresses. In the event of any change in the membership of the firm or in the officers or directors of any association or corporation or any change in the address of any office or location of such business the superintendent shall be notified in writing of such change within five days thereafter, and failure to give such notification shall be sufficient cause for revocation of such license.

Form of license.

Changes noted.

Age and experience.

No license shall be issued to a person under the age of twenty-five years, nor to any person, firm, association or corporation unless such person or at least one member of the firm and one officer or director of the association or corporation has had at least three years' experience as an investigator or as a police officer with an organized police department of the State or a county or municipality thereof, or with an agency of the United States of America or any State, county or municipality thereof.

Information confidential.

The superintendent and all members of the State Police shall hold as confidential all information obtained as a result of any investigation of any applicant, and the same shall not be divulged except by an order so to do by a court of record of this State.

Surrender of license.

6. Any person, firm, association or corporation to whom a license may be issued in accordance with this act shall surrender such license and all duplicate copies thereof to the superintendent within five days after such license shall have expired or shall have been revoked, suspended or surrendered. Failure to comply with the provisions of this section shall constitute a misdemeanor.

Display of license.

7. Before any applicant shall exercise any rights under the license issued to him such license, or a certified copy thereof, shall be posted and at all times thereafter while the same is in force be displayed in a conspicuous place in the principal office and in each bureau, agency, subagency, office or branch office for which it is issued. Any person, firm, association or corporation holding any license issued by the superintendent under this act who posts or permits such license to be posted upon premises other than those described therein, or to which it may be transferred pursuant to the provisions of this act, or who fails to maintain such license in a conspicuous place in such offices or places of business, or knowingly alters, defaces or destroys any such license or permits the alteration, defacement or destruction thereof, shall be guilty of a misdemeanor. In the event that any license or certified copy thereof issued by the superintendent is lost or destroyed, notice of such loss or destruction shall be given to the superintendent forthwith, and the superintendent may, in his discretion, issue a duplicate or certified copy thereof. Upon written application to the superintendent setting forth a proposed change in the location of any office or place of business of the licensee as set forth in his license, the superintendent may authorize a new location for any such office or place of business, in which case the licensee shall produce to the superintendent his license and all copies thereof, to the end that the superintendent may either endorse thereon such change of location or issue a new license as of the same date as the original license in lieu of the license so surrendered.

Failure to comply with requirements.

Penalty.

Duplicate license.

Change of office.

Assistants.

8. The holder of any license issued under the provisions of this act may employ to assist him in his work and in the conduct of his business as many persons as he may deem necessary, and he shall at all times during such employment be accountable for the good conduct in the business of each and every person so employed. No such employee need be the holder of a license issued under this act,

Accountability.

but his employer shall be responsible for his actions and conduct in connection with such employer's business. Should the holder of a license falsely state or represent that any person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective employed by a private detective business licensed under this act shall be guilty of a misdemeanor.

Misrepresentation.

Penalty.

Not divulge secret information.

Any person who may be or has been employed by the holder of a license under this act shall not divulge to anyone other than his employer, or in such manner and to such person as his employer shall direct, any information acquired by him during such employment in respect to any work to which he shall have been assigned by such employer, except as such disclosure may be required by the provisions of this act or in connection with any investigation of a licensee by the superintendent. Any person violating any of the provisions of this section, and any employee of a licensed private detective business who shall willfully make a false report or statement to his employer in respect to any matter or thing connected with his employment shall be guilty of a misdemeanor.

Penalty.

Required report by prosecutor to superintendent.

9. The prosecutor of the pleas of the county in which any conviction for a violation of any provision of this act shall, within ten days thereafter, make and file with the superintendent a report showing the date of such conviction, the name of the person convicted and the nature of the charge.

Identification card.

10. For the purpose of identification of persons engaged in the conduct of a private detective business, or as a private detective or investigator, each such person shall carry and show when requested an identification card, which shall be a white card 4¼" x 2½", in the form hereinafter set forth, to be signed, in the case of a private detective or investigator by himself, and in the case of employees of a private detective business by the employer as follows:

(1) If the bearer be a private detective or investigator, as follows: Private detective.

Photograph one square inch

License No. .....

Date of Expiration.....

THIS IS TO CERTIFY THAT

.....

is licensed and bonded by the State of New Jersey as a private detective in pursuance to "An act to license and regulate the business of private detectives and private detective agencies, and providing penalties for violation of its provisions," and is vested with all authorities allowed him by law.

.....

Signature of Private Detective.

(2) If the bearer be an employee of a private detective business, as follows: Employee of agency.

Photograph one square inch

License No. .....

Date of Expiration.....

THIS IS TO CERTIFY THAT

.....

Signature of Employee.

is employed as an investigator, by the undersigned, a duly licensed and bonded private detective agency, in pursuance to "An act to license and regulate the business of private detectives and private detective agencies, and providing penalties for violation of its provisions," and is vested with all authorities allowed him by law.

.....

Signature of employer.

Identification card not used except by licensee.

11. No private detective or investigator or employee of a private detective business who is in possession of any identification card, as provided for in the preceding section, shall loan, allow or permit any other person to use or display such identification card, and in case of the loss of any such identification card, shall forthwith notify the superintendent of such loss and the circumstances surrounding the same. Any person violating the provisions of this section or any person who shall display or use the identification card of another without authority, for the purpose of deceiving any person as to his identity shall be guilty of a misdemeanor.

Penalty.

Misrepresentation.

12. No person licensed under the provisions of this act, or the officers, directors, employees, operators or agents thereof, shall wear, carry or accept any badge or shield purporting to indicate that such person is a private detective or investigator or connected with the private detective business. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Penalty.

Advertising.

13. Any licensee under the provisions of this act shall, on notice from the superintendent, discontinue any advertising or the use of any advertisement, seal or card, which in the opinion of the superintendent may tend to mislead the public. Failure to comply with any such order of the superintendent shall be cause for revocation of the license of such licensee.

Creating false impression.

14. Any person, firm, association or corporation licensed under the provisions of this act who shall issue identification cards to any person other than a bona fide employee, or who shall sell, issue, rent, loan or distribute badges or membership cards indicating that the holder thereof is a private detective or investigator or is engaged in the private detective business, to any person or persons other than those lawfully entitled to such identification cards shall be guilty of a misdemeanor.

Penalty.

Witnesses.

15. For the purpose of investigating the character, competency, integrity and methods of opera-

tion of applicants or licensees hereunder, or of the officers, directors, operatives, agents or employees of any applicant or licensee, the superintendent shall have the power to issue subpœnas and compel the attendance of witnesses. All such subpœnas shall be under the hand of the superintendent and the seal of the Department of State Police, and upon service thereof the witnesses shall be paid or tendered the fees to which they would be entitled if they were subpœnaed by a court of record. If the person duly subpœnaed shall fail to obey such subpœna without reasonable cause, or shall without cause refuse to be examined or answer any relevant or proper questions as to the character, actions or qualifications of such applicant or licensee or any of his employees he shall be guilty of a misdemeanor. The testimony of witnesses in any proceeding before the superintendent shall be under oath and the superintendent or a subordinate of the Department of State Police designated in writing by the superintendent may administer such oath, and willful false swearing in any such proceeding or inquiry shall constitute a high misdemeanor.

Subpœnas.

Fee.

Failure to obey subpœna.

Penalty.

Proceedings under oath.

Penalty for false swearing.

16. Any person, firm, association or corporation incorporated or licensed under the laws of any other State of the United States, and intending to conduct a private detective business or act as a private detective or investigator within this State shall file in the office of the superintendent a written application duly signed and verified and obtain from the superintendent a license as herein provided and shall be subject to all the provisions of this act.

Application by foreign agency to do business in this State.

17. Licenses issued under any other law of this State prior to the passage of this act, authorizing the conduct of a private detective business or the business of a private detective or investigator, shall continue in force until the expiration thereof, but such licensees in all other respects shall be subject to all the provisions of this act.

Licenses previously issued continues.

Use of State police to enforce law.

18. The superintendent is hereby authorized to use such members of the Department of State Police as he may deem necessary to enable him to carry out the provisions of this act and to enforce compliance therewith.

Revocation of license.

19. A violation of any of the provisions of this act shall be cause for revocation of any license issued hereunder, notwithstanding that the same violation may constitute a misdemeanor or high misdemeanor.

Validity of act.

20. Should any section or provision of this act be held to be invalid by any court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than the portion so held to be invalid.

21. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 370

AN ACT concerning cancellation of mortgages, and amending section 46:18–8.1 of the Revised Statutes.

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

Section amended.

1. Section 46:18–8.1 of the Revised Statutes is hereby amended to read as follows:

Canceling record of mortgage.

46:18–8.1. In addition to the methods prescribed and authorized for the cancellation of any mortgage pursuant to the provisions of this chapter, it shall be lawful for the county recording officer of any county of this State and such officials are hereby authorized and empowered to cancel of record any mortgage presented for cancellation

Authorization.

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, assistant regional treasurer, or liquidator, of any agency or instrumentality of the Fedeal Government.

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

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 371

AN ACT to validate sales of lands at public auction by the several municipalities of this State in certain cases.

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

1. All sales made prior to the fourth day of June, one thousand nine hundred and thirty-eight, of any lands and premises by any municipality at any public auction of lands to which such municipality had acquired an absolute title in fee simple, and all proceedings had in connection therewith, are hereby validated and confirmed, notwithstanding that under the terms and conditions of certain of such sales the purchaser was permitted to make payment of a portion of the purchase-price in installments over a period of years, the title to the lands and premises sold to be conveyed to the purchaser upon payment of the purchase-price in full and the purchaser to be obligated (pending full payment of the purchase-price) to pay interest on the unpaid balance of the purchase-price, to keep the property in repair, to provide fire insurance and comply with other terms and conditions Validating auction sale of lands. Exceptions.

for the protection of the interest of the municipality, and notwithstanding that under the terms and conditions of certain of such sales the lands and premises were sold subject to restrictions imposed by the municipality; and any conveyances heretofore or hereafter made by such municipality, of any such lands and premises sold by it as aforesaid, to the purchaser or purchasers thereof in pursuance of such sale or sales, are hereby validated and confirmed and shall be construed in all courts of this State to convey or have conveyed all the right, title and interest of any such municipality in and to said lands and premises; *provided, however,* that the public sale of such lands and premises, together with the terms and conditions of sale, were duly advertised; *and provided, further,* that the terms, conditions and restrictions upon which said sales were made were such as could be lawfully authorized by such municipality under the provisions of chapter three hundred of the laws of one thousand nine hundred and thirty-eight, which was approved and went into effect June fourth, one thousand nine hundred and thirty-eight.

Conveyances validated.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 372

AN ACT to validate certain 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 the fact that it was not published in a newspaper which had been published continuously for not less than two years prior to

Validating ordinances.

the introduction of such ordinance; *provided,* that such ordinance was in other respects published as required by law, and that such ordinance was published in a newspaper published and circulating in such municipality. Proviso.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 373

AN ACT concerning the refunding of bonds by counties and municipalities, and supplementing sections 40:1–61 to 40:1–74 of the Revised Statutes.

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

1. Sections 40:1–61 to 40:1–74 of the Revised Statutes are hereby supplemented by adding thereto a new section to read as follows: Section added.

A county bond resolution or municipal bond ordinance authorizing refunding bonds, may authorize the refunding of some or of all of the bonds which will become due over a period of not exceeding six years, if the funding commission shall find that such refunding is based upon a sound financial plan for equalizing or reducing the debt service of such county or municipality during such period, and is in the public interest. Such bond resolution or bond ordinance shall provide for the sale annually during such period, or at such other intervals as the commission may approve, of blocks or series of bonds to provide funds to pay the bonds to be refunded as the same shall become due. The authorization and issuance of refunding bonds pursuant to this section shall be subject to the provisions of sections 40:1–61 to 40:1–74 of the Re- Refunding. Basis. Provisions. Sections applicable.

vised Statutes, but nothing in this section shall be construed as limiting the outstanding obligations or indebtedness which may be refunded under section 40:1-62 of this Title.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 374

AN ACT to amend an act entitled "An act concerning the Board of Commerce and Navigation, and supplementing Title 12, chapter five, of the Revised Statutes," approved March thirtieth, one thousand nine hundred and thirty-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 of which this act is amendatory be and the same is hereby amended to read as follows:

Harbor of refuge at Sandy Hook.

1. In addition to the powers conferred by the provisions of the act to which this act is a supplement, the Board of Commerce and Navigation is hereby authorized and empowered to co-operate with the Federal government, the county of Monmouth, and the borough of Atlantic Highlands in providing and maintaining a harbor of refuge in Sandy Hook bay near the borough of Atlantic Highlands.

Section 3 amended.

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

Sources of funds.

3. The specific appropriation herein made shall not be expended, however, until there shall have been made available by the Federal government seven hundred sixty-eight thousand seven hundred fifty dollars ($768,750.00), by the county of Mon-

mouth twenty-five thousand dollars ($25,000.00), and by the borough of Atlantic Highlands forty-four thousand dollars ($44,000.00), which shall be used in conjunction with this appropriation. The said sum of sixty-nine thousand dollars ($69,000.00) contributed jointly by the county of Monmouth and the borough of Atlantic Highlands, less engineering expenses in the sum of two thousand five hundred dollars ($2,500.00) shall by the State Treasurer be returned to the borough of Atlantic Highlands for the purpose of carrying into effect the provisions of this act.

Certain return to Atlantic Highlands.

3. 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. The title to lands now owned by the State and to be used for the aforesaid purpose shall be conveyed to the borough of Atlantic Highlands by the Board of Commerce and Navigation by appropriate conveyances in accordance with the provisions of the laws of this State relating to the sale or lease of riparian lands.

Conveyance of lands.

4. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 375

AN ACT concerning deeds heretofore made by married women, and the estates taken and vested thereunder.

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

1. Any deed heretofore made, executed and delivered by a married woman, conveying lands in this State owned by her in fee-simple, which deed the husband of the said married woman has not

Deeding land by married woman, husband not joining.

signed, joined in, or executed, shall as to the grantee or grantees, and all persons claiming under him or them be as valid and effectual in law as if the said husband had signed, joined in and executed the said deed; *provided,* the said husband is now deceased or has been absent from this State, or his whereabouts unknown for at least twenty years; *and provided, further,* the said deed has been of record in the office of the county clerk or register of deeds of the county wherein the said lands are situate for a period of at least twenty years last past; *and provided, further,* that this act shall not affect the title of any person or persons in possession of such lands who do not claim under the said grantee or grantees, his or their heirs or assigns.

Proviso.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 376

AN ACT to amend an act entitled "An act to regulate those who desire to engage in the occupation of beauty culture," and amending section 45:4A–8.

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

Section amended.

1. Section 45:4A–8 of the Revised Statutes is hereby amended to read as follows:

Qualifications for licensees.

45:4A–8. 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 a graduate of the eighth grade or the equivalent and has been registered as a student and has had a school term of training, as hereinafter provided in this chapter,

in a licensed beauty school of this State or an approved beauty school of another State, territory, the District of Columbia, or foreign country; but 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 June twenty-ninth, one thousand nine hundred and thirty-five; but the department may permit any 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 practiced beauty culture for not less than three years in another State, territory, the District of Columbia, or foreign country. No person 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 shall have completed two years of high school or the equivalent and has had either at least two years' experience as a beauty culture operator in a beauty shop, or training of not less than a total of two thousand hours within a period of not less than twelve consecutive months in a licensed beauty school of this State or an approved beauty school of another State, territory, or the District of Columbia.

Exception.

Previous experience.

Age and high school requirements.

Experience.

No person shall be permitted to take an examination or receive a certificate of registration or license to demonstrate appliances, methods or cosmetics used or to be used in the practice of beauty culture unless such person shall be at least eighteen years of age and shall have been duly licensed as a beauty culture operator in the State of New Jersey.

Demonstrator.

No person shall be permitted to receive a certificate of registration or license as a manager-operator of a beauty shop unless such person shall be at least eighteen years of age and shall have

Requirements for manager-operator.

been duly licensed as a beauty culture operator in the State of New Jersey and shall establish to the satisfaction of the department that he or she has thereafter been an operator in the active practice of beauty culture for at least one year; but the department may permit a person to take an examination for license as a manager-operator 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 a beauty shop for not less than three years in another State, territory, the District of Columbia, or foreign country, and one year in the State of New Jersey as a licensed operator.

Student requirements.

No person shall be permitted to receive a certificate of registration as a student without having first furnished the department with satisfactory proof of his or her enrollment in a duly registered or licensed beauty school of this State.

Proof required as to use of property.

No person, partnership or corporation shall be permitted to receive a shop certificate of registration or license to use or maintain premises for the practice of beauty culture unless such person, partnership or corporation shall have first furnished the department with satisfactory proof that such shop or premises are to be used or maintained in compliance with the requirements of the rules and regulations prescribed by authority of sections 45:4A–13 and 45:4A–16 of this Title, and such shop or premises shall be in charge at all times of a duly licensed manager-operator.

Manager in charge.

Approved November 18, 1939.

CHAPTER 377

AN ACT concerning the care, maintenance, supervision and guardianship of dependent and neglected children, promoting home life therefor, providing penalties for violation thereof, and amending sections 30:5–9, 30:5–33, 30:5–35 and 30:5–36 of the Revised Statutes as previously amended.

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

1. Section 30:5–9 of the Revised Statutes is hereby amended to read as follows: Section amended.

30:5–9. The State Board of Control of Institutions and Agencies or its duly authorized representative is hereby empowered to negotiate with the Federal Government to secure such financial assistance for the carrying out of this chapter as is provided in the Federal Social Security Act, and the State Treasurer is hereby empowered to receive such moneys and shall cause them to be placed in the account or accounts of the State Board of Children's Guardians, acting as the agent of the State Board of Control of Institutions and Agencies, for the purpose of carrying into effect the provisions of this chapter. Where the proportion of Federal financial participation in the expenses of administration may be increased during any fiscal year, the increased amount of funds received thereby for that year shall be immediately available for use by the State Board of Children's Guardians. Negotiate financial assistance for federal social security. When increased expenses.

The State Board of Control is further empowered to organize the work of the several departments coming under its jurisdiction in behalf of dependent and neglected children to comply with the reasonable requirements of the Social Security Board and the Federal Children's Bureau Organization of work.

Co-operation.

as set forth in Title IV and section 521 of Title V of the Federal Social Security Act, and to co-operate with the county welfare boards in extending and strengthening public welfare services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent.

Section amended.

2. Section 30:5–33 of the Revised Statutes is hereby amended to read as follows:

Petition of assistance:

30:5–33. Any mother of a dependent child under the age of sixteen years, or under the age of eighteen years and regularly attending school, may, if there are no relatives of such mother or child who are legally liable and financially able to support such mother or child, file a petition of assistance to the State Board of Children's Guardians in the following cases:

When mother without means;

a. Any such mother who has insufficient means and is unable to support such child and maintain her home, the father of such child being deceased; or

Mother poor and father imprisoned;

b. Any such mother who has insufficient means and is unable to support such child and maintain her home, the father of such child being confined in a jail, prison or penitentiary being sentenced for a term that will extend for six months after the date of decision on the petition; or

Mother poor and father indicted;

c. Any such mother who has insufficient means and is unable to support such child and maintain her home, the father of such child being under indictment for desertion of his wife and/or child and not being found within one year from the date of desertion; or

Mother poor and father ill;

d. Any such mother who has insufficient means and is unable to support such child and maintain her home, the father of such child being an inmate of an institution for mental or physical illness requiring a prolonged treatment; or

Mother poor and father under treatment;

e. Any such mother who has insufficient means and is unable to support such child and maintain her home, the father of such child being physically or mentally ill and being unable to support his

child or children, who are dependent, and being under proper and reasonable treatment for the possible removal of such defect; or

Mother poor and father deported;

f. Any such mother who has insufficient means and is unable to support such child and maintain her home, the father of such child having been deported as an alien pursuant to the laws of the United States; or

Child deprived of parental care.

g. Any such mother who has insufficient means and is unable to support such child and maintain her home, the child having been deprived of parental support by reason of physical or mental incapacity of a parent or continued absence of a parent from the home.

Section amended.

3. Section 30:5–35 of the Revised Statutes is hereby amended to read as follows:

Examination into home conditions;

30:5–35. Immediately upon filing the petition mentioned in section 30:5–33, the State Board of Children's Guardians shall examine into the truth and merits of the petition and make an investigation of the home life conditions of the petitioner and shall prepare a report of its findings, which report shall set forth:

Facts ascertained as to allegations;

a. The facts found by its investigation to prove or disprove all the allegations set forth in the petition, and in addition whether or not the dependency is caused by the willful neglect of the mother, whether the mother is mentally, morally and physically fit to care for the children, whether the home is a satisfactory place for the training and rearing of the child or children, a statement of any additional real or personal property including any income or bank accounts not set forth in the petition, and the names and addresses of any additional relatives not disclosed by petitioner, and any other facts that will assist the welfare board in reaching a decision in the matter; and

Income and source of living.

b. A statement containing items showing the total income of the woman, all her children and the husband, if living, from all sources, also a budget showing the minimum amount of money necessary for the maintenance of the family and the minimum

Budget.

amount that the widow or mother will require to support and care for her children under sixteen years of age, or under the age of eighteen years and regularly attending school, such total per child not to exceed the cost of care of a child in an approved child-caring institution.

Total per child.

Section amended.

4. Section 30:5–36 of the Revised Statutes is hereby amended to read as follows:

Finding by welare board.

30:5–36. If, upon the completion of the investigation, examination and hearing provided for by section 30:5–35 of this Title, the welfare board shall find such petitioner is a widow or mother of a child under the age of sixteen years, or under the age of eighteen years and regularly attending school, and that she is in all respects qualified to receive such relief in accordance with the conditions set forth in this chapter, and that her petition has been in all respects verified by the report filed in accordance with said section 30:5–35 and the testimony of witnesses or records, and that the child or children have residence and that there is no relative having the legal responsibility and financial ability to support her child or children and that unless relief is granted the mother will be unable properly to support and educate her child or children, and that they may become a public charge, it shall make an order committing such family to the care of the State Board of Children's Guardians, and directing that there shall be paid to the mother through the State Board of Children's Guardians from funds provided as set forth in sections 30:5–5 to 30:5–8 of this Title for the support of her child or children until they arrive at the age of sixteen, or the age of eighteen if regularly attending school, an amount fixed on the basis of the budget of the child as provided in subdivision "b" of the report of findings filed with the welfare board, as provided for under said section 30:5–35, the amount to be awarded to be discretionary with the welfare board; *provided, however,* that in cases of special emergency, upon recommendation of the State Board of Children's

Order committing family to children's guardians.

Funds provided.

Proviso.

Guardians, the welfare board may make a special order temporarily extending such period of support.

Payments by county of grant.

Any widow who is a mother of a child or children under the age of sixteen, or under the age of eighteen and regularly attending school, and any mother or person, who is eligible to receive assistance pursuant to the provisions of this chapter, and who now is receiving or may hereafter receive assistance pursuant to the provisions of this chapter, shall continue to be paid by the county making the original grant, although the child may establish residence in some other county, if the child has not lost State residence.

Terminating payments.

The welfare board shall also have the power, at any time before the child reaches the age of eighteen, to terminate the payment for the support of such child if in its opinion it is in the best interest of the child, and that such financial support is no longer necessary.

Act effective.

5. This act shall take effect January first, one thousand nine hundred and forty.

Approved November 18, 1939.

CHAPTER 378

AN ACT concerning health and vital statistics, and amending section 26:2–60 of the Revised Statutes.

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

Section amended.

1. Section 26:2–60 of the Revised Statutes is hereby amended to read as follows:

Participation in old age benefits.

26:2–60. The Department of Health, acting for and on behalf of the State of New Jersey, is authorized and empowered, pursuant to the appro-

priate provisions of an Act of the Congress entitled "An act to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a social security board; to raise revenue, and for other purposes" (Public Statute No. 271—74th Congress), to participate in such grants subject to the provisions of the aforesaid Federal statute, and the rules and regulations thereunder, and particularly Titles V and VI thereof covering the appropriations therefor.

Additional duties in connection with venereal diseases.

The Department of Health, acting for and on behalf of the State of New Jersey, is authorized and empowered, pursuant to the appropriate provisions of an Act of the Congress entitled "An act to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases" (Public Statute No. 540—75th Congress), to participate in such grants subject to the provisions of the aforesaid Federal statute, and the rules and regulations thereunder.

Compensation to officiating officers.

The Department of Health is likewise authorized to pay from the aforesaid Federal grants, upon approval by the Civil Service Commission, compensation to administrative officers of the department for administering projects under such grants, said compensation to be in addition to the regular salary received by such officers in the performance of duties for which they are paid from funds appropriated by the State, notwithstanding any other provision of the law to the contrary.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 379

AN ACT to provide for the printing and distribution of analyses, tables and schedules indicating changes in the statute law since the enactment of the Revised Statutes, and amending section 1:3–2 of the Revised Statutes.

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

1. Section 1:3–2 of the Revised Statutes is amended to read as follows: Section amended.

1:3–2. Upon the filing in his office of each act and joint resolution as required by sections 1:2–5, 1:2–6 and 1:2–7 of this Title, the Secretary of State shall forthwith deliver a true copy of the same, prepared in accordance with the provisions of section 1:3–1 of this Title, to the printer having the contract to print the laws. The Secretary of State shall also furnish to such printer copies of the proclamations of the Governor, and, within ten days after he shall have received the last act of the legislative session, he shall likewise furnish the index prepared by him pursuant to said section 1:3–1, together with such analyses, tables and schedules indicating changes made in the statute law since the enactment of the Revised Statutes as shall be furnished to him for that purpose by the commission on statutes, which shall be printed and distributed as part of the pamphlet laws. Pertaining to printing laws. Indicating changes in statutes.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 380

AN ACT authorizing municipalities in certain counties to use moneys appropriated for road and street maintenance for general road and street improvements in such municipalities, subject to the approval of the State Highway Commissioner.

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

Use of moneys appropriated for roads.

1. Whenever moneys have been, or are, appropriated for the maintenance of town, township and borough roads and streets and local conditions indicate that it would be more economical and advantageous to use these funds for new construction, reconstruction, betterment or improvement of said roads and streets, the State Highway Commissioner, upon application of the municipality, may permit the use of said funds for the aforesaid purposes; *provided, however,* that this act shall only apply to municipalities in counties of the first class.

Proviso.

Repealer.

2. This act shall take effect immediately and all acts inconsistent herewith are hereby repealed.

Approved November 18, 1939.

CHAPTER 381

AN ACT making an appropriation for the use of the National Guard of this State.

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, are hereby appropriated for the use of the National Guard: Appropriations for military purposes.

MAINTENANCE OF ORGANIZATIONS

Allowance for New Organizations:

1. Headquarters Troop—159th Cavalry Brigade	
1. Regiment—165th Field Artillery	
1. Tank Company—44th Division	
1. Medical Detachment—119th Quartermaster Regiment	$9,700.00

CONSTRUCTION

To complete quarters for 3 Units of Field Artillery at Morristown	40,000.00

INCREASES IN LABOR COSTS AS APPROVED BY NATIONAL LABOR RELATIONS BOARD

Teaneck Armory	$6,683.96	
Camden Naval Militia Armory	845.08	
West Orange Armory....	13,827.65	
		21,356.69
Termite Insulation—Trenton Infantry and Elizabeth Armories		4,920.00

CLAIMS

Claims.	City of Newark—Real Estate Taxes on 106-10 Roseville Avenue, Newark, used for armory purposes, from June 26, 1934, to December 31, 1937, interest from June 26, 1934, to June 30, 1939, and costs in tax sale proceedings, under lease dated June 5, 1929	$15,838.35	
	59th Cavalry Brigade—Increase in Real Estate Taxes on above property for 1938, over and above the $2,000 provided in 1938-1939 Budget appropriation	485.34	
	Increase allowance for rent and taxes in 1939-1940 Budget from $5,000 to $6,000 to cover increase in Real Estate Taxes for 1939	1,000.00	
			17,323.69

NATIONAL GUARD

Injured guardsmen.	Compensation, hospitalization and medical attendance for members of the National Guard of New Jersey injured in line of duty, over and above the allowance provided by 1938-1939 Budget appropriation, pursuant to the provisions of chapter eleven of Title 38 of Revised Statutes		5,012.67
	Total—National Guard Emergency Requirements		$98,313.05

The moneys hereby appropriated shall be spent in the same manner and pursuant to the same regulations as other State appropriations. How moneys expended.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 382

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-eight, and regulating the disbursement thereof," approved June seventh, one thousand nine hundred and thirty-seven.

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

1. There is hereby appropriated:

B. LEGISLATIVE

B. 1. LEGISLATIVE

Additional allowance for New Jersey Legislative News Service ..... $1,000 00 Appropriation for news service.

2. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 383

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 forty, and regulating the disbursement thereof," approved June thirtieth, one thousand nine hundred and thirty-nine.

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

Appropriation for field training.

1. The following sum is hereby appropriated out of the State fund for the purpose hereinafter specified:

G. MILITARY

G 2. NATIONAL GUARD

Allowance for State share of pay of enlisted men of the National Guard for seven (7) days supplemental field training under the President's Emergency Proclamation as authorized in section 38:3–36, Revised Statutes, as amended	$25,000 00

How expenditures made.

2. The appropriation in this act authorized shall be expended by the Quartermaster-General for the aforesaid purpose pursuant to the provisions of the act to which this act is a supplement.

3. This act shall take effect immediately.

Approved November 18, 1939.

CHAPTER 384

AN ACT vesting in the Local Government Board of the State Department of Local Government all the powers and duties exercised and performed by the Funding Commission.

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

Duties of funding commission vested in local government board.

1. All the powers and duties heretofore exercised and performed by the Funding Commission, constituted by Article VI-A of chapter seventy-seven of the laws of one thousand nine hundred and thirty-five, and the acts amendatory thereof and supplemental thereto (R. S. 40:1–61 to 40:1–73, inc.), are hereby vested in and shall be hereafter exercised and performed by the Local Government Board of the State Department of Local Government, constituted by chapter one hundred and fifty-eight of the laws of one thousand nine hundred and thirty-eight.

Act effective.

2. This act shall take effect on September first, one thousand nine hundred and thirty-nine.

Approved November 27, 1939.

CHAPTER 385

AN ACT vesting in the Local Government Board of the State Department of Local Government all the powers and duties exercised and performed by the Municipal Finance Commission.

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

Duties of municipal finance commission vested in local government board.

1. All the powers and duties heretofore exercised and performed by the Municipal Finance Commission, constituted by chapter three hundred and forty of the laws of one thousand nine hundred and thirty-one (R. S. 52:27–2 to 52:27–65, inc.), and the acts amendatory thereof and supplemental thereto, are hereby vested in and shall be hereafter exercised and performed by the Local Government Board of the State Department of Local Government, constituted by chapter one hundred and fifty-eight of the laws of one thousand nine hundred and thirty-eight.

Act effective.

2. This act shall take effect on September first, one thousand nine hundred and thirty-nine.

Approved November 27, 1939.

CHAPTER 386

AN ACT relating to the public schools of this State, and amending sections 18:7–20, 18:7–27, 18:7–29, 18:7–34, 18:7–35, 18:7–36, 18:7–38, 18:7–42, and 18:7–44, and repealing section 18:7–39 of the Revised Statutes.

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

1. Section 18:7–20 of the Revised Statutes is hereby amended to read as follows: Section amended.

18:7–20. The district clerk shall furnish the proper equipment for polling places. The equipment shall consist of tables, booths, chairs, lights, and all other things which may be considered necessary for the performance of the duties of the election officers. The booths shall be sufficiently large to enable the voter to conveniently prepare his ballot and shall have swinging doors or curtains so arranged that some part of the person of the voters standing in the booths may be seen from the outside thereof when the doors or curtains are closed. Each booth shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting. The equipment shall be ready and properly erected in ample time for the holding of the election. At least one booth shall be provided for each one hundred votes or major fraction thereof cast at the preceding annual election; *provided, however,* that not less than two booths shall be installed at each polling place. The ballot box shall be at least one foot in depth, width, and length, constructed of wood, metal, or glass, with a properly slitted hinged top which shall be kept locked during the time the polls are open.

Polling place and equipment.

Booths.

Number of booths.

Proviso.

Ballot box.

Section amended.

2. Section 18:7–27 of the Revised Statutes is hereby amended to read as follows:

Who may vote.

18:7–27. Every citizen of the United States who has the qualifications required for electors for the general assembly and whose name appears on the registry lists as hereinafter mentioned shall be entitled to vote at any annual or special school election.

Necessary requirement—Group a.

In school districts not within a municipality having permanent registration pursuant to Title 19, Elections, no person shall be permitted to vote at any school election unless his name appears on the registry lists mentioned in paragraph "a" of section 18:7–28 of this Title as having been registered to vote at the preceding general election or any special or primary election subsequent thereto within the municipality or municipalities or election districts comprised within such school district, or unless the name of such person is added to the registry list provided for by section 18:7–29 of this Title.

Group b.

In school districts within a municipality having permanent registration pursuant to Title 19, Elections, no person shall be permitted to vote at any school election unless his name appears on the lists mentioned in paragraph "b" of section 18:7–28 of this Title, as having been registered to vote, and for the purpose of said school election no person shall be entitled to vote unless he shall be registered at least three days prior to the date of said school election.

Section amended.

3. Section 18:7–29 of the Revised Statutes is hereby amended to read as follows:

Becoming of age.

18:7–29. Any person in a school district not within a municipality having permanent registration pursuant to Title 19, Elections, who being duly qualified as an elector of the general assembly, shall have become of age since the preceding general election, and any other person who, while not having been registered to vote at the preceding general election or any special or primary election subsequent thereto in the district, shall be other-

wise possessed of all the qualifications which would entitle such person to vote in any general election, shall be entitled to vote in any school election; *provided,* he shall make application for registration on the Saturday preceding the annual school election at the polling place designated for the voting district in which he shall reside, to the clerk, a member of the board of education, or other person or alternate designated by the president of the board. Such application shall be received by the clerk or a member of the board or other person aforesaid on Saturday preceding the election from seven to nine P. M. or as much longer as applicants are present.

Proviso.

Application for registration.

The clerk or member of the board or other person aforesaid, shall compile separately for the polling place, at which application was made, a registry of such applicants. The list so compiled shall have the same force and effect for the purposes of this article as the registry lists, and any person whose name shall appear thereon shall be entitled to vote at any school election as if his name had appeared on the registry lists of the preceding general election.

Registry of applicants.

4. Section 18:7–34 of the Revised Statutes is hereby amended to read as follows:

Section amended.

18:7–34. The polls for election shall be opened at such time as the board may designate between the hours of two and nine P. M., and shall remain open for at least two hours and as much longer as may be necessary to permit those present at the designated time to cast their ballots; *provided,* that in all municipalities having a population in excess of five thousand as determined by the last published census, the polls must be open between five and nine P. M.

Time for voting.

Proviso.

5. Section 18:7–35 of the Revised Statutes is hereby amended to read as follows:

Section amended.

18:7–35. The board shall make public proclamation through a board member or other person qualified to vote in the school district designated

Announcement.

Election officers.

by the president of said board of the opening of the meeting. A chairman who shall also be judge of elections, a secretary, and two tellers shall be appointed by the board of education at the regular January meeting of the board from the qualified voters of the district other than regularly nominated candidates, board members, or employees.

Vacancy.

In case of any vacancy in such offices at the time of the opening of the meeting, the person authorized to open the meeting shall appoint from among those present to fill the vacancy.

Compensation of election officers.

In any district having a population of twenty-five hundred or more as determined by the last published census, the board of education may pay each such election officer a compensation not to exceed three dollars ($3.00).

Balloting.

At the conclusion of the organization, the election shall be open and the balloting shall continue without recess in accordance with the instructions printed upon the ballot and the provisions of this article until the hour of closing has arrived.

Challengers.

Each candidate nominated by petition may act as a challenger and may appoint also one challenger for each polling district in which he is to be voted for. The appointment of challengers shall be in writing under the hand of the person making the same and shall specify the names and addresses of the challengers and the polling districts for which they are severally appointed. The appointment of the challengers shall be filed with the district clerk not later than five days preceding the annual election. No person shall be appointed challenger who is not a legal voter of the school district and no challenger shall serve in any polling district other than that to which he is appointed. The district clerk shall certify such appointed challengers, and such certification shall be submitted by the challengers to the election officials of the respective polling districts to which they are assigned.

Powers.

The challengers shall have power to challenge the right to vote therein of any person claiming such right and shall have the right to ask

all necessary questions to determine this right. They may be present while the votes cast at any election are being counted, may stand where they can see the markings on the ballots provided they do not interfere with the orderly counting of the votes, and shall have the right to challenge the counting or rejecting of any ballot or any part of a ballot. The election officers are authorized to maintain order in the polling place and to require to leave the polling room all persons other than challengers, candidates, and persons in the process of voting, and to prohibit electioneering in the building in which the election is being conducted. Any person interfering with the orderly conduct of the election shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars ($500.00), or by imprisonment not exceeding one year, or both.

Present at count.

Proviso.

Conditions at polls.

Penalty for interference.

6. Section 18:7–36 of the Revised Statutes is hereby amended to read as follows:

Section amended.

18:7–36. In all school districts after the election officers shall have ascertained that a voter is properly registered and qualified to vote, the election officers shall furnish to the voter one official ballot numbered to correspond with the poll number of the voter, allowing for spoiled ballots, if any.

Ballot supplied.

No ballot shall be handed to a voter until there is a booth ready for occupancy. The election officers shall not allow a voter to mark his ballot outside of an election booth unless the voter is unable to enter the booth by reason of his physical disability.

Supplying ballot and marking.

The election officers shall instruct the voter how to fold the ballot and shall crease the ballot so as to indicate the point where the voter shall fold the ballot, but before handing the ballot to the voter the election officers shall see that the face of the ballot including the coupon is exposed, and at the same time shall call off the ballot number to the official having charge of the polling book, who shall make certain that the ballot number and poll number agree, allowing for spoiled ballots, if any.

Instructions to voters.

Stringing missing number.

If the number of the ballot does not follow consecutively the missing number or numbers shall be written on a blank sheet of paper signed by the election officers and placed on the string with the coupons in its or their proper place or places.

Procedure by voter.

Every voter to whom a ballot is given shall thereupon retire into the polling booth. Not more than one voter shall be permitted to enter or be in the same booth at one time. The voter shall prepare his ballot in the booth secretly and screened from the observation of others.

Penalty.

Any person or voter who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars ($500.00), or by imprisonment not exceeding one year or both at the discretion of the court.

Section amended.

7. Section 18:7–38 of the Revised Statutes is hereby amended to read as follows:

Canvass.

18:7–38. The election officers shall receive and count the ballots, keep a poll list in books to be furnished by the board and keep therein a list of the names and addresses of persons voting at the election. They shall also keep tally sheets of the votes as counted which tally sheets shall be signed by the chairman and tellers.

Tally sheet.

Section repealed.

8. Section 18:7–39 of the Revised Statutes is hereby repealed.

Section amended.

9. Section 18:7–42 of the Revised Statutes is hereby amended to read as follows:

Public announcement.

18:7–42. After the canvass of votes has been completed, the judge of election shall announce the result of the election publicly.

Statement of count supplied.

A candidate may secure a certified statement of the count in the district upon request made in writing to the members of the board, which certificate shall be issued by the members of the board upon the completion of the canvass of the votes cast or as soon as possible thereafter and before the time of closing of the voting place. Any person destroying, falsifying, or altering any of the records in any manner whatsoever shall be guilty of a

Penalty for altering records.

misdemeanor and shall be punishable by a fine not exceeding five hundred dollars ($500.00), or by imprisonment not exceeding one year, or both.

Section amended.

10. Section 18:7–44 of the Revised Statutes is hereby amended to read as follows:

Disposition of records.

18:7–44. At an annual or special meeting of the legal voters of a district held at a single polling place, the tally sheet, poll list and ballots shall be placed by the secretary in a sealed package indorsed with the name of the district, the name of the county in which the district is situated, and the date on which the election was held. Such package, together with a statement of the result of the election, signed by the chairman and secretary, shall be delivered forthwith by the secretary to the district clerk who shall forward the same to the county superintendent of schools within five days after the date of the election, and the same shall be preserved for one year. The unused ballots shall be delivered to the district clerk.

Act effective.

11. This act shall take effect January first, one thousand nine hundred and forty.

Approved November 27, 1939.

CHAPTER 387

AN ACT concerning the disbursement of moneys or the incurring of obligations by the governing bodies of counties and municipalities in excess of appropriations or of the amount limited by law, and amending section 2:160–5, and supplementing chapter two of Title 40 of the Revised Statutes.

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

Section amended.

1. Section 2:160–5 of the Revised Statutes is hereby amended to read as follows:

Person or body meant:

2:160–5. Any person, board or body charged with or having the control of any State office, department or institution, or any board of education, or any committee of any such board, which, or any member thereof who shall:

Voting excess;

a. Disburse, order or vote for the disbursement of public moneys, in excess of the appropriation respectively to any such board; or

Incurring undue obligations.

b. Incur obligations in excess of the appropriation and limit of expenditure provided by law for the purposes respectively of any such board

Penalty.

Shall be jointly or severally guilty of a misdemeanor.

Schools kept open.

Nothing contained in this section shall be construed to prevent any board of education from keeping open the public schools.

Disbursements above appropriations.

2. Any member of any board of chosen freeholders or of any township committee or of any board of aldermen or of any council of any municipality or of any board of commissioners of any township, city, town or borough in this State who shall either disburse, order or vote for the disbursement of public moneys, in excess of the appropriation respectively to such board, committee or council, or incur obligations in excess of the appropriation and limit of expenditure provided by law for the purposes respectively of any such board, committee or council, shall be liable to a penalty of fifty dollars. Such penalty shall be sued for and recovered in an action at law by and in the name of the Local Government Board. The pleadings in any such action shall conform in all respects to the practice prevailing in the court in which the action shall be instituted. All moneys recovered in such actions shall be paid to said board for its use and purposes.

Penalty.
Recovery of penalty.

Pleadings.

3. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 388

AN ACT concerning review of proceedings and conviction under the disorderly persons law, and supplementing subtitle fifteen of Title 2 of the Revised Statutes.

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

Review of proceedings before justice of peace.

1. The court of common pleas of any county in which a conviction under the disorderly persons law, subtitle fifteen of Title 2 of the Revised Statutes, has been had before a justice of the peace or a recorder may, upon its own motion, review said conviction and all proceedings incidental thereto, in order that the legality of such proceedings and convictions may be reviewed and determined and if said common pleas court shall find the proceedings and conviction to be illegal it shall forthwith, upon its own motion, set aside the same and order the discharge of the defendant from custody.

Determination.

2. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 389

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, as amended by pamphlet laws of one thousand nine hundred and thirty-eight, chapter three hundred and two.

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

Section amended.

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

Pertaining to 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 twenty-five hundred dollars ($2,500.00) 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 counties of the fourth and sixth class shall be elected for a term of four years.

Term.

Salary.

Proviso.

Salary of councilmen.

Each member of the common council shall receive compensation at the rate of three hundred dollars ($300.00) per annum, to be paid in equal semi-monthly installments, but shall receive no fee or other compensation whatever.

2. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 390

AN ACT concerning weights, measures and containers, to prevent fraudulent practices in the sale of commodities, providing a procedure for the enforcement of penalties, and amending sections 51:1–103, 51:1–104, 51:1–105, 51:1–106, 51:1–107 and 51:1–108 of the Revised Statutes.

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

Section amended.

1. Section 51:1–103 of the Revised Statutes is hereby amended to read as follows:

Action to recover penalty.

51:1–103. An action for the recovery of a penalty for violation of this chapter shall be within the jurisdiction of and may be brought before any justice of the peace, judge of any city criminal court, district court, criminal district court, recorder or police magistrate in the county where the offense is committed, or where the defendant may reside, which courts and officers are hereinafter referred to in this article as the "court," but no justice of the peace shall have jurisdiction within the corporate limits of any municipality having a police judge, police justice, recorder's court or city criminal court.

Justices of peace limited.

Section amended.

2. Section 51:1–104 of the Revised Statutes is hereby amended to read as follows:

Jurisdiction of court.

51:1–104. In proceedings for the recovery of penalties under the provisions of this Title, the court in jurisdictions where a district court exists shall nevertheless have jurisdiction to enforce such penalty notwithstanding the provisions of section 2:8–46 of the Title Administration of Civil and Criminal Justice or any similar provision of law to the contrary.

Section amended.

3. Section 51:1–105 of the Revised Statutes is hereby amended to read as follows:

Enforcement of penalty.

51:1–105. A penalty incurred for the violation of any of the provisions of this Title may be enforced

in a summary proceeding brought in the name of the State by a superintendent, assistant superintendent, or inspector by filing a complaint in writing duly verified by him or by the complaining witness. Verification by a superintendent, assistant superintendent, or inspector may be made on information and belief.

Filing complaint.

The complaint shall be filed with the court alleging the violation of law and stating the section violated.

Summons.

The court may issue a summons or warrant. The summons shall be returnable in from one to ten days from its date and shall be served not less than two days prior to its return. The warrant or summons may be directed to any superintendent, assistant superintendent, inspector or to any constable or police officer commanding him to cause the person complained of to be arrested and brought before the court. A summons or warrant issued by a court under this article

Officer acting.

shall be valid throughout the State. An officer who may serve the summons or warrant in the county in which it was issued may also serve the summons or warrant and make arrest on the warrant in any county of the State. Where a corporation is the defendant the summons shall be served

Service on corporations.

on any officer thereof, its registered agent or the person in charge of its place of business in this State, at least five days before the return date.

Summary hearing.

On the return of the summons or warrant the court shall forthwith in a summary way hear and determine the guilt or innocence of the defendant and upon conviction shall impose the penalty prescribed by law for the offense together with the costs of prosecution.

Imprisonment for non-payment of penalty.

If any person shall fail to pay the penalty or penalties imposed together with the costs of the proceedings, the court shall commit him to the common jail of the county where the conviction is had, for a period not exceeding thirty days, except where the period of imprisonment is otherwise

provided for, or until the penalty and costs are sooner paid.

Form of convictions.

Convictions in prosecutions under this title shall be in form as follows:

State of New Jersey }
} ss.
County of ..... }

"Be It Remembered, that on this .... day of ....., A. D. ....., at ....., in said county ....., defendant, was by me ....., convicted of ....., contrary to the provisions of section ..... of the title Standards, Weights, Measures and Containers of the Revised Statutes, in a summary proceeding at the suit of the State of New Jersey, ..., prosecutor, and further, that the witnesses in said proceeding who testified for the prosecutor were ..... (name them) ..... and the witnesses who testified for the defendant were (name them) .....

Wherefore, I, the said ....., do hereby impose upon the defendant the penalty of ..... dollars and the sum of .... dollars costs of this proceeding and in default of the payment, I do hereby order that the said ....., defendant, be committed to the county jail of the county of ..... for a period of ..... days."

Conviction signed.

The conviction shall be signed by the magistrate before whom the conviction is had and need not contain a statement of the evidence. If the defendant is to be imprisoned, the conviction shall be signed by the court in duplicate and one of the duplicate copies shall serve the purpose of warrant of commitment.

Signing and sealing by clerk of court.

The clerk of a court may sign and seal any process required to be issued, except a warrant of commitment. The costs recoverable in any such

Executions.

proceeding shall be the same as other costs taxed in the court. Execution may issue for the collection of a judgment and costs, against the goods and chattels and body of the defendant without any order first obtained for such purpose.

Section amended.

4. Section 51:1–106 of the Revised Statutes is hereby amended to read as follows:

Arrest on viewing offense.

51:1–106. A superintendent, assistant superintendent, or inspector on the violation of any of the provisions of this Title within his view may without warrant arrest the offender and conduct him before the court having jurisdiction in the municipality where the arrest is made or the offense committed.

Hearing.

Such court on the filing of written verified complaint setting forth the nature of the offense shall hear and determine in a summary manner, the guilt or innocence of the defendant and inflict the penalties provided by law.

Section amended.

5. Section 51:1–107 of the Revised Statutes is hereby amended to read as follows:

Appeal may be taken.

51:1–107. Any party may appeal from a judgment rendered or sentence imposed pursuant to section 51:1–105 of this Title to the court of common pleas of the county in which the proceedings were had.

Notice of appeal.

The appellant shall within ten days after the date of judgment file a written notice of appeal with the court, pay the costs of the proceeding, serve a copy of said notice of appeal on the opposite party and deliver to the court a bond to the opposite party in double the amount of the judgment appealed from, 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 hereinafter be made against him. Where the State is the appellant the bond shall not be required to be filed.

Bond required.

Appeal acts as stay.

The appeal shall act as a stay of execution unless dismissed for want of prosecution or jurisdiction in the court appealed to, in which case the court may, upon the remanding and dismissal of the appeal papers to such court with a certified copy

of the order of dismissal, proceed in the same manner as if no appeal had been taken.

Section amended.

6. Section 51:1–108 of the Revised Statutes is hereby amended to read as follows:

All records sent to court of common pleas.

51:1–108. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the court to 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, if at least five days shall intervene between the rendition of said judgment and the commencement of such term of the court of common pleas; but, if otherwise, then the proceeding shall be brought on and heard at the next subsequent term of the common pleas court, which court shall hear and determine the appeal in the same way and manner as the case was heard and determined by the court below, and shall render final judgment therein, upon which judgment in case of affirmance of conviction, the court of common pleas shall impose the penalty provided for in this Title.

Hearing and determination.

Judgment.

Penalty.

Result of commitment.

If the defendant shall be committed to jail on failure to pay the amount due of penalty and costs, such commitment shall be construed as a waiver and release of any appeal bond previously given in the proceeding.

7. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 391

AN ACT making an appropriation for expenses incurred in litigation respecting 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 expenses defending State's interests.

1. To defray expenses incurred in defending the interests of the State in litigation arising from the assessment and levying of taxes on property in railroad and canal use, there is hereby appropriated to the Department of the Attorney-General the sum of forty-two thousand six hundred twenty-four dollars and eighty-eight cents ($42,624.88).

Disbursements.

2. The appropriation herein authorized shall be disbursed in the same manner and subject to the regulations governing other State appropriations.

3. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 392

AN ACT making an appropriation for expenses incurred in litigation respecting taxes on property in railroad and canal use.

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

Defraying expenses defending State's interests in railroad and canal property.

1. To defray expenses incurred in defending the interests of the State in litigation arising from the assessment and levying of taxes on property in railroad and canal use, there is hereby appropriated the sums herein indicated, aggregating

thirty-two thousand three hundred and seventy-five dollars and twelve cents ($32,375.12), which moneys shall be disbursed by the State Treasurer on warrant of the Comptroller of the Treasury and on vouchers signed and approved by the Attorney-General:

Ford, Bacon and Davis, Inc., engineering services	$23,471 03
Edwin F. Morgan, services as expert	897 55
James C. Bonright, services as expert	1,000 00
Benjamin Graham, services as expert	2,400 00
Printing	1,420 00
Stenographic fees	2,453 00
Photostats and miscellaneous expenses	733 54
	$32,375 12

2. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 393

AN ACT concerning the New Jersey Council, and amending section 52:9C–2 of the Revised Statutes.

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

1. Section 52:9C–2 of the Revised Statutes is amended to read as follows: Section amended.

52:9C–2. The council shall organize annually by the selection of a chairman. A secretary shall be selected from the staff of the State Board of Commerce and Navigation. The members of the council shall receive no compensation but shall be entitled to their actual and necessary traveling expenses. The council is further empowered to adopt rules and regulations for carrying into effect the provi- Organization. Secretary. Rules and regulations.

sions of this chapter, which rules and regulations shall not be inconsistent with the provisions hereof.

Advisory counsel.

There is hereby created the office of Advisory Counsel to the New Jersey Council. The first incumbent of such position shall be Edward C. Stokes, who shall hold his said office for a period

Term.

of three years from the date of the passage of this act, and until his successor is selected and qualified.

Salary.

He shall receive an annual salary of two thousand four hundred dollars ($2,400.00), which sum is

Duties.

hereby appropriated. He shall perform such duties as the New Jersey Council shall by rule and regulation make.

2. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 394

AN ACT concerning the retirement of employees in counties of the first class, and amending section 43:10–1, and supplementing Article I of chapter ten of Title 43 of the Revised Statutes.

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

Section amended.

1. Section 43:10–1 of the Revised Statutes is hereby amended to read as follows:

Explanation of terms:

43:10–1. As used in this article:

Half pay;

"Be retired on half pay" means retired on a pension equal to one-half of the annual salary at the time of retirement.

Employees;

"County employee" or "employee" means and includes all employees and officers in service in any county of the first class, and of any county board, body or commission maintained out of

Unit of payment;

county funds in a county of the first class, including laborers recognized as permanent laborers, whether paid on an hourly, daily, monthly or

annual basis (it being the intent to exclude transient labor from the operation of this article), but does not include any member of the police or fire department. The pension commission may determine whether or not the employment of an employee is permanent within the meaning of this article. Notwithstanding the provisions of section 43:1–1 of this Title, any person heretofore or hereafter accepting any employment in the county under the age of forty-five years shall be eligible to join as a "county employee" or "employee" as herein above defined.

As to pensions; Eligibility.

2. Any county laborer now employed in any such county, who, prior to the adoption of this act, was ineligible to the benefits of the law to which this act is an amendment and supplement but who is made eligible to such benefits by this act may decline to be bound by the provisions of said law or may within six months after this act becomes effective become a member of the fund established under said law:

Joining fund.

(1) by payment into the fund, in such manner as shall be determined by the pension commission, of all arrears, with interest, as the pension commission shall determine to be due in order to give such employees the same standing as a member of said fund as all other members who joined said pension fund when the law providing for such fund became effective, in which case the maximum rate of interest shall not exceed the average rate of earnings of the investments of said fund and the maximum length of time for the payment of arrears shall be five years from the date of the application to join the fund, or

Method of payment.

(2) upon written application in which case the regular deductions from the salary of such employees shall commence upon the filing of such written application and he shall be entitled to the same benefits as a new employee then joining the fund would receive.

Application.

3. This act shall take effect immediately.

Approved November 27, 1939.

CHAPTER 395

AN ACT to amend the title and body of an act entitled "An act relating to the incurring of indebtedness and the issuance of notes and bonds, for the relief of the poor, by cities, boroughs, towns, townships, villages and other municipalities other than school districts," approved the seventeenth day of August, one thousand nine hundred and thirty-nine, and constituting chapter three hundred thirty-two of the laws of one thousand nine hundred and thirty-nine, so that said act shall provide both for the funding of indebtedness and notes heretofore or hereafter incurred or issued for the relief of the poor and for the issuance of notes in anticipation of the issuance of bonds authorized pursuant to said act.

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

Title amended.

1. The title of the act entitled "An act relating to the incurring of indebtedness and the issuance of notes and bonds, for the relief of the poor, by cities, boroughs, towns, townships, villages and other municipalities other than school districts," approved the seventeenth day of August, one thousand nine hundred and thirty-nine, and constituting chapter three hundred thirty-two of the laws of one thousand nine hundred and thirty-nine, is hereby amended to read as follows:

New title.

An act relating to the incurring of indebtedness and the issuance of notes and bonds for the relief of the poor and for the funding of indebtedness heretofore or hereafter incurred and notes heretofore or hereafter issued for such relief of the poor,

by cities, boroughs, towns, townships, villages and other municipalities other than school districts.

2. Section one of said act is hereby amended to read as follows: Section 1 amended

1. Any city, borough, town, township, village or other municipality (other than school districts), may incur indebtedness, borrow money and issue its negotiable bonds for the relief of the poor, including direct relief, expense of administration, the payment of any indebtedness heretofore or hereafter incurred for relief of the poor, the financing of any emergency appropriations heretofore or hereafter made for the relief of the poor, the payment of any emergency notes heretofore or hereafter issued pursuant to the local budget law to finance any such emergency appropriation, the cost of the issuance of such bonds and other incidental expenses. Supplying municipal relief.

3. Section two of said act is hereby amended to read as follows: Section 2 amended.

2. Any bonds issued under this act shall be authorized by ordinance, finally adopted on or before the thirty-first day of December, one thousand nine hundred and forty, by the governing body of the municipality in the manner or mode of procedure prescribed by the local bond law, constituting sections 40:1–1 to 40:1–88 of the Revised Statutes, and said bonds shall be issued in the manner or mode of procedure prescribed by said law, except that (1) no supplemental debt statement need be filed and said bonds may be issued notwithstanding any debt or other limitation prescribed by the said law, (2) no down payment shall be required, (3) said bonds shall mature in annual installments, commencing not more than one year from the date of said bonds and ending not more than five years from the date of the adoption of such ordinance, or, in case such bonds are issued wholly or partly to fund emergency notes, not more than five years from the date of the earliest emergency notes to be so funded, and no annual installment Authority for bond issue.

shall exceed the amount of the smallest prior annual installment of such issue. The ordinance authorizing such bonds need state only the amount of bonds thereby authorized for relief of the poor, the amount of emergency notes, if any, to be funded thereby, the date of the earliest emergency notes to be so funded, the rate or maximum rate of interest the bonds shall bear and the date and maturities of the bonds.

Section 3 amended.

4. Section three of said act is hereby amended to read as follows:

Redemption.

3. Such bonds may be made subject to redemption prior to maturity at par and accrued interest on any interest payment date on such notice as may be provided in the bonds. Any such bonds which are issued subject to redemption prior to maturity shall be redeemed in accordance with their terms on the receipt of moneys from the State if the State Financial Assistance Commission or its successor, shall so prescribe, in connection with any allotment of State funds for poor relief to such municipality.

Anticipatory notes.

Any city, borough, town, township, village or other municipality may issue its negotiable notes, at public or private sale, in anticipation of the issu-

Bond issue.

ance of bonds authorized by any such ordinance after such ordinance has taken effect and may,

Maturity.

from time to time, renew any such notes. All such notes (including renewals) shall mature and be paid not more than one year from the date of the adoption of the ordinance authorizing the bonds

Authorization.

in anticipation of which the notes are issued. Any such notes may be authorized by resolution passed by the governing body of the municipality by majority vote.

Section 4 amended.

5. Section four of said act is hereby amended to read as follows:

Meeting principal and interest.

4. All bonds and notes issued hereunder shall be general obligations of the municipality issuing them and, unless payment is otherwise made or provided for, a tax sufficient in amount to pay the principal of and interest on such bonds and notes

shall be levied and collected by such municipality in the year in which the same shall become due and payable. Such bonds and notes may contain a recital that they are issued pursuant to this act in the manner or mode of procedure prescribed by the local bond law and such recitals shall be conclusive evidence of their validity and of the regularity of their issuance. Recital.

6. This act shall take effect immediately.

Approved January 10, 1940.

CHAPTER 396

AN ACT concerning municipal and county finances, and amending sections 40:2–6, 40:2–7, 40:2–8, 40:2–10, 40:2–18 and 40:2–53 of the Revised Statutes.

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

1. Section 40:2–6 of the Revised Statutes is hereby amended to read a follows: Section amended.

40:2–6. Prior to the adoption of a budget the governing body shall, at a public hearing, grant to taxpayers and other interested persons an opportunity to present objections and to be heard with respect to the budget. The hearing on a county budget shall commence not later than the fortieth day after the beginning of the budget year. The hearing on a municipal budget shall commence not later than the sixtieth day after the beginning of the budget year. Hearing on budget. When held.

2. Section 40:2–7 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:2–7. The governing body shall cause to be prepared and shall approve the budget prior to the Approval of budget.

public hearing and in any event not later than the fortieth day after the beginning of the budget year for municipalities; and shall fix the time when and the place where the hearing shall be held. Notice of such hearing, together with the budget as approved, shall be published at least once in at least one newspaper circulating in the municipality or county, as the case may be, at least eighteen days prior to the time fixed for the hearing. Within three days after its approval, two certified copies of the budget as approved shall be filed in the office of the commissioner of local government.

Notice of hearing.

Copies filed.

Section amended.

3. Section 40:2–8 of the Revised Statutes is hereby amended to read as follows:

Adjourned hearing.

Adoption of budget.

Proviso.

Changes permissible.

40:2–8. The hearing on the budget shall be held at the time and place specified in the published notice, but may be adjourned from time to time until the hearing is closed. After closing the hearing the governing body may, by resolution, adopt the budget with or without alterations or amendments; *provided, however,* nothing herein contained shall prevent the governing body from making any amendments which may be required by the commissioner of local government prior to the time for holding the hearing on the budget. However, no alteration or amendment, except pursuant to section 40:2–20 of this title, adding to the budget any new item of appropriation in amount in excess of one per centum of the total amount of appropriations as stated in the approved budget, or increasing or decreasing any item of appropriation by more than ten per centum of the amount of such item as stated in the approved budget, or increasing the amount to be raised by taxes by more than five per centum of such amount as stated in the approved budget, shall be made in the approved budget, unless the governing body shall first, at a public hearing, grant to taxpayers and other interested persons an opportunity to present objections and to be heard with respect to the alteration or amendment, after publishing, in at least one

Opportunity to object to changes.

newspaper circulating in the municipality or county, as the case may be, not less than two days prior to the hearing, a notice describing the alteration or amendment and specifying the time and place when and where the hearing will be held.

Section amended.

4. Section 40:2–10 of the Revised Statutes is hereby amended to read as follows:

When budget adopted.

40:2–10. A county budget shall be adopted not later than the fifty-fifth day after the beginning of the budget year. A municipal budget shall be adopted not later than the seventieth day after the beginning of the budget year. No budget may be adopted, however, unless the commissioner of local government shall have certified his approval thereof and returned the same within the period hereinabove provided. The budget may be adopted at any time within ten days after the commissioner of local government shall have certified his approval thereof and returned the same. Within three days after its adoption, two certified copies of the budget as adopted shall be filed in the office of the commissioner of local government.

Certification of approval.

Copies filed.

Section amended.

5. Section 40:2–18 of the Revised Statutes is hereby amended to read as follows:

Dedicated revenues.

40:2–18. "Dedicated revenues" shall include all amounts reasonably expected to be realized in cash during the budget year from any source other than the issuance of bonds or notes and required by law to be applied to a specific purpose. Dedicated revenues stated in the budget shall be classified according to their respective sources and shall be stated in a separate section of the budget together with the appropriations to the purposes to which such dedicated revenues are applicable. In the event such appropriations include payments to be made for the principal of or interest on bonds or notes, the amount required for such purpose shall be separately stated. Any anticipated deficit in expenditures to which dedicated revenues are applicable shall be provided for by an appropriation in the budget. Such revenues, when derived

Classified.

Appropriations separated.

Deficits.

Revenues stated.

from the collection of special assessments on property specially benefited, shall not be stated in the budget in an amount which is in excess of the amount of the appropriation in such budget to the purposes to which such revenues are applicable or in excess of the amount of the revenues so derived which is held in cash at the beginning of the fiscal year; *provided, however,* nothing herein contained shall prevent a municipality from paying in full or on account at maturity any note or notes to which such revenues are applicable. Such revenues, when derived from any other source, including publicly owned or operated utilities or enterprises, shall not be stated in the budget in an amount which is in excess of the amount of the appropriations in such budget to the purposes to which such revenues are applicable or in excess of the amount actually realized in cash from the same source during the next preceding fiscal year, unless the commissioner of local government shall determine upon application by the governing body that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the budget year and shall certify such determination in writing to the county or municipality, as the case may be.

Proviso.

Statement of revenues.

Section amended.

6. Section 40:2–53 of the Revised Statutes as amended by chapter one hundred and twenty-eight of the laws of one thousand, nine hundred and thirty-eight, is hereby amended to read as follows:

Determination:

40:2–53. The commissioner shall determine upon the basis of information and data available whether:

Concerning estimates of revenue;

a. All estimates of revenue are reasonable, accurate, correctly stated and in accordance with the provisions of this chapter and the regulations of the board.

Specific items;

b. Specific items of appropriations enumerated in section 40:2–52 comply with the requirements of this chapter and the regulations of the board.

c. Items of appropriation are fully and correctly stated. Correctness;

d. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality or county. Comptroller function;

e. In all other respects the budget complies with the requirements of law and the regulations of the board. Full compliance.

The commissioner shall approve the budget if he finds that all requirements of law and of the regulations of the board have been met. Approval of budget. The commissioner shall refuse to approve the budget if the requirements of law or of the regulations of the board have not been met. Refusal. The commissioner in refusing to approve a budget shall not substitute his discretion with respect to the amount of an appropriation where such amount is not made mandatory because of the requirements of law. Substitution.

The commissioner shall certify the result of his determination to the governing body immediately. Determination certified. If the budget is not approved, a full statement of reasons with instructions for correction of the budget shall be transmitted with notice of refusal to approve. A governing body shall not finally adopt a budget until a certification of approval by the commissioner has been received. Final adoption. If the budget is not approved, the certification of the commissioner shall be published at least once in a newspaper of general circulation within the municipality. Cost of publication shall be paid by the county or municipality as the case may be. Certification published.

A governing body shall amend a disapproved budget in accordance with the instructions of the commissioner except that the governing body may petition the State board for a hearing upon the budget. Amending disapproved budget. If a petition for hearing is filed with the State board, the commissioner shall postpone the time for final adoption of the budget as required by section 40:2–10 to permit a reasonable opportunity for hearing and redetermination in accordance with this section. Reasonable time for hearing.

Review of final determination.

If an aggrieved party applies for judicial review of a final determination made by the State board, the local governing body shall, nevertheless, adopt the budget in accordance with the board's determination, subject to such subsequent adjustment as may be consonant with the court's decision.

Amendment of budget.

If the final decision of the court is adverse to the board's determination, the commissioner shall, forthwith, by written order, authorize the immediate amendment of the budget by resolution of the local governing body, in accordance with the court's decision.

7. This act shall take effect immediately.

Approved January 10, 1940.

CHAPTER 397

A FURTHER 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 forty, and regulating the disbursement thereof," approved June thirtieth, one thousand nine hundred and thirty-nine.

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

A 8. SECRETARY OF STATE

Meeting special election expenses.

1. For the purpose of paying the costs of miscellaneous expenses of the bond act to be submitted to the people at the general election to be held November seventh, one thousand nine hundred and thirty-nine (said act being Chapter 329 of the Laws of 1939), there is hereby appropriated the sum of

seven thousand five hundred dollars ($7,500.00) or so much thereof as may be necessary.

Payments.

2. All bills rendered in connection with the submission of chapter three hundred twenty-nine of the laws of one thousand nine hundred and thirty-nine shall be approved by the Secretary of State and paid by the State Treasurer on warrant of the Comptroller of the Treasury from general funds of the State.

3. This act shall take effect immediately.

Approved January 15, 1940.

CHAPTER 398

AN ACT concerning fees and costs, and amending section 22:2–29 of the Revised Statutes.

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

Section amended.

1. Section 22:2–29 of the Revised Statutes is amended to read as follows:

A. PREROGATIVE COURT

Fees in prerogative court.

22:2–29. For performing the services herein enumerated the ordinary and register of the prerogative court shall receive the following fees:

THE ORDINARY

Ordinary.

For making every order or rule, sixty-five cents.

For the seal to citation, monition or process, thirty-five cents.

For hearing and determining an appeal, two dollars.

THE REGISTER

Register.

For the seal to the probate of a will or letter of administration, one dollar.

For filing inventory, eight cents.

For every bond taken in the office, thirty-four cents.

For entering and filing caveat, twenty cents.

For drawing citation, monition or process, one dollar.

For entering every order or rule of court, twenty cents.

For entering and filing an appeal, twenty cents.

For filing a petition, pleading or other paper, fourteen cents.

For commission on deposits, if under one hundred dollars, one-half of one per centum; if over one hundred dollars and under one thousand dollars, one-quarter of one per centum on such excess; if over one thousand dollars, one-eighth of one per centum on such excess.

CHANCERY FEES APPLICABLE

Other Fees.

Where no fees are provided by law the same fees shall be allowed in the prerogative court, to the same officers and persons, as are allowed by law for like services in the Court of Chancery.

2. This act shall take effect immediately.

Approved January 15, 1940.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

JOINT RESOLUTION relative to memorializing the Congress of the United States to refuse enactment of legislation which would becloud the sovereign rights of the State of New Jersey in its submerged lands.

WHEREAS, Upon the formation of the United States of America, the States, as independent sovereignties, reserved to themselves all the right, title and interest in and to the submerged lands and tidelands bordering upon their respective territories and, with the expenditure of public funds, have devoted such lands to harbor developments and other State purposes, or through grants and arrangements made with their municipalities and public agencies and with their citizens have devoted said lands to other public and private uses, and such sovereign rights of the States have never heretofore been questioned; and Preamble.

WHEREAS, Legislation has been introduced in the Congress of the United States, particularly Senate Joint Resolution No. 24, introduced by the Honorable Gerald P. Nye, United States Senator from the State of North Dakota, wherein it is asserted that the Federal Government possesses the title to or holds an interest in submerged lands and tidelands bordering upon the various States of the Union, and it is proposed to direct the Attorney-General of the United States to institute legal actions in the courts to litigate such asserted titles or interests; and Preamble.

Preamble.

WHEREAS, Any such litigation will becloud the rights and title of the respective States, prejudice their progress in developing such lands for State and local uses, both public and private, endanger existing investments and threaten loss of the income which the State of New Jersey derives from riparian grants and leases, which is devoted to maintenance of the public educational facilities of this State; and

Preamble.

WHEREAS, The enactment of such legislation is, in the opinion of this Legislature, undesirable and contrary to the public interests; now, therefore,

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

Petitioning Congress to refuse assented claims.

1. That the Legislature of the State of New Jersey respectfully urges and petitions the Congress of the United States to refuse enactment of either Senate Joint Resolution No. 24 or any other bill or resolution which may similarly seek to establish the asserted claim of the Federal Government to any title or interest in such riparian lands, tidelands or submerged lands of the State of New Jersey, other than such lands which may have been heretofore expressly granted it by this State or under its authority.

Copies of resolution sent certain officials.

2. That the Secretary of State be and he is hereby directed to transmit copies of this joint resolution to the President of the United States, the Vice-President, and to the Senators and Representatives of the State of New Jersey in the Congress.

3. This joint resolution shall take effect immediately.

Approved March 28, 1939.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION authorizing and directing the State Highway Commissioner to name and designate State Highway Route No. 100 as "The Thomas M. Muir Highway."

Preamble. WHEREAS, The Honorable Thomas M. Muir has served as a member of the New Jersey House of Assembly from Union county for seventeen consecutive terms, a record unequalled by any person in the State of New Jersey; and

Preamble. WHEREAS, In such capacity he has continuously manifested a keen and intensive interest in the problems of the State government and has consistently given of his time and energy unstintingly toward the advancement of the social welfare of his fellow citizens; and

Preamble. WHEREAS, In his service as an able and devoted representative of the people, he has particularly distinguished himself as the champion of the cause of the sick and underprivileged and established an enviable record as a progressive legislator as exemplified by his sponsorship of far-reaching, liberal and humanitarian legislation; and

Preamble. WHEREAS, The name and character of Thomas M. Muir and his deep loyalty to his county and State, which he has represented with such great devotion, deserves recognition and perpetuation by the State of New Jersey for the guidance and inspiration of those who shall follow him; now, therefore,

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

Naming certain highway "Muir." 1. The State Highway Commissioner be and he hereby is authorized and directed to name and

designate State Highway Route No. 100 as "The Thomas M. Muir Highway"; and

Engrossed resolution presented.

BE IT FURTHER RESOLVED, That a copy of this joint resolution, suitably engrossed, when duly adopted and authenticated by the Speaker and Clerk of the House of Assembly, the President and Secretary of the State Senate, and Governor of New Jersey, be presented to the Honorable Thomas M. Muir by the Governor of New Jersey.

2. This joint resolution shall take effect immediately

Approved April 5, 1939.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION authorizing the committees on emergency relief of the Senate and House of Assembly to conduct a joint investigation of the question of unemployment relief and report thereon to the Legislature.

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

Investigating question of emergency relief by legislative committees.

1. The emergency relief committees of the Senate and House of Assembly are hereby authorized and empowered to investigate the question of emergency relief. In furtherance of such investigation the joint committees shall examine the administration of the State Financial Assistance Commission and other State agencies with respect to the administration of relief, as well as the manner and methods of relief administration and distribution in any of the counties and municipalities of this State.

Organization.

2. The joint committees shall organize by the selection of a chairman and secretary from among the members, and is authorized to employ such

Assistance.

assistants as may be necessary. They are likewise

empowered to require from any State department, commission or agency such assistance and information as may be necessary in furtherance of the work of the joint committees. Any member may administer oaths to witnesses appearing before it, and the committee shall have power to issue subpœna, signed by the chairman, to compel the attendance of witnesses and the production of books, papers and records and may hold hearings in any part of the State. Witnesses, records.

3. The expenses of such investigation shall be paid from the State Financial Assistance Administration Fund, upon vouchers signed by the chairman and secretary of the joint committees, and the warrant of the Comptroller of the Treasury. Expenses.

4. The joint committee shall embody its findings and recommendations in a report to be submitted to the Legislature, and, if it deems necessary, may propose appropriate legislation concerning the question of relief administration and distribution. Report.

5. This joint resolution shall take effect immediately.

Approved April 18, 1939.

JOINT RESOLUTION No. 4

JOINT RESOLUTION designating proposed Raritan river bridge west of the Victory bridge at Perth Amboy as the Edison bridge.

WHEREAS, New Jersey is desirous of recognizing and commemorating the splendid services and achievements of its world-renowned and favorite son who gave to the world at or near this bridge at Menlo Park the incandescent light, the phonograph and other inventions which have enriched the world and mankind; and Preamble.

Preamble.

WHEREAS, It is fitting and appropriate that legislative recognition be accorded such services on the part of Thomas A. Edison at Menlo Park; therefore

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

Designating new bridge.

1. The bridge now under construction across the Raritan river west of the Victory bridge shall be designated as the Thomas A. Edison bridge as a memorial and in commemoration of the services and inventions of Thomas A. Edison.

Suitable markings.

2. The State Highway Commission shall cause to be erected on said bridge suitable tablets and ornamentations to effectuate this resolution.

3. This joint resolution shall take effect immediately.

4. The purpose of this resolution is expressed in the title.

Approved May 17, 1939.

JOINT RESOLUTION No. 5

JOINT RESOLUTION with respect to suburban transit in northern New Jersey.

Preamble.

WHEREAS, By a Joint Resolution of the Senate and General Assembly of the State of New Jersey, approved February twenty-first, one thousand nine hundred and thirty-eight, The Port of New York Authority has been requested to prepare a physical plan for a North Jersey transit system, together with a financial plan for the effectuation of the initial stage thereof, and drafts of legislation in such form as to permit the effectuation of such initial stage; and

WHEREAS, Such drafts of legislation should conform with sound public policy consonant with the views of the Legislature and said plans and drafts of legislation can be more satisfactorily prepared in conference with representatives of the Legislature; now, therefore, Preamble.

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

1. A Joint Legislative Committee on North Jersey Transit is hereby constituted, said committee to consist of two members appointed by the President of the Senate, two members appointed by the Speaker of the Assembly, and one member appointed by the Governor. Transit Commission.

2. Said committee shall confer with The Port of New York Authority with respect to suburban transit and shall advise The Port of New York Authority with respect to matters of State policy arising in connection therewith. Purpose.

3. The time within which The Port of New York Authority is requested to report its findings and specific recommendations, pursuant to the joint resolution entitled "Joint resolution requesting The Port of New York Authority to continue its investigations relative to suburban transit in northern New Jersey," approved February twenty-first, one thousand nine hundred and thirty-eight, is hereby extended until the next session of the Legislature. Time for making report.

Approved June 7, 1939.

JOINT RESOLUTION No. 6

JOINT RESOLUTION welcoming His Majesty, King George VI, and Her Majesty, Queen Elizabeth, to the State of New Jersey.

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

Felicitating their English Majesties.

1. That the Senate and the General Assembly of the State of New Jersey, on behalf of the citizens of this State, extend to His Majesty, King George VI, and Her Majesty, Queen Elizabeth, a cordial welcome to the State of New Jersey and wish Their Majesties a pleasant journey and long life and happiness.

Kinsmanship.

2. Through Their Majesties we wish to acknowledge a sense of kinship with the British people who, like ourselves, cherish those human rights which are today so seriously threatened on every hand; and

Engrossed resolution presented.

3. *Be It Further Resolved,* That a copy of this Joint Resolution be suitably engrossed, signed by the Governor of the State of New Jersey, the President of the Senate, and the Speaker of the General Assembly, and presented to Their Majesties.

Approved June 7, 1939.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION designating the bridge on Route 6 across Valley road the "Wilson S. Brower Bridge."

WHEREAS, The people of the city of Clifton, in the county of Passaic, State of New Jersey, are desirous of recognizing and commemorating the splendid services and achievements of their late Mayor, Wilson S. Brower, who died in office, October eighth, one thousand nine hundred and thirty-eight; and Preamble.

WHEREAS, State Highway Route 6, Bridge over Valley road, near Almond road, is located near the home of the said late Mayor Wilson S. Brower; and Preamble.

WHEREAS, It seems eminently fitting that some action be taken to memorialize the services of the said late Mayor Wilson S. Brower; now therefore Preamble.

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

1. The bridge now under construction to carry Route 6 traffic across Valley road at or near Almond and Great Notch roads shall be designated as the "Wilson S. Brower Bridge." Designating Brower bridge.

2. The State Highway Commission shall cause to be erected upon said bridge suitable tablets and ornamentation to effectuate this resolution. Suitable markings.

3. This resolution shall take effect immediately.

Approved June 12, 1939.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION authorizing the State Highway Commissioner to name and designate the bridge on Route No. 6 that crosses the Passaic river between Bergen and Passaic counties the Cadmus' Ford bridge.

Preamble. WHEREAS, During the American Revolutionary War, the valley of the Passaic river saw much of the conflict between the British and Hessian invaders, and the patriotic American defenders; and

Preamble. WHEREAS, Existing ancient and contemporaneous maps indicated the fords, by means of which the armies crossed the Passaic river, during the years 1776 and 1783; and

Preamble. WHEREAS, The location of the Route No. 6 Bridge over the Passaic river coincides with the ford used by the Jersey-Dutch family named Cadmus, whose farm adjoined the river at this point and the place was then called the ford at Cadmus; and

Preamble. WHEREAS, The Captain Abram Godwin Chapter of the Sons of the American Revolution of New Jersey have untiringly urged in this locality the perpetuation in memory of the patriotic deeds of our forefathers as an inspiration for the present and future generations of American citizens to maintain our great republic; and

Preamble. WHEREAS, The research of the Sons of the American Revolution of New Jersey has established the historical significance of the ford at Cadmus farm, to be a suitable local memorial to effectuate sincere patriotic ideals and the preservation of American principles; and

WHEREAS, It seems eminently fitting that some definite action be taken to memorialize this historical spot; therefore, Preamble.

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

1. That the State Highway Commissioner be and the said commissioner is hereby authorized to name, designate and cause to be known hereafter the bridge of Route No. 6 that crosses the Passaic river between Passaic and Bergen counties as the Cadmus' Ford bridge. Designating Cadmus' Ford bridge.

2. That the State Highway Commissioner is hereby authorized to allow and permit the Captain Abram Godwin Chapter of the Sons of the American Revolution of New Jersey to place upon the bridge a suitable tablet. Suitable tablet.

3. This joint resolution shall take effect immediately.

Approved July 1, 1939.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION to continue the commission to investigate the ways and means of establishing a State public park at or near Sea Bright, in the county of Monmouth, having both river and ocean frontage, and making an appropriation therefor.

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

Commission continued.

1. The Sea Bright State Park Commission, authorized and empowered to make all proper and necessary investigations to determine what steps are necessary and upon what terms the State of New Jersey can acquire property, or the use of property, as will give the maximum ocean and river frontage at or near Sea Bright, in the county of Monmouth, for public park purposes, is hereby continued.

Appropriation.

2. The Board of Commerce and Navigation and the Board of Conservation and Development shall assist the commission in securing data and information necessary to report to the Legislature of this State.

3. This resolution shall take effect immediately.

Approved July 12, 1939.

JOINT RESOLUTION No. 10

JOINT RESOLUTION designating State Highway Route No. 24 as the "Military Order of the Purple Heart Memorial Highway."

WHEREAS, New Jersey is desirous of recognizing and commemorating the splendid services and achievements of its sons who served in the armed forces of the United States and who have fought our country's battles in foreign lands during the World War and who by wounds, or by citation by the Commander-in-Chief, General John J. Pershing, have received the Purple Heart Medal; and Preamble.

WHEREAS, It is fitting and appropriate that legislative recognition be accorded the services and sacrifices of New Jersey soldiers and marines so valiantly rendered; therefore Preamble.

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

1. That State Highway Route No. 24 shall be designated as the "Military Order of the Purple Heart Memorial Highway" as a memorial and in commemoration of the services of the members of the Military Order of the Purple Heart. Naming certain highway.

2. That the State Highway Commissioner shall cause to be erected on said State highway route suitable tablets and ornamentations to effectuate this resolution. Suitable markings.

3. This joint resolution shall take effect immediately.

Approved August 8, 1939.

PROCLAMATIONS

Proclamations by the Governor

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Joint Resolution No. 3, P. L. 1932 directs the Governor to proclaim October eleventh of each year General Pulaski's Memorial Day, for the observance and commemoration of the death of Brigadier General Casimir Pulaski,

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

TUESDAY, OCTOBER 11, 1938,

as

GENERAL PULASKI'S MEMORIAL DAY

and I call upon officials of the government to display the Flag of the United States on all governmental buildings, and I invite the people of the State of New Jersey to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.

[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-eight, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

One of the greatest destructive forces is that of fire. In spite of vigilance on part of many and the efficient and heroic work of fire departments, there is still, in this country, great loss of life and property due to fire.

So much of this could be avoided by the elimination of fire hazards and the exercise of greater care that it is deemed necessary to set aside a week during the year for the purpose of calling attention to this ever-present menace,

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the week from

OCTOBER 9TH to OCTOBER 15TH

as

FIRE PREVENTION WEEK

and I would ask governmental and school officials, owners of office buildings, shops and factories, and householders to be alert to the menace of fire, and to be ever watchful for the protection of life and property.

[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-eight, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The year 1938 marks the first ten years of successful passenger transportation by air. As the end of this first decade for this type of transportation and interstate commerce comes to a close, it behooves every citizen, every State organization and every patriotic American to observe this week as a tribute to the heroism and far-sightedness of its pioneers, the almost unbelievable advancement, the increased public convenience and the cementing of national and international relationships which not only air transportation but all branches of aviation have so nobly achieved.

We, as American citizens, can feel proud of these developments which have put America in a leading position in world aviation. We can be proud of our National Government in bringing to fulfillment recent legislation which has created a new Civil Aeronautics Authority, in principle pledged to "Foster and encourage civil aeronautics in this country and abroad."

We in New Jersey can also be proud of our place in the front ranks of aviation and of the contribution which we have thus made to our country's prestige, and it is my hope that we shall so continue.

In order that we may all observe this week as one of tribute to our aviation industry, and as the beginning of another era which will bring more glorious accomplishments and enable our country to maintain its supremacy among the nations of the world,

THEREFORE, I, CHARLES E. LOIZEAUX, Acting Governor of the State of New Jersey, do hereby proclaim the week of from

OCTOBER 1 to OCTOBER 9, 1938,

as

NATIONAL AIR TRAVEL WEEK

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-first day of September, in the year of Our Lord one thousand nine hundred and thirty-eight, and in the Independence of the United States the one hundred and sixty-third.

CHARLES E. LOIZEAUX,
Acting Governor.

By the Acting Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Motor transportation is a vital factor in the economic life of the State and Nation, directly affecting each of its citizens, and

WHEREAS, The national exhibit of manufacturers' equipment had its origin in New Jersey five years ago and has since grown in size and importance, and

WHEREAS, The Fifth National Motor Truck Show will be held this year in Commerce Hall, Port of New York Authority Building, Eighth Avenue,

New York City, coincident with the National Automobile Passenger Car Show at Grand Central Palace, New York City, November 11 to 17, 1938, and

WHEREAS, It is the purpose of this group to promote safety on the highway and further the improvement and development of the use of commercial transportation,

NOW, THEREFORE, I, CHARLES E. LOIZEAUX, Acting Governor of the State of New Jersey, do hereby proclaim the week from

NOVEMBER 11 to NOVEMBER 17, 1938,

as

NEW JERSEY TRANSPORTATION WEEK

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-ninth day of September, in the year of Our Lord one thousand nine hundred and thirty-eight, and in the Independence of the United States the one hundred and sixty-third.

CHARLES E. LOIZEAUX,
Acting Governor.

By the Acting Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Nineteen hundred thirty-eight is the twentieth anniversary of the signing of the Armistice—an anniversary which should be observed with more than usual solemnity and fervor.

Events in European and Asiatic countries are demonstrating anew the horrors of war and the imperative need for establishing and preserving peace.

Let us on this, the twentieth anniversary of the signing of the Armistice, pay fitting and reverent tribute to those who died in the World War. It was their hope and belief that the sacrifice which they made would insure world peace. No tribute which we might pay them would do greater honor to their memory than a sincere effort to maintain the peace which we now enjoy.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

FRIDAY, NOVEMBER 11TH

as

ARMISTICE DAY

and I request that two minutes of silence be observed at 11 o'clock on the morning of the eleventh, and that suitable exercises be held in the churches and by patriotic and civic bodies on that day. As a signal to the period of silence I direct that "Roll Call" be sounded from the steps of the Capitol, to be followed by two minutes of silence, and then "Taps" as a token of remembrance for the dead.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of October, in the year of Our Lord one thousand nine hundred and thirty-eight, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Twenty years have passed since the glad tidings of the signing of the Armistice were announced to the waiting world. The two decades which have passed since then have witnessed the establishment and growth of that splendid body—the American Legion.

This body has not been content to live in the past and depend entirely upon the memories of martial days, however stirring, for inspiration. In their activities throughout these twenty years they have never ceased to keep green the memory of their fallen comrades, but they have not stopped there.

Motivated by a desire to be of service in peace time, they have labored diligently for social betterment in their communities. They have been in the forefront in humanitarian movements, and have demonstrated their patriotism and civic spirit in countless ways.

And now, twenty years after the war, the 1938 program of the American Legion is directed toward efforts "for enduring peace." Since no one can visualize the horrors of war and the blessings of peace more vividly than the warrior, the American Legion's campaign for the advancement of peace is especially convincing and deserves support.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the week from

NOVEMBER 4TH to NOVEMBER 11TH
as
AMERICAN LEGION WEEK

and I urge that the people of New Jersey recognize the splendid aims and accomplishments of the

American Legion, and co-operate with them in their public-spirited efforts.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this third day of November, in the year of Our Lord one thousand nine hundred and thirty-eight, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Present-day conditions are emphasizing most forcibly the absolute necessity of an education. Competition in every line of human activity has become so keen that proper equipment for the earning of a livelihood is increasingly important. The day of drifting into an occupation is past.

Gone, too, is the day when education was looked upon as a luxury, and the acquiring of culture a privilege of the few. The American ideal of free education for all has been amply justified by the maintenance, throughout the years, of the American spirit of democracy. To this, in a changing world, we must hold fast. Therefore, it behooves us to maintain the present educational standards and opportunities, of which we are rightfully proud.

For several years past local and State groups, working with the National Education Association, have turned their attention for one week during November to the subject of public education. We in New Jersey should enthusiastically join in this movement.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the week of

NOVEMBER 6TH to NOVEMBER 12TH

as

AMERICAN EDUCATION WEEK

and I urge the citizens of the State during this week to become better acquainted with the needs and accomplishments of the schools.

Given under my hand and the Great Seal of the State of New Jersey, this fourth
[SEAL] day of November, in the year of Our Lord one thousand nine hundred and thirty-eight, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Thanksgiving Day, this year, has a special significance for the American people.

We should give thanks for bountiful harvests, for the undoubted up-turn in industry, for our system of government, for blessed freedom, but most of all, in this year of 1938, we should give devout thanks that we are at peace with the world.

The least thoughtful of our citizens, during the past few months, has become aware of the blessings of life in the United States of America, and we should pause long enough on this day to publicly and privately render thanks to Almighty God in that He has preserved us from the anguish and fear that darken other lands.

I would ask that fervent and suitable observance of the day be had in all the churches. I would also urge that each family observe the day by attendance at church services and by family reunions, and would ask all natives of New Jersey living away from home to come home for Thanksgiving, as I know this would insure a happy Thanksgiving in many homes.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

THURSDAY, NOVEMBER 24TH
as
THANKSGIVING DAY

Given under my hand and the Great Seal of the State of New Jersey, this four-
[SEAL] teenth day of November, in the year of Our Lord one thousand nine hundred and thirty-eight, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
DEPARTMENT OF STATE.

WHEREAS, The State Tax Commissioner on the twenty-third day of January, nineteen hundred and thirty-nine, under the provisions of chapter eleven, Title 54, Revised Statutes; 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 one thousand nine hundred and thirty-six, 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, A. HARRY MOORE, 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 1936

A. & A. Food Stores, Inc.,
A. A. Griggs, Inc.,
A. Andre & Son, Inc.,
A. A. Painting and Service Corporation,
Aavon Coal Company,
A. & B. Biberfeld, Inc.,
ABC Kiddie Shops Inc.,
Abeles & Levine, Inc.,
Abell-Coggeshall Inc.,
A. Berman, Inc.,
Abrams Market Inc.,
Absequan Hotel Company,
A & B Silk Co., Inc.,
A & B Wine & Liquor Corp.,
Academy Clothiers, Inc.,
Ace Auto Repairs, Inc.,
Ace Compressor Corporation,
Ace Embroidery Works, Inc.,
Acian, Inc.,
Ackland Realty Co.,
Acme Fuel Company,
Acme Restaurant, Inc.,
Acme Sales Company, Inc.,
Acme Window Display & Advertising Co., Inc.,
Aconte and Conte Roofing Company,
A. C. Service, Inc.,
Active Corp.,
Active Engineering Corporation,
Adair Royalties, Inc.,
Adair Surgical Co., Inc.,
Adams & Company,
Adams Laundry Service Inc.,
Adid Corporation,
The Admiral, Inc.,
Adrian Van Blarcom Land Company,
A. D. Washburn Bros. Inc.,
Aegis Corporation,
Aeroil Refining Co.,
Aeronautical Management Corporation,
Aerovue Survey Corporation,

A. F. Ploger Company,
Agal Realty Co.,
A. G. Borella Flower Co. Inc.,
A. Goldstein, Inc.,
A. Goodman Silk Company,
A. Hess Plumbing Co., Inc.,
Air Conditioning Corporation,
Air-O-Vac Corporation,
Airport Garage, Inc.,
A. I. S. Trading Co.,
A. J. Arbes Co. Inc.,
Ajax Co.,
Ajax Construction Company,
Ajax Lumber Co., Inc.,
Ajax Silk Mills, Inc.,
A. J. Faulkner and Co.,
A. J. Ritter Co.,
Alamac Restaurant, Inc.,
Alba Film Corporation,
Albert Kellermann & Son, Inc.,
Albert Nathan Corporation,
Albion Place Pharmacy,
Albro Drug Co., Inc.,
Alcor Sales, Inc.,
Alcyon Track & Sports, Inc.,
The Alden Shop,
Alert Agency, Inc.,
A. L. Findlay Company,
Alfred's,
Alfred's Shops, Inc.,
Allan Sales Corporation,
Allen B. Carr, Inc.,
Allen Construction Co.,
Allgair's, Inc.,
Allgrun Motor Sales, Inc.,
Alliance Auto Credit Corporation,
Alliance Petroleum Terminal Corporation,
Allied Dye & Print Works, Inc.,
Allied Yarn Corporation,
Allwood Chemical Co. Inc.,
Alphaduct Company,
Alpha Towing & Transportation Company,
Al's Poultry Farm, Inc.,

A. Martone Sons, Inc.,
Ambassador Boat Club of Lyndhurst N. J., Inc.,
Ambassador Furniture Factories, Inc., (formerly Ambassador Upholstery Shops),
Amco Realty Co., Inc.,
American Automobile Wreckers, Inc.,
American Body Works, Inc.,
American Biological Society, Inc.,
American Brewery, Inc.,
American Bureau of Collections Inc.,
American Collegiate Self Help Co-operative,
American Heat Saver Company,
American Home Mortgage Company,
American Leather Specialty Co.,
American Management Corporation,
American Motorists' Alliance,
American Naptha Co. Inc.,
American & Oriental Rug Cleaning Co. Inc.,
American Poultry & Farm Products Co.,
American Print & Dye Works, Inc.,
American Reed Harness and Mill Supply Company,
American Superlithe Corporation,
American Television and Theatres Corporation,
American Upholstering & Interior Decorating, Co
American Vending Co., Inc.,
A. M. Krantz Company,
A. M. Palmer Co., Inc.,
Ampere Realty Co.,
Anastasia's Pharmacy, Inc.,
Ande Realty Corporation,
Aniela Corporation,
Anna Real Estate Co., Inc.,
Annex Engraving Company,
Antrup Laboratories, Inc.,
Anuw, Inc.,
Anvel Merchandise Corporation,
Apcah Corporation,
Apex Co., Inc.,
Apex Realty Co., Inc.,
Apex Supply Co.,
Aqua Sprinkler and Fire Alarm Co.,
Araphil Securities Company,

A. R. Brown, Inc.,
Arcade Holding Corporation,
Arcola Gardens, Inc.,
Arco Piece Dye Works, Inc.,
Ard Realty Company,
Ardrossan Corporation,
Arion Investment Corporation,
Arkansas & Boardwalk Parking Co.,
Arlaco Realty Company,
Armar Holding Company,
Arney-Sutton-Gruler Company,
A. Rosenstrauch, Inc.,
Arrow Investment and Finance Co.,
Art Craft Corporation,
Arthur F. Horn, Inc.,
Arthur J. Murphy, Inc.,
Artistic General Construction Company Inc.,
Artists Enterprises, Incorporated,
Art Linen and Real Lace Shop,
Arverne Realty Co.,
A. R. Willey, Inc.,
Asbury Park Bargain House,
Asbury Park Fish Co.,
Asbury Park Food Centre, Inc.,
Asbury Park Title & Mortgage Co.,
Ashland Village,
Associated Credit Corporation,
Associated Hauling, Inc.,
Associated Master Builders, Inc.,
Athletic Watch Corporation,
Atlantic Beach Custer Car Inc.,
Atlantic Brewing Corporation,
Atlantic City Ice Cream Co.,
Atlantic City Mortgage Loan Company,
Atlantic City Motor Express, Inc.,
Atlantic City World-Ventnor Town Crier,
Atlantic Cleaners & Dyers, Inc.,
Atlantic Finance Company,
Atlantic Glass and Mirror Co.,
Atlantic Pier Company of Holly Beach,
Atlantic Supply Co. Inc.,
Atlas Footwear, Inc.,
Atlas Hosiery Dye Works,

Auburn-Wacker Motor Company,
Auditorium Kennel Club,
August Eberhard Jr. Inc.,
August Pihlaksar, Inc.,
Aumel Investment & Realty Co.,
Aurora Investment Company,
Austin Milling Corporation,
Authorized Refrigerator Service, Co.,
Auto Investment Corporation,
Automatic Pulverizing Fuel Corp.,
Automobile Discount Corporation,
Automotive Maintenance Association, Inc.,
Automotives, Inc.,
Auto Rebuilders' Supply Co.,
Auto Specialty & Tire Exchange,
Aviation Utilities of New Jersey Inc.,
Avidon & Co., Inc.,
A. V. Manning's Sons,
Avon Estates,
Avon Land Company,
Avon Shoe Co., Inc.,
A. & W. Stores, Inc.,
A. W. Tillinghast, Inc.,
A. Ziperstein and Sons, Inc.,

Babini-Butler Company,
Babsin Construction Corp.,
Babsin Homes Inc.,
Bader's Bakery, Inc.,
Baker-Duglin Manufacturing Corporation,
Bake Rite Shops,
Bakers' Products, Inc.,
Bakully Company,
Balacaier Knitting Mills, Inc.,
Balk's Farm, Inc. of New Jersey,
Balport Realty Company, Inc.,
Bamber Lake Development Co. Inc.,
Banfield Sea Skiff Works Corp.,
Banner Amusement Co.,
Bantam Realty Co.,
Barber-Hoppen, Corporation,
Bardack Realty Co., Inc.,
Barnet Realty Co.,

Barnett Sheet Metal Works,
Barringer Realty Co.,
Barta Corporation, Inc.,
Barton Throwing Company,
Basil's Flowers, Inc.,
Battery Service, Inc.,
Bauers, Inc.,
Baum & Verduin, Inc.,
Baylor, Bell & Baylor, Inc.,
Baymark Realty Corporation,
Bayonne Concrete Construction Co. Inc.,
Bayonne Oil Burner Co., Inc.,
Bayonne Swimming Pool, Inc.,
Bay Street Realty Corporation,
Bayway Smelting Corporation,
B. B. Rider Corporation,
B. Buda, Inc.,
Beach Avenue Realty Company,
Beach Dress Manufacturing Company Inc.,
Beach Tan Lamp Corporation,
Beacon Radio Tube Corporation,
B & E Amusement Co., Inc.,
B. E. Andrews Clip Sharpening, Inc.,
Beatrice Corporation,
Beaumont Building Co.,
Beaumont Park Realty Co. Inc.,
Beaumont Realty Co.,
Beaver Coach Lines, Inc.,
Beaver Investment Company,
Becca Tobacco & Candy Co. Inc.,
Becker & Schultze Co.,
Beckwith Coal Company,
Beda Realty & Mortgage Co.,
Beeann Securities Co., Inc.,
Beech Construction Co.,
Beecher Diner, Inc.,
Bee Gee Embroidery Works, Inc.,
Beer-O-Lator Equipment Corp.,
Beinfield-Tyson Company,
Belfort Hotel, Inc.,
Belgium Realty Co.,
Beller Electric Company,
Bellkay, Inc.,

Belmont Clothing Co., Inc.,
Bel-Rose Silk Company,
Belvedere Court Realty Corporation,
Belvidere-Delaware Bridge Company,
Bench Made, Inc.,
Benham Motors, Inc.,
Benj. Stein Poultry Corporation,
Benmor Realty Company,
Bennington, Inc.,
Ben's Cafe, Inc.,
Bensol Co.,
Benson & Flosdorf, Inc.,
Benson Trucking Service, Inc.,
Bentz Air Conditioning Corporation,
Bergenboro Realty Co. Inc.,
Bergen Brew Distributors, Inc.,
Bergen Builders, Inc.,
Bergen County Credit Adjustment Bureau,
Bergen County Luncheonette, Inc.,
Bergen County Oil Co., Inc.,
Bergen County Real Estate Bureau, Inc.,
Bergen County Reporting Co.,
Bergen County Window Cleaning Co.,
Bergenfield Catering Corporation,
Bergenfield Construction Company,
Bergenfield Delicatessen, Inc.,
Bergenfield Food Centre, Inc.,
Bergenline Delicatessen, Inc.,
Bergen-Line Dress Co., Inc.,
Bergen Progressive Realty Co.,
Bergen Realty Company,
Bergen Recreation Centre,
Bergen Restaurant, Inc.,
Bergen Review,
Bergen Sweet Shoppe, Inc.,
Bergen Times Square, Inc.,
Bergen-Union Corporation,
Bergen Universal Motor Co.,
Bergnor Realty Corp.,
Bering Co.,
Berka Realty Company,
Berkley's Inc.,
Berman Bros., Inc.,

Bernard Lichtenberg Plumbing and Heating Company,
Bern Realty Co.,
Berns Investment Company,
Berwick Apartments, Inc.,
Besco, Inc.,
Beta Realty Company,
Better Housing & Equipment Corporation,
Bettie Shop, Inc.,
Betty Lee Shoes, Inc.,
B. E. Weeks Builders Inc.,
B F Creamer, Inc.,
The Bi-City Realty Co.,
Bidawee Realty Company,
Big Pine Company,
Big 3 Food Market,
Billings Housing Co.,
Billmar Inc.,
Birkenmeier & Menschner Co. Inc.,
Blackman Construction Corporation,
Blackman Holding Corporation,
Black & White Cab Co. of Newark, Inc.,
Blagro Hotel Co.,
Blatt's Bakery,
Blazing Star Realty Company,
Blinker Sign Corporation,
Bloomfield Center Service Station,
Bloomfield Textile Engravers Inc.,
Bloomfield Transportation Co. Inc.,
Bloomfield Veterinary Hospital,
B. L. & R. Hotel Corporation,
Blue Anchor Distributing Co.,
Bluebird Dyeing Co.,
Blue Line Motor Transportation Company,
Blue Ribbon Products Company,
The Blue-Stein,
Blumel Realty Corporation,
B M Building Corp.,
B & M Cloak Company,
Boardwalk Entertainment Co.,
Bobal Realty Company,
Bobby Hood Corporation,
Bob-Row Auto Parts, Inc.,

The Bobwhite Coal Co. Inc.,
Bodor Engineering Corp.,
Bonded Collection Association,
Bonded Realty & Mortgage Company,
Bonding Agency of New Jersey, Inc.,
Bond Laundry Inc.,
Bond Owners Market Guide, Inc.,
Bond Sales, Inc.,
Bond & Share Company, Inc.,
Bondstreet Clothes, Inc.,
Bon-Tone Company,
Borough Realty Company,
Botti's, Inc.,
Boulevard Beer Garden, Inc.,
Boulevard Drug Company, Inc.,
Boulevard Terminal Parking Company,
Boulevard Transit Lines, Inc., #1,
Bourse Corporation,
Bowe-Grossman Realty Corp.,
Bowles Company. Inc.,
Boys Specialty Clothing Company, Inc.,
Boyton Inc.,
Bradford G. Hathaway, Inc.,
Bradwill Corporation of New Jersey,
Bragg & Son, Inc.,
The Branch Realty Company,
Brandt & Feiser, Inc.,
Branford Brake & Auto Repair Co.,
Branford Corporation,
Branford Estates, Inc.,
Branford Garage,
Brantmore Company,
Brautigam Estate, Inc.,
Braverman Electric Company,
Bray Realty Corporation,
Bregold Realty Co., Inc.,
Breitkel Realty Corporation,
Brenner Realty Corporation, Inc.,
Brewers & Distillers Credit Clearing House, Inc. (New Jersey Division),
Brewster Clothes Shop,
Brickette Metal Lath Co., Inc.,
Brick House Farms Co.,

Bridge Holding Corp.,
Brigantine Construction Holding Company,
Brigantine Hotel Co.,
Brigantine Transportation Co.,
Brightwood Development Company,
Bristol Maid Hosiery Company,
Brittany Builders, Inc.,
Broadhouse Realty Corporation,
Broad & Murray Realty Co.,
Broadway Development Corporation,
Broadway-Mechanic Co.,
Brock Refrigeration Company,
Brookdale Italian Food Stores, Inc.,
Brookside Rest, Inc.,
Brooks-Wright, Inc.,
Brown's Amusement Enterprises,
Brown's & Co.,
Brown Silk Company,
Brownstein & Co., Inc.,
Bruco Company,
Bruno Coal Company,
Brunswick-Phillipps Holding Corporation,
Brunswick Transit Co. Inc.,
Bryan Holding Corp.,
B. S. A. Corporation,
B. Schiffenhaus & Co.,
B. & S. Sales Co.,
B. & S. Tavern, Inc.,
B. S. Textile Co.,
B-T-A Sanitary Toothpick Dispenser Co.,
Buckley Awning Co., Inc.,
Buckley Sales Corp.,
Building Specialties, Inc.,
Bungalow Poultry Farm, Inc.,
Burbo Corporation,
Burke Realty Inc.,
Burket Contracting Co.,
Burlew's, Inc.,
Burlington County Agricultural Credit Corporation,
Burlington Distilling Company,
Burroughs Co. Incorporated,
Busch Cleaners & Dyers Service Inc.,

Business Builders, Inc.,
Bustanobys,
Buttzville Estates, Inc.,
Buyers Service Co., Inc.,
B. W. H. Company,
B. W. Holding Company,
Byram Holding Co.,
B. Zazzali & Sons,

C. A. Buscham Manufacturing Co.,
Cadel Construction Co., Inc.,
Cadien and McGrath,
Cafe Moulin-Rouge,
Calder Premium Poultry Products, Inc.,
Caledonia Restaurant,
Cambridge Development Co.,
Cambridge Homes, Incorporated,
Camden Apartments, Inc.,
Camden Truck Rental Corporation,
Camden Woodworking Mill, Inc.,
Cameron Land Company of New Jersey Inc.,
Camp Corporation Inc.,
Camp's Products, Inc.,
Cape Mortgage Corporation,
Cape Realty Co.,
Capital Cleaners and Dyers, Inc.,
Capital Clothes, Inc.,
Capitol Paint Supply Corp.,
Capstaff Marine Turbine Company,
Captolene Land Company,
Cardel Realty Corporation,
Cargo Chemical Corporation,
Caris Realty Co., Inc.,
Carll and Harris, Inc.,
Carole Oil Company Inc.,
Carolina Pharmacy, Inc.,
Carroll Investment Co., Inc.,
Carteret Community Estates, Inc.,
Carteret Iron Works, Co.,
Carter Securities Corporation,
Cash Coal Company,
Casino De Capri,
Casper Realty Corporation,

Cassera Construction Company,
Castle Piece Dye Works, Inc.,
Castles-Windsberg Manufacturing Co. Inc.,
Castorlube Products Corporation,
Catram Realty Co., Inc.,
Cavalier Holding Company, Inc.,
C. Buchholtz Company,
Cedar Grove Coal & Lumber Company Inc.,
Cedar Grove Estates, Inc.,
Cedar Lane, Incorporated,
Cedar Lane Realty Corp.,
Cedar Lane Stores, Inc.,
Cedar View Lodge, Inc.,
Cedarwood Log Cabin,
Cellulose-Ester Products, Inc.,
Celluweld Development Corporation,
Cemetery & Monument Sales Agency,
Central Chemical Co.,
Central-Colden Service Station, Inc.,
Central Corporation,
Central Cosmetological & Beauty Culture Institute,
Central Dress, Inc.,
Central Finance Co. of Union City,
Central Florist, Inc.,
Central Hall Corporation,
Central Loan Co. of Union City,
Central Market, Inc.,
Central Slipper Co., Inc.,
Central Veneer and Panel Company,
Centre Land Company,
Centre Tire Shop & Garage, Inc.,
Century Amusement Corp.,
Century Grain and Feed Company,
Century Homes, Inc.,
Century Printing Company, Inc.,
Century Realty Company,
Certified Collection Service, Inc.,
Certified Petroleum Corporation,
Certified Realty Associates,
C. & F. Paper Box Co.,
C. G. Richards Distributing Co., Inc.,
Chamax Leather Goods Co., Inc.,

Chandler-Walker Company,
Charles Beauty Shop, Inc.,
Charles Bloom Paint Stores of Westfield, Inc.,
Charles Harris Realty Co.,
Charles H. Leupold, Inc.,
Chas. J. Wittkop Coal Co., Inc.,
Charles Lewis, Inc.,
Charles Lyons Company,
Charles McCue, Inc.,
Charles M. Weber Organization,
Charlesonia Corporation,
Chas. Rosenbaum, Inc.,
Charles S. Hand, Maxwell M. Geffen,
Victor W. Knauth,
Charles S. Rendelman, Inc.,
Charlton Realty Co. Inc.,
Chatham-Summit Coal Company,
Cheerful Diner, Inc.,
Cherrico, Inc.,
Cheslyn Mfg. Co.,
Chesterfield Drapery & Upholstery Shop, Inc.,
Chesterfield Theatres, Inc.,
Chestnut Cleaners & Dyers, Inc.,
Chestnut Coal Company,
Chews Landing Corporation,
Chicago Meat Packers, Inc.,
Chisholm Auto Company, Inc.,
Choice Realty Co.,
Christenson Inc.,
Christopher Columbus Finance Company,
Christopher P. Smith Company,
Cindercrete Products, Inc.,
Cinderella Shoe Co.,
Cinema Circuit of New Jersey,
Cini Atlantic Pier & Amusement Company,
Circle A-1 Trading Corp.,
Circle Development Co.,
City Art Class Studios, Inc.,
City Battery & Electrical Service Inc.,
City Construction Co.,
City Hall Auto Supply,
City Hall Service Garage,
City Holding Co., Inc.,

City Limit Taxi Cab Co. of Passaic, Inc.,
City Line Loan Company,
City Mortgage Company,
City Trucking Corporation,
Civilian Flyers, Inc.,
C. J. C. Building and Construction Company,
C. J. Hoenes, Incorporated,
Clairmont Piece Dye Works, Inc.,
Claral Corporation,
Clare-Made Dress Co., Inc.,
Clarke's Saw & Machine Works, Inc.,
Clark Estates,
Clarke Supply Company,
Clark & Noon,
Clay St. Poultry Market, Inc.,
Cleaners & Dyers Service Corp.,
Clear Brook Farms,
Cleveland Company,
Cleveland Investment Corporation,
Clifford Corporation,
Cliffside Braid Works Inc.,
Cliffside Park Realty Company,
Cliffside Pharmacal Corporation,
Clifton Milk Company,
Clifton Mortgage and Realty Investment Company,
Climax Holding Corporation,
Clinton Food Shop, Inc.,
Clinton Hill Holding Co., Inc.,
Clinton-Hudson Realty Company,
C. L. Shoemaker Coal Co., Inc.,
Club Embassy,
Club Esquire,
Club Wilson,
C. Martakis, Inc.,
Coast Supply Corp.,
Cob Investment Company,
Co-Enzymic Products, Inc.,
Cogswell Company, Inc.,
Cold Spring Supply Company,
Colemor Products Corporation,
Collings Carriage Company,
Collingswood Improvement Company,
Collins Cash Control, Inc.,

Collinson Garage, Inc.,
Colonial Builders,
Colonial Coal Co.,
The Colonial Coffee Shop, Inc.,
Colonial Palm Products, Inc.,
Colonial Securities Corporation,
Colonial Thrift Stamp Company,
Colony Realty Co.,
Colt Silk Yarn Company,
Columbia Auto Service Corp.,
Columbia Company,
Columbia Minerals Corporation,
Columbus Bond and Mortgage Company,
Columbus Corporation,
Columbus Spindle Co., Inc.,
Combined Holding Company,
Commercial Agency, Inc.,
Commercial Corporation of America,
Commercial Distributing Co.,
Commercial Drug Co., Inc.,
Commercial Estates, Inc.,
Commercial Finance Corporation,
Commonwealth Coal Co.,
Commonwealth Realty and Investment Company,
Communipaw Auto Sales,
Community Housing Corporation,
Community Pride Laundry, Inc.,
Community Shoe & Hat Renovating & Supply Service, Inc.,
Conard and Company,
Concord Development Co.,
Congress Street Realty Co.,
Connelly-Smith Inc.,
Conrad Realty & Mortgage Co., Inc.,
Consolidated Enterprises, Inc.,
Consolidated Liquidation & Adjustment Agencies,
Consolidated Underwriters, Inc.,
Consumers Discount Corporation,
Consumers' Ice and Cold Storage Company, of Elizabeth, N. J.,
Continental Neon Maintenance Corp.,
Continental Transportation Lines, Inc.,
Cooperative Collection Co.,

Co-Operative Union Builders Association, Inc.,
Cooper Engineering Company,
Cooper Place Corporation,
Coral Gables Sportswear, Inc.,
Corcoran Garage, Inc.,
Cordial Frocks, Inc.,
Corner Realty Company,
Corporate Leaders Reserve Fund, Inc.,
Corporations Charter Company,
Corporation Six,
Correct Service Laundry, Inc.,
Cory Hills Company,
Cosmo Metal Company,
Costanza Bros., Inc.,
Cotton Oil Company,
Country Gardens Incorporated,
County Farms, Inc.,
County Seat Coal and Fuel Company,
Courtesy Service,
Court Improvement Corp.,
Couzens,
C & P Realty Co., Inc.,
C. P. S. Realty Co.,
Crafts Shop, Inc.,
Cragmere Farms Inc.,
Cranford Garage, Incorporated,
Cream-O-Dairy,
Creative Laboratories, Inc.,
Cress Department Store,
Crest Studios,
Crestwood Development Company,
Crestwood Holding Company,
Cretona Print and Dye Works,
C. R. M. Corporation,
Crosby Place Corporation,
C. Rosenberg, Inc.,
Crosstown Holding Co., Inc.,
Crown Holding Corporation,
C. S. Meeks, Inc.,
C. & S. Trucking Co.,
C. T. Russell Co., Inc.,
Cumberland Development Company,
Cut Rate Bake Shops, Inc.,

Cut Rate Grocery Co., Inc.,
C. W. and G. C. Maguire, Inc.,
C. W. Goddard Co.,
C. W. Kersey and Son, Inc.,
Cycle Racing Association of New York, Inc.,

Daily Motor Delivery Service, Inc.,
Dally & Meckler Inc.,
Damadio Importing Company, Inc.,
Daniel A. Looney and Co., Inc.,
Daniel Gottlieb Sons,
Daniel S. Bader Construction Company,
Darby Holding Co., Inc.,
David H. Baldwin, Incorporated,
Davis Bernstein Realty Company Inc.,
Davis Laboratories, Inc.,
Dawcey Realty Associates, Inc.,
Daylight Dress Shop Company,
D. & B. Trucking Co. Inc.,
Deauville Shops, Inc.,
Deininger Land Company,
Delaware Bay Oysters, Inc.,
Delaware Bridge Realty Company,
Delca Holding Corporation,
D'Elia Plumbing & Heating Co. Inc.,
De Luxe Individual Laundry Corporation,
De Luxe Operating Company of New Jersey,
Demarest-Dean Corporation,
Dependable Merchants, Inc.,
Depot Holding Corp.,
Detofsky, Inc.,
Developers Holding Co.,
Devon Development Company,
De-Wye Mills, Inc.,
D. H. M. Securities Corp.,
D & H Tire & Supply Co.,
Diamond Spring Inn Corp.,
Distilleries-Certificates Corporation,
D. J. Ryan, Co.,
D & K Amusement Co.,
D & L Oil Company,
D. M. A. Trucking Corporation,
Dr. Daily's Laboratories, Inc.,

Dr. S. Kaplan, Inc.,
Dodge and Bliss Company,
Dona Dale Dress Corporation,
The Dona Dale Shop, Inc.,
Dornyak's Dress & Coat Shoppe,
Dorsey Style Shoppe, Inc.,
Douglas Fish Co., Inc.,
The Dover Shop, Inc.,
Downy-Flake Restaurant & Grill, Inc.,
Dragon Oil Co.,
Drake Grocery Inc.,
Driscoll-Harrison Company,
Druggists' Clearing House of New Jersey, Inc.,
D & S Construction Co.,
D. S. Holding Co.,
Ducktex Corporation,
Ducoff Bros., Inc.,
Duglin Manufacturing Corporation,
Duncan Delicatessen,
Dunellen Publishing Company,
Dunhill Beverage Co.,
Duplex Wood-Steel Barrel Co.,
Duplicating Supply Corporation,
Dupont City Development Company,
Durable Products Corporation,
Dur-O-Bilt Homes, Inc.,
Duro Radio Tube, Inc.,
Duro Supply Company,
The Dutch Shop, Inc.,
Dwight Realty Company,
D. W. McGee Construction Company,
Dyers' Clearance & Factoring Corporation,

Eagle Mortgage Company,
Eagle Theatre, Inc.,
The Earl of Sandwich, Inc.,
Earl's Engineering Service, Inc.,
Eastern Aircraft Sales & Service Co.,
Eastern Corporation,
Eastern Glass Works,
Eastern Paper Box Co., Inc.,
Eastern Realty Development Co. Inc.,
Eastern Steel Castings,

East Orange Amusement Company,
East Seventh Street Corporation,
East Shores Inc.,
E-B-S Investment Company,
Echo Lake Riding Club, Inc.,
Echo Realty and Investment Company,
Eckhoff & Co., Inc.,
Eclipse Engineering Corp.,
Eclipse Fountain Pen & Pencil Co. Inc.,
E. C. Machine Works Inc.,
Economy Corporation,
Economy Drug Co.,
Economy Food Shops Inc.,
Economy Investment Co.,
Economy Oil Sales Corporation,
Economy Silk Co. Inc.,
Eddy Holding Company,
Edgar Basch, Inc.,
Edgewood Service Corporation,
Edharm Holding Company,
Edislite Co.,
Edison Holding Co. Inc.,
Edison Realty Company, Inc.,
Edland Company, Inc.,
Edsel Holding Co.,
Edward Ardolino Corporation,
Edward Braun Corporation,
Edward De Napoli Realty Co.,
Edward I. Asch, Inc.,
Edward J. Sheridan Company,
Edward Manufacturing Corporation,
Edwards' Coal Co.,
Edward T. N. Stein, Incorporated,
Edwila Holding Corporation,
Edythe Sweets Shoppe,
E. E. Bergen & Co. Inc.,
Efficiency Sign Service Corporation of America,
Egg Harbor Brewery,
Egnal Holding Corporation,
E. H. Hanigan & Co.,
E. H. Harrison and Bro., Inc.,
Ehmling Motors Inc.,
Eichenbaum & Co.,

Eisner's Modern Bakery, Inc.,
Eje Corporation,
E. J. Flaherty Contracting Company,
E. J. Howell, Inc.,
Elberon Realty Sales, Inc.,
El Chuchuracho,
Electric Development Corporation,
Electric Emery Wheel Company,
Electrothermal Research Laboratories, Inc.,
Elegant Silk Company,
Elegant Sportswear, Inc.,
Elgee Holding Company,
Elizabeth Awning Company, Inc.,
Elizabethport Charcoal & Coal Co.,
Elizabeth Theatrical Enterprises, Inc.,
Ell-Dee Realty Corporation,
Elling Co. Inc.,
The Ellison Shop, Inc.,
Ellison Sports Wear, Inc.,
Ellis and Villari, Inc.,
Ellis-Zester Inc.,
Ell and Jay Realty Co., Inc.,
Elm Auto Service, Inc.,
Elos Realty Co.,
Elpine Paint Products, Inc.,
Elwaid Realty Co. Inc.,
Elysian Park Realty Company,
Emanuel Jaffey, Inc.,
Emco Holding Corporation,
Emellon, Inc.,
Emilia Realty Co., Inc.,
Emilio Augusto Publishing Co. Inc.,
Emjay Amusement Co.,
Empire Amusement Corporation,
Empire Credit Company,
Empire Market, Inc.,
Empire Oil Company,
Empire State Lines,
Empire State Wall Paper Co.,
Empire Trading Corp.,
Employers Institute, Inc.,
Em-Re Laboratories, Inc.,
Engineering Physics Corporation,

Engle-Gardens, Inc.,
Englewood Dairy,
Englewood Fruit Produce Inc.,
Englewood Investment & Mortgage Co. Inc.,
Enterprrpise Clothing Company, Inc.,
Enterprise Holding Corporation,
Entwistle Realty Company, Inc.,
Equality Realty Company,
Equitable Service Corporation,
Equity Food Corporation,
Equity Realty Company,
Erban Patents Corporation,
E. R. Food Stor,
Erico Realty Company,
Erlee Realty Co.,
E. R. Mills Ice Cream Co.,
Ernest B. Evaul Coal Company,
Ernest R. Connett, Inc.,
Ernst Bakery, Inc.,
E. S. Mariotte & Co. Inc.,
Essay Realty Co.,
Essel Taverns, Inc.,
Essem Holding Co., Inc.,
Essex Coal Company,
Essex County Holding Corporation,
Essex County Veterinary Hospitals,
Essex Dress Co., Inc.,
Essex Fruit and Produce Co., Inc.,
Essex Garage, Inc.,
Essex Glass Co., Inc.,
Essex Holding Co.,
Essex Independent Meat Market, Inc.,
Essex Press, Incorporated,
Essex Reconstruction Company,
Essex Trade Adjusters, Inc.,
Estate Investment Company,
Estate of James S. De Turck, Inc.,
Estate of S. Steinhart, Inc.,
Estelle Dress Shoppe, Inc.,
E. T. LaRoe, Inc.,
Eugene Banta, Inc.
Eureka Amusement Co., Inc.,
European Express Co., Inc.,

Evergreen Dairy of Jersey City,
Evergreen Investment Co., Inc.,
Ever Ready Oil Co., Inc.,
E. W. M. Realty Co., Inc.,
Excelsior Paste Company,
Ex-Wife Corporation,

Fair,
Fair Haven Farms,
Fairidge Homes, Inc.,
Fairlawn Manufacturing Co.,
Fairview Cemetery Company, #2,
Fairview Development Company,
Fairview Novelty Manufacturing Co.,
F. A. Jernstedt, Inc.,
Falmouth, Inc.,
Famous Art Embroidery Company, Inc.,
Famous Coffee Shoppe & Restaurant, Inc.,
Fandoris Company,
Fanem Holding Co.,
Fanice Shoppes, Inc.,
Fansol Realty Co., Inc.,
Farnelli and Grisso, Inc.,
Fashion Bag & Leather Novelty Corp.,
Fashion Clothier, Inc.,
Faurot Protective Identification System, Inc.,
Favorite Lace & Embroidery Co., Inc.,
Fay's Oriental & Roumanian Restaurant, Inc.,
F. B. Osler, Inc.,
Feature Homes, Inc.,
Febod Corporation,
Federal Agency, Inc.,
Federal Couch & Steel Products Co.,
Federal Engineering and Construction Co.,
Federal Farm Agency,
Federal Holding Company of New Jersey,
Federal Home Building Company,
Federal Land Company,
Federal Lithographing Corporation,
Federal Mortgage Servicing Bureau,
Federal News Company,
Federal Oil Refining Co., Inc.,
Federal Switch and Electric Products Co., Inc.,

New Jersey State Library

Federal Trading Co.,
Federated Products Corporation,
Feldman's Fabric Shop, Inc.,
Feldstern's Radio & Television Co., Inc.,
Felix Belh Farms, Inc.,
Fenwick and Co., Inc.,
Fenwick Realty Co.,
Feredé Inc.,
Fertilizing Specialties Co.,
Fes, Inc.,
F. & F. Dairy, Inc.,
F. H. Storms Co.,
Fidelity Print Works,
Fifth Ave. Curtain Cleaners, Inc.,
Filgo Realty Co., Inc.,
Finance Adjustment Bureau, Inc.,
First Hoboken Holding Co.,
First Russian National Protective Association of Passaic,
Fischer-Layte, Inc.,
Fischer Restaurants, Inc.,
Fisher & Hughes, Inc.,
Fishkin's Inc.,
Fister Building Co.,
Flavian Beauty Parlor,
Fleet Bus Company, Inc.,
Fleisig-Weinberger & Gottlieb, Inc.,
Fletcher-Smith, Inc.,
Flohene Corporation,
Florence Investment Co.,
Florence M. Van Kirk, Inc.,
Florwin Company,
Flowers Holding Corporation,
Floyd E. Dixon, Inc.,
Flynn Construction Co., Inc.,
F. & M. Investment Co.,
Foda Realty Co., Inc.,
Fogelson & Raicer, Inc.,
Fog Navigating Camera Corporation,
Food Products, Inc.,
Foot Comfort, Inc.,
Fords Parlor Frame Co., Inc.,
Foreign Cheese Mfrs. Inc.,

Forest Dairy, Inc.,
Forest-Hillside Corporation,
Forman Company,
Fountain-Jones Corporation,
Fox's Dress Shop,
F. & P. Amusement Corporation,
F. P. Larkin, Inc.,
Fran-Av Realty Co.,
Franbar Realty Co.,
Francesco Vitoritto Company,
Francine Silk & Curtain Shoppe, Inc.,
Francon Corporation,
Frank C. Lawton Company,
Frank D. Ferretti, Inc.,
Frankel Pharmacy,
Frankfood Process Laboratory Inc.,
Frank Gilbert, Inc.,
Frank Gloor, Inc.,
Franklin Auto Loan Society,
Franklin Home Furnishing Corporation,
Franklin Leasing Company,
Franklin Millinery of Union City, Inc.,
Franklin Motor Co.,
Frank L. Overman, Inc.,
Frank Mobus, Inc.,
Frankmor Hotel & Cafeteria, Inc.,
Frank R. Whitehead, Inc.,
Frank's Stationery, Inc.,
Freas Thermo-Electric Company,
Fred Bux Jr., Inc.,
Frederick C. Smith Company,
Fredora Dye Works,
Fred Patmos Company,
Fred Weber Inc.,
Freedman, Inc.,
Freehold Auction Market, Inc.,
Freehold News Service,
Fremer Leaf Tobacco Co.,
French Street Meat and Provision Market, Inc.,
Frieda Hat Co., Inc.,
Friedauer Properties, Inc.,
Friedberg's Boardwalk Art Gallerie, Inc.,
Friedman's Clothes Shop,

Friend Bros., Inc.,
Friendly Loans, Inc. of Vineland,
F. R. Matsinger Remedy Co. Inc.,
F. T. Morris, Inc.,
Furman Tissues, Inc.,
Furness Corporation,
Future Engineering Development Corp.,
F. Y. Realty Corporation,

Gadjo Pharmacy, Inc.,
Galilee Development Co., Inc.,
Garden Dress Co. Inc.,
Gardens Land Company,
Garden State Brokerage Corporation,
Garden State Distributing Co.,
Garden State Produce Company, Inc.,
Garden State Service Stations,
Garden Suburbs Construction Co. Inc.,
Gasco Holding Co.,
Gatti Silk Dyeing Co. of Paterson, N. J.,
G. Dobkin's Studios,
Gelato Construction Company,
General Assurance Brokers & Agents, Inc.,
General Assurance Company, Inc.,
General Coal & Supply Co.,
General Diesel Corporation,
The General Fuel Briquette Corporation of New Jersey,
General Garage, Inc.,
General Industrial Land Company,
General Laundry, Inc.,
General Mortgage Investment Corporation,
General Oil Products Co., Inc.,
General Theatrical Corporation of N. J.,
Gennit Company, Inc.,
Geo. B. Sparks & Son,
George Davidson & Son, Inc.,
George D. Oswald & Company,
George J. Collier, Inc.,
George Nyquist Tiling Corporation,
George S. Overin, Inc.,
George W. Stilwell, Inc.,
Germain, Ash & Shipp Silk Co.,

Gesp Holding & Realty Co.,
G. F. S. Realty Company,
G. H. Amusement Co.,
G. H. E. Realty Company,
Giant Home Improvement Co.,
Gibson-Howell Company,
Gilbert Construction Company, Inc.,
Gildon Holding Co.,
Gilford Park Development Company,
Gillette Film Stations, Inc.,
Gilvan Properties, Inc.,
Ginsburg & Feldman Co.,
Girls Six Day Bicycle Race,
Gladbacher Corporation,
Gladding Oil Company,
Gladstone Shops, Inc.,
Glass Industries Incorporated,
Glen Afton Incorporated,
Glenbrook Corporation,
Glen Cove Realty Co., Inc.,
Glendora Coal and Lumber Company,
Glendover Tavern, Inc.,
Glen Eyre Realty Company,
Glen Rock Heights, Inc.,
Glen Rock Milk & Cream, Inc.,
Glenrule Holding Co., Inc.,
Glenside Park, Inc.,
Glenwood Realty and Development Company,
Glick Holding Co.,
Globe Apartment Company,
Globe Domestic Sales Co.,
Globe Security Co.,
Glo-Kan, Incorporated,
Gloria Apparel Shops, Inc.,
Gloria Holding Corporation,
Gluv, Inc.,
G. M. Federal Plan Co.,
Goff Manufacturing Company,
Goldbaum & Davis Theatres, Inc.,
Goldenberg's, Inc.,
Golden Beverage Corporation,
Goldencrest Butter & Egg Stores Inc.,
Golden Gate Winery Co.,

Golden Realty Co.,
The Golden Rule Community,
Gold Seal Manufacturing Co., Inc.,
Gold Seal Wine & Liquor Co.,
Golf Holding Company,
Good Health Co.,
Goodman Bros. Silk Co. Inc.,
Goodman and Shulman Company,
Good Paint Co., Inc.,
Goodwin Produce, Inc.,
Goodyear Raincoat Co.,
Gordon, Jacobs & Co. Inc.,
Gordon Trucking Co., Inc.,
Gorshofsky, Inc.,
Gould and Rosenberg, Inc.,
Grafton Holding Company,
Grand Coal Co.,
Grand Finance Company,
Grand Furniture Company, Inc.,
Granel Holding Company,
Grantwood Lumber Company, Inc.,
Grantwood Realty Company,
Graylon Holding Corporation,
Great American Underwriters,
Great Bay Corporation,
Great Eastern Organization, Inc.,
The Great Eastern Seating & Manufacturing Co.,
Great Eastern Stages of New Jersey Inc.,
Greater Bergen Development Corporation,
Greater Hudson & Bergen Development Co.,
Greater Pitman Realty Corporation,
Greater Stone Harbor Realty Company,
The Great Lions Grocery Co.,
Great Western Market, Inc.,
Greene Restaurant, Inc.,
Greenfield Coal Co., Inc.,
Greenfield Variety Stores, Inc.,
Greenhugh Theatres, Inc.,
Green's Dry Goods Store, Inc.,
Greentree Florists, Inc.,
Gregory Avenue Corp.,
Gregory Trucking Inc.,
Grenloch Park Amusement Co.,

Grippo Engineering and Machine Company,
Grofe Realty Co., Inc.,
Gross and Baum, Inc.,
Grossman's Boardwalk, Inc.,
G & R Realty Company,
G & S Pants Company,
Guaranteed Standard Roofing Co. Inc.,
Guarantee Exterminating Co. Inc.,
Guarantee Home Heating Co., Inc.,
Guarantee Paint & Wallpaper Co., Inc.,
Guaranty Mortgage and Investment Co.,
Guserna Realty Co.,
Gust Erikson, Inc.,

Haas' Meat Market, Inc.,
Haber Coal Co., Inc.,
Hablive Realty Company,
Hackensack Food Market,
Hackensack Hardware Company, Inc.,
Hafner & Son, Inc.,
Hager Realty Co.,
Haight West and Son, Inc.,
Hair and Scalp Foundation Ltd., Of N. J.,
Hakado Investment Co.,
Haladay Realty Corp.,
Haledon Auto Sales Co.,
Haledon Silk Manufacturing Company,
Hale Square Realty Company,
Hall Poultry Company Incorporated,
Halmark Corporation,
Halsey Foods, Inc.,
Halsey-Force-Wood, Inc.,
Halsey Service Station, Inc.,
Halsey Tire Co.,
Hamilton Furniture Corporation,
Hamilton Holding Company Of North Bergen,
Hamilton Piece Dye Works,
Hansen Bakeries, Inc.,
Hansen, Muchardt & Co., Inc.,
Happiness Realty Co.,
Hapton Corporation,
Harbor Shoe Corporation,
Hardan Homes, Inc.,

Harding Auto Sales Company,
Hardin Holding Company,
Harkle Realty Company,
Harmelin and Vogel, Incorporated,
Harmony Heights Development Co., Inc.,
Harnat Theatrical Enterprises, Inc.,
Harold Wolff Corporation,
Harot Corporation,
Harris Alloys, Inc.,
Harris Auto Air and Oil Jack Company,
Harris Glass Co. Inc.,
Harris Jones Food's, Inc.,
Harrison Paint Market, Inc.,
Harris Securities Corp.,
Harrwood Suburbs, Inc.,
Harry A. Dunn, Inc. (No. 2),
Harry Corbally, Inc.,
Harry G. Smith, Inc.,
Harry Klinger Inc. of Rutherford,
Harry L. De Vault, Inc.,
Harry's Furniture Galleries, Inc.,
Harry's Market, Inc.,
Harry Wycoff, Inc.,
Harry Yavenger, Inc.,
Harsan, Incorporated,
Hartmann-Sandford, Inc.,
Harvan Company,
Harwin Corporation,
Haskell Quarry Company,
Haynes Auto Repair Co.,
Haynes Sign Company,
H. B. Brady, Inc.,
H. & B. Investment Corporation,
H. B. L. Realty Co.,
H. C. Motors, Inc.,
Heck Silk Co.,
Hedewar Corporation,
Heller Bassow Corporation,
Heller Tool Company,
Helming Coal Co.,
Henry D. Young, Inc.,
Henry J. Byrne Company,
Henry Products Company,

Henry Rose, Inc.,
Henry's Taverns, Inc.,
Henry Treuhaft & Co., Inc.,
Henry W. Uhrhahn, Inc.,
Hensler Development Co.,
Herbert H. Shannon Company, Inc.,
Hercules Sales Organization, Inc.,
Herman Custom-Built Homes, Inc.,
Herman Rigrod, Inc.,
Herman's Delicatessen, Inc.,
Herman Walker Realty Company,
Hermina Realty Co., Inc.,
Hersil Realty Company,
H. Geller, Inc.,
H. & G. Fur Manufacturing Corporation,
H. G. Thompson, Inc.,
H. H. Baumgartner Holding Corporation,
H. Herrmann Manufacturing Company,
H. & H. Plumbing & Heating Co.,
H H Smith & Sons,
Hibbard's Service, Inc.,
Hickey Auto Co., Inc.,
Highcliff Development Co.,
Highland Court, Inc.,
Highland Park Tailor, Inc.,
Hightstown Corporation of New Jersey,
Highway Realty Corporation,
Highwood Dumbwaiter Company,
Highwood Manor, Inc.,
Hilhurst Realty Co.,
Hill Gasoline Co., Inc.,
Hill Investment Company,
Hillmar Dairy Co., Inc.,
Hill Realty Co.,
Hillside Investment Co. Inc.,
Hillside Preserving Co.,
Hilltop Sanitarium, Inc.,
Hillview Estates, Inc.,
Hilton Newark Corporation,
Hirler's Restaurant, Inc.,
Hirsch, Incorporated,
Hitchcock & Beckmann,
The Hitchin' Post, Inc.,

H. J. Miller Realty Company,
H. Knopf Dental Laboratory, Inc.,
H. M. P. Supporter Co.,
H. M. Shermer and Company,
Hoboken Coat Manufacturing Corp.,
Hoboken Holding Co.,
Hoboken Wholesale Grocers Association, Inc.,
Hoffman Barite Corporation of New Jersey,
Holder Dye Works, Inc.,
Holland Realty and Development Co.,
Holley Theatre Co., Inc.,
The Hollywood Inc.,
Hollywood Tavern,
Holsum Atlantic Corp.,
Holzbaur Laundry, Inc.,
Home Comfort Heater Co. Inc.,
Home Construction and Finance Corporation,
Homecraft Bakery, Inc.,
Homecraft Co.,
Home Craftsman Publishing Corp.,
Home Golf Corporation,
Home-Heat Service,
Home Hotel Company,
Homeowners Building Company,
Home Owners Service Corporation,
Home Radio & Washing Machine Co.,
Homestead Roofing Co., Inc.,
Homestead Yard Dyeing Co., Inc.,
Hoots-Doughty, Inc.,
Hopatcong Cabin Estates,
Hope Electric Co., Inc.,
Hopeshare Investment Company,
Hopkinson Realty Co. of N. J.,
Hordel Company, Inc.,
Horoot Corporation,
Hospital Pharmacy, Inc.,
Hotel Arthur, Inc.,
Hotel Dover, Inc.,
Hotel Hamlet, Inc.,
Hough Construction Co. Inc.,
Household Appliance Corporation,
House of Lenox,
House of the Month, Inc.,

H. S. D. Holding Corporation,
Howard Motors, Incorporated,
Howard O. MacPherson, Inc.,
Howell Hinchmann Company,
H. P. Johnson, Inc.,
Hub Delicatessen & Dairy Co., Inc.,
Hubert Realty Company,
Hudson Asphalt Paving Supply Co.,
Hudson and Bergen Investment Company,
Hudson Boulevard Fur Co., Inc.,
Hudson Bridge Realty Co.,
Hudson Cleaners & Dyers, Incorporated,
Hudson County Cleaners & Dyers,
Hudson County Express Company,
Hudson-Maid Mfg. Co., Inc.,
Hudson Transit Company,
Hudson Valley Wine & Liquor Co.,
Huff Pontiac Co.,
Humphreys & Ryan, Inc.,
Hunt-Sternau Corporation,
Hutchinson Decorating Company,
Huteco Manufacturing Company,
Hydrocarbon Manufacturing Corporation,
Hydrocarbon Processes, Inc.,
Hydrogenation Products Corporation,
Hygrade Laundry, Inc.,
Hy-Grade Markets, Inc.,

Iberia Beverage Co.,
Ideal Home Sites of New Jersey, Inc.,
Ideal Improvement Company,
Ideal Marble Mosaic Co., Inc.,
Ideal Meat Market, Inc.,
I. Harris & Company, Inc.,
I. I. Operating Co.,
I. Michaloski, Inc.,
I. Morvay, Inc.,
Imperial Coal & Oil Co. Inc.,
Imperial Distilling Corporation,
Imperial Van Service, Inc.,
Impex Sales Company (The), Inc.,
Impoil Company, Inc.,
Improved Holdings, Inc.,

Improved Products, Inc.,
Income Foundation Distributors of New Jersey,
Income Land Associates, Inc.,
Independent Butchers Fat Co. Inc.,
Independent Coat & Apron Supply Company,
Independent Iron & Metal Co.,
Independent Meat and Poultry Market, Inc.,
Independent Rosenhayn & Loan Co.,
Indian Head Poultry Farm,
Indurated Concrete, Incorporated,
Industrial Solvents Corporation of New Jersey,
Inlander Bros., Inc.,
Inner Circle Association, Inc.,
Interboro Realty Company,
International Capital Corporation,
International Carburetor Corporation,
International Concessions, Inc.,
International Meat Products Company,
International Motorists Service,
International Motorists Service Association, Incorporated,
International Press, Inc.,
International Secret Service Institute,
International Weighing Instruments Corporation,
Interstate Agency,
Interstate Amusement Corporation,
Interstate Millinery, Inc.,
Interstate Racing Association, Inc.,
Inventions Developing Co. Inc.,
Investment Corporation of Newark, N. J.,
Investment Corporation of Woodridge,
Investments, Inc.,
Investors Securities, Inc.,
Invincible Securities Corporation,
Inwood Corporation,
Ira Casterline, Inc.,
Ira Meeker & Son, Inc.,
Irene Investors, Inc.,
Irish American Building Corporation.
Irmac Silk Co.,
Irving Improvement Company,
Irving Lampert Company, Inc.,
Irvington Clothes, Inc.,

Ismay Realty Co.,
Italian-American Cut Rate Grocery,
Italian American Service Company, Inc.,

Jacar Stores, Inc.,
Jackson Homes, Inc.,
Jackson Realty Company,
Jacob Kurtz & Sons, Co.,
Jacob L. Bauer Realty Company,
Jacobs Produce Market, Incorporated,
Jacqlin-Turner, Inc.,
Jafsil Realty Company,
James A. Grant, Inc.,
Jamesburg Manufacturing Co., Inc.,
James F. Wood Builders, Inc.,
James McCollum, Inc.,
James Murphy, Inc.,
James Pearson, Inc.,
James R. Marsh and Company,
James R. Sanders, Inc.,
James Street, Inc.,
Jan-Lea Corporation,
J. & A. Realty Co.,
Jauncey Holding Company, Inc.,
Jay Bee Jay Realty, Inc.,
Jaybee Manufacturing Co.,
Jaybee Theatre Co.,
Jay-Gee's Restaurant,
Jay Realty Co.,
Jay Square Realty Company,
J. C. Ford Co., Inc.,
J. C. Holding Company,
J. C. Van Mater, Inc.,
Jean Enterprises, Inc.,
Jeanette Corporation,
Jean & Joan Wearing Apparel, Inc.,
Jean Loraine Dress Shop, Inc.,
Jefferson Plumbing & Heating Co., Inc.,
Jelliff Avenue Corporation,
Jem Company,
Jersey Air Conditioning Co. Inc.,
Jersey Associates, Inc.,
Jersey-Buildmore Corp.,

Jersey Chimney Company,
Jersey City Building Corp.,
Jersey City Chamber of Commerce Building Association,
Jersey City Dairy Co. Inc.,
Jersey City Loan Company,
Jersey Coast Paper and Twine Company,
Jersey Engineering Company,
Jersey Holding Company, Inc.
Jersey Materials Company,
Jersey Paint Market,
Jersey Rabbit Canneries Inc.,
Jersey Sports Corp.,
Jersey Suburban Bus Lines, Inc.,
Jersey Sunday Press,
Jersey Truck Sales, Inc.,
Jessco, Inc.,
J. F. C. and W. M. Wetter Company,
J. F. Fradley and Co.,
J. F. Preston & Sons, Inc.,
J. G. Pesin & Co., Inc.,
J. H. Hamilton & Company,
J. H. Scharff, Inc.,
Jiffy Wire Connector Company,
J. J. Cassady, Inc.,
J. J. Ford Company, Inc.,
J. J. Thomas, Inc.,
J. L. Bock Holding Company,
J. L. Dougherty and Associates, Inc.,
J. M. Sweeney Company,
Jobbers Supply Corporation,
Jockey Hollow Inn,
Joe Louis Novelties, Inc.,
Joe O'Connor's Tavern, Inc.,
Joe's Brass Rail, Inc.,
John B. Zabriskie, Inc.,
John E. Collins, Inc.,
John E. Ellis, Inc.,
John E. Hand and Sons Company,
John E. Thropp's Sons, Inc.,
John E. Trout, Inc.,
John Huss Company,
John J. Reilly & Sons Company,

John K. Cooke and Son, Inc.,
John Kelly Inc.,
John L. Miller, Inc.,
John Mossa, Inc.,
John Pedersen, Inc.,
John P. Wald & Associates, Inc.,
John R. Elley, Inc.,
John R. Stanley, Inc.,
Jonlee Company,
Josam Corporation,
Joseph Breen and Son,
Jos. C DeNisco, Inc.,
Jos. H. Potter, Inc.,
Jos. L. Rusch, Inc.,
Joseph M. Reis, Inc.,
Joseph Schwartz, Inc.,
Jos. White, Inc.,
Journal Square Leasehold Corporation,
J. R. DeMott, Inc.,
J. & S. Auto Body Works, Inc.,
J. S. Silvers and Brother Company,
J. Steinberg & Sons,
J. T. Cusack, Inc.,
J. Tramontin Motor Sales, Inc.,
Jules Grille, Inc.,
Julius Breuer & Sons, Inc.,
Juljac Inc.,
Jumbo Markets, Inc.,
The Junedale Corporation,
June Investment Co., Inc.,
Junior Dress Company, Incorporated,
Junior Trucking Corporation,
J. V. Development Co.,
J. Wissinger, Inc.,
J. W Markiem, Inc.,
JWS Contracting Company,

Kalnyansky, Inc.,
Kaplan Coal Company, Inc.,
Kaplan Sales Co.,
Karle Thermometer & Instrument Co.,
Karlson's, Inc.,
Karol Slabicki, Inc.,

Kashmann Brothers, Inc.,
Kathryn Herms Miami, Inc.,
Kathryn Herms, Inc.,
Katz Electric and Supply Co.,
Katz's Inc.,
Kaufherr Leather Co., Inc.,
Kaybe Amusement Co., Inc.,
Kay Food Shoppe, Inc.,
Kayton's, Inc.,
Keansburg-Union Beach Realty Company,
Kearny Service Station, Inc.,
K. & E. De Luxe Padded Van Co. Inc.,
Kelble Operating Corporation,
Keller Engineering Co. Inc.,
Kelley and Tennant,
Kelly Brewing and Malting Company,
Kelly-Springfield Tire Company,
Kemah Lake Corporation,
The Kenneth Gamble Company Incorporated,
Kents Aircraft Corporation,
The Kentuckianna,
Kenvil Hotel,
Kensington Estates, Inc.,
Keyport Holding Company, Incorporated,
Key Realty Company, Inc.,
Keystone Manufacturing Company, Inc.,
Keystone Pottery Company,
Keystone Towers, Inc.,
K. Gabriel, Inc.,
Kiddie Cartoonist, Inc.,
Kimball Shop, Inc.,
The King Engineering Manufacturing, Corp.,
King Manufacturing Corporation,
Kingsland Estates, Inc.,
Kingston Construction Company,
Kinney Drug Co., Inc.,
Kin-Whort Holding Co.,
Kirill Krivenky, Inc.,
Kitchen Novelty Company,
K. & K. Meat Market, Inc.,
Klein Bros. Co., Inc.,
Kleinman Drygoods, Inc.,
Kloland Realty Corporation,

Kluczek Construction Co.,
Knickerbocker Realty Company,
Knight and Bauer, Incorporated,
Knitted Sportswear Corporation,
Knuckles Electric Shop, Inc.,
Kobin Corporation,
Koch Brothers, Inc.,
Kolb's Garage, Inc.,
Kosher Food Market of Red Bank, Inc.,
K. P. Korff, Inc.,
Krane Products,
Krasner Motor Car Company, Inc.,
Krem Corporation,
Kridel Amusement Co., Inc.,
Kriegel-Newman Furriers, Inc.,
Krizan Manufacturing Co., Inc.,
Kroll—The Jewelers Inc.,
Kronman's Inc.,
K. R. S. Sign Service & Sales Co.,
Krystalite Incorporated,
Kuskin Meat Market Inc.,
Kuskin, Rotberg & Altshuler, Inc.,
K-Z Lumber Company,

La Bove & Sons, Inc.,
La Fiura Plastering Co. Inc.,
Laggren Brothers, Company,
La Greca Auto Repair,
Lake Hopatcong Park Association,
Lake Land Corporation,
Lakeland Manufacturing Corporation,
Lakeside Holding Co.,
Lakeside Place Realty Company,
Lake View Land Company, Inc.,
Lakeview Shirt Company,
Lakewood Investment Co. Inc.,
Lakewood-Shore Poultry Farms, Inc.,
Lakoff & Company,
Lambert Holding Company,
Landay's, Inc.,
Lander Realty Co.,
Landers Hotel,
Landisville-Minotola Co. Inc.,

Landlords' Information And Protective Association,
Landow Realty Co.,
Lane-Hale Co., Inc.,
Lane, Inc.,
Lane Realty Co.,
Lane-Waters and Company,
Lange Economical Oil Burner Company, Incorporated,
Lantern,
La Roe Fuel & Feed Co.,
La Salle Printing and Dyeing Co.,
Lasher Bros. & Company, Inc.,
Laura Frocks, Inc.,
Laurel Beauty Salon, Inc.,
Lawrence Amon, Inc.,
Lawrence Paint Corp.,
Lawrence & Rawcliffe, Inc.,
Lawrence Realty Company, #1,
Lawrentonia Investment Company,
Lawson and MacMurray,
Lawton Co., Inc.,
Lazzara Baking Co. Inc.,
L. & B. Incorporated,
L. C. Carter Advertising Service Inc.,
Leather Mart.,
Leer & Amoroso, Inc.,
Leges Company,
Le Grand Company,
Lehigh Upholstery Company, Inc.,
Lehman Dress Shoppe, Inc.,
Leidy Electric Co.,
Leland Bakeries, Inc.,
Lenox Restaurant, Inc.,
Lento & Danner Realty Company, Inc.,
Leo Kauder, Inc.,
Leonia Playhouse, Inc.,
Leroy E. Scheider, Inc.,
Leslie Holding Corporation,
Leslie Mortgage Co. Inc.,
Lester Shoppe, Inc.,
Le Terre, Inc.,
Letz & Katz, Inc.,

Leviathan Apartments, Inc.,
Levine Contracting Company,
Levitt's Poultry Farm, Inc.,
Lewis Sales Company,
Lewis Theatre Corporation,
Lewitt Pharmacy, Inc.,
L E X Corporation,
Leyes Chemical Corporation,
L. & G. Holding Company,
Liberty Cake Supply Co. Inc.,
Liberty Service of Union City, Inc.,
Library Diner, Inc.,
Lido Passaic Corp.,
Lincoln Egg Co.,
Lindeboom Confectionery Co., Inc.,
Linden Dog & Cat Hospital,
Linden Imported & Domestic Liquor Inc.,
Linden Silk Co.,
Linden Trucking Co., Inc.,
Linnet's Shoes, Inc.,
Lion Food Market,
Lion Varnish Works, Inc.,
Liss Oil & Supply Co.,
Little Falls Realty Co.,
Little Ferry Oil Co.,
Little Ferry Transportation Co.,
Little Marvel Company, Inc.,
Little Town Shop, Inc.,
Littman Estate, Inc.,
L. & J. Auto Parts Co., Inc.,
L. J. Holding Co.,
L. K. M. Realty Co.,
L & L Construction Co.,
L. Lowenstein & Sons, Inc.,
Lloyds Construction Co., Inc.,
L. M. Dodell & Co., Inc.,
L. Menkes & Son Inc.,
L. & M. Shoe Co., Inc.,
L. M. W. Construction Co.,
L. N. Fayette, Inc.,
Lobherr Poultry Farms, Inc.,
Local Funding Corporation,
The Local Press,

Lockeye Materials Supply Co. Inc.,
Lockona Display Appliance Corporation,
Lodi Messenger, Inc.,
Log Cabin Restaurant Corporation,
Log Cabin Tourist Haven, Inc.,
London Cleaners & Dyers,
Lone Pines Corp.,
Longacres Country Club,
Longshore Company,
Lorbet, Inc.,
Lorenzo Motors, Inc.,
Lorimer, Inc.,
Louis Biberfeld, Inc.,
Louis Deutsch Fruit Market Inc.,
Louise Realty Co.,
Louisiana Sweets, Inc.,
Louis Traiman Auction Co.,
Lower Realty Corporation,
L. R. Tichenor & Son, Inc.,
L. Selby, Incorporated,
Lucille Holding Co.,
Lukas & Brady, Inc.,
Lumberton Shoe Company,
L. & V. Realty Co., Inc.,
L. & W. Land & Improvement Co.,
Lyndhurst Auto Sales, Inc.,
Lyndhurst Construction Co.,
Lynker Mfg. Co.,
Lynn Distributors Incorporated,

Mack Operating Company,
Macmil Corporation,
Mac Millan Inc.,
Mac-Roe Realty Corporation,
Mme Morris, Inc.,
Mada Realty Co.,
Madison Motor Co., Inc.,
Madison Piece Dye Works Corporation,
Madison Triangle Sports Club,
Mado Shop, Inc.,
Magicleaner of New Jersey, Inc.,
Magnolia Centre Co.,
The Mohawk Restaurant, Inc.,

Main-Hackensack Corporation,
Main-Jefferson Corporation,
Main & Lincoln Realty Co.,
Main Paint & Plumbing Supply Corporation,
Majax Realty, Inc.,
Majestic Market, Inc.,
Majestic Motors Corporation,
Major Food Co.,
Makow Service Station, Inc.,
Malcolm Dress Co.,
Mallory Fittings Company, Inc.,
Malt and Coffee Products Corporation,
Mamie Conti Frocks, Inc.,
Manasquan Homesites, Inc.,
Mandel Salzberg's Sons, Inc.,
Manhattan Baking Powder Company,
Manning's, Inc.,
Manor Park Service Station,
Manor Service Center,
Mantua Gardens Company,
Mapes Holding Co.,
Maplecrest Motors, Inc.,
Maplespring Realty Co.,
Maple Theatre Corporation,
Maplewood Contracting Company,
Marathon Dance Derby Inc.,
March Grieb Co.,
Marhol Realty Company,
Marikay Corporation,
Marcy Furnishings Inc.,
Marinelli Shoe Repair Company,
Markell Broad St. Inc.,
Markel's Inc.,
Marl Company,
Marr Refrigerated Lines, Inc.,
Martha Hat Shop, Inc.,
Martin Provision Incorporated,
Martin Shoe, Inc.,
Marvin & Snead, Inc.,
Marylane Holding Co.,
Masiss Realty Corp.,
Masonic Club of Ridgefield, N. J. No. 722,
Massachusetts Avenue Corporation,

Matocro Company,
Maurice M. Feinberg, Inc.,
Max Damm Corporation,
Max Rosenfeld, Inc.,
Max Schumann & Co.,
Maxwell Homes, Inc.,
Mayfair Country Club,
Mayfair Gardens Company,
Mayflower Boat Corp.,
Mayflower Inn, Inc.,
Maymar Investment Company,
May Radio & Refrigeration Corp.,
May Stores, Inc.,
McCartney Land Company,
M. C. H. Realty Corp.,
McIntosh, Inc.,
McIntyre Realty Company of New Jersey,
McLaughlin-Miller Company,
McPherson Furniture and Carpet Company,
Meadland Co., Inc.,
Mecano Therapy Appliances (Inc.),
Medal Silk Co., Inc.,
Medical and Dental Credit Guild,
Mehrhof Brick Company,
Mehrhof Trucking Co., Inc.,
Melody Lane, Inc.,
Memo Motion Pictures, Inc.,
Mercantile Detective Agency, Inc.,
Mercer Ice Cream Stores, Inc.,
Merchants Cap Co., Inc.,
Merchant's Publishing Company,
Merchant's Restaurant,
Merchants Securities Company,
Meridian Agency, Inc.,
Meridian, Inc.,
Metropolitan Cemeteries Corporation,
Metropolitan Furniture Finance Co.,
Metuchen Coal & Supply Co.,
Mew Studios, Inc.,
Meyers Hotel, Inc.,
M. Glanzer, Inc.,
M. Goldstein, Inc.,
M. Gross Silk Company,

M. & H. Construction Co.,
M. H. G. Holding Co., Inc.,
Michael Formisano and Sons,
Michaelson-Fuld, Inc.,
Michael Sternick, Inc.,
Michals Tea Room,
Michel Realty Co.,
Michel's Cafeteria, Inc.,
Middlesex Development Corporation,
The Middlesex Flour and Feed Company,
Middlesex Outfitting Company, Inc.,
Midway Restaurant, Inc.,
Mijen Realty Co.,
Milano Importing Company, Inc.,
Milgrove Service, Inc.,
Milk Bars Incorporated,
Millard Realty & Finance Co.,
Miller Company, Inc.,
Miller Holding Co.,
Miller-Margerum Company,
Miller, Mayhew and Thompson Company,
Miller Parlor Furniture Company,
Miller's Municipal Market, Inc.,
Mills Holding Corporation,
Millwork Supply Co., of Belleville, N. J.,
Milman Coal Company,
Milton-Henry, Incorporated,
Milton Pharmacy, Inc.,
Mineral Deeds, Inc.,
Mirror Novelty Corp. of New Jersey,
M. & K. Express, Inc.,
M. K. Realty Co.,
M. Levinson Plumbing & Heating Corp.,
M. Marx, Inc.,
M & M Construction Co.,
Model Construction, Co.,
Modern Art Metal Corporation,
Modern Bedding Co.,
Moderne Beauty Shoppe,
Modern Hat Co., Inc.,
Modern Kiddie Dress Co., Inc.,
Modern Land Company, Inc.,
Modern Pet Stock Co., Inc.,

Modern Realty Co.,
Modern Shoppe, Inc.,
Modern Tavern, Inc.,
Mohawk Realty Co.,
Mohr Motors, Inc.,
Molfetta Olive Oil Co., Inc.,
Molnick's Funeral Parlor, Inc.,
Monarch Realty Co.,
Monarch Re-Roofing Co., Inc.,
Monarch Supply Co., Inc.,
Monmouth Auto Sales, Inc.,
Monmouth Construction and Supply Company, Inc.,
Monmouth County Playhouse, Inc.,
Monmouth Fabrics, Inc.,
Monmouth Holding Company,
Monmouth Laundry, Inc.,
Monmouth Packing Co., Inc.,
Monrelm Realty Co., Inc.,
Montana Home Association, Inc.,
Montclair Dye Works,
Montclair Meat and Produce Market,
Montclair Realty Investment Co.,
Montgomery Realty Co.,
Montridge Cafeteria,
Montrose Building Co.,
Montrose Real Estate Company,
Montvale Realty Co.,
Mooney and Serin, Inc.,
Moore & Slade,
Morey-Laird, Inc.,
Morgan, Inc.,
The Morgan Lambertson Construction Co., Inc.,
Morgen Products Corporation,
Morning Realty Company,
Morris Clothing Company, Inc.,
Morris County Auto Parts Company,
Morris Drug Store,
Morris Jaffe, Inc.,
Morris Linder, Inc.,
Morris Plains Real Estate Company,
Morristown Finance Company,
Morristown Paint and Wall Paper Company,

Mortenson Construction Company, Inc.,
Mortgage Distributors, Inc.,
Moser Inc.,
Moskojanis & Machel, Inc.,
Motor Acceptance Corp.,
Motor Investment Service, Inc.,
Motors Incorporated,
Mottur Perlow & Co., Inc.,
Mountain Oil Co.,
Mountain-Site Realty Company,
Mountain Sites Improvement Company, Inc.,
Mountain Top Corporation,
Mt. Freedom Construction Co.,
Mt. Freedom Realty Corporation,
Mt. Prospect Construction Co.,
Mt. Prospect Sweet Shoppe, Inc.,
M. Rimkufsky, Inc.,
M. Schweber, Inc.,
M. & S. Mattress Company,
M. Steinhauer, Inc.,
M. & T. Motor Car Co., Inc.,
Mulberry Stove & Repair Co.,
Multicolor Print Works, Inc.,
Multi-Counter Corporation,
Multi-Match, Inc.,
Municipal Market Co. of Passaic,
Muriel Holding Corporation,
Murray Hill Estates,
Murray Novelty Company, Inc.,
Murray Rubber Realty Holding Corp.,
Murray Sales and Service, Inc.,
Murray's Auto Exchange, Inc.,
Musconetcong Gardens Company,
Muser's Delicatessen, Inc.,
Mutual Coal Co., Inc.,
Mutual Trading Corporation,
M. Weiss Silk Co.,
M. & W. Holding Co.,
Myco Realty Company, Inc.,
Myers, Inc.,

Nabla Realty Corp.,
Namdac Sand Company,

Nash Construction Co.,
Nash Motor Company,
Nash-Siggins, Inc.,
National Association of Automobilists,
National Bargain Stores,
National Case and Carton Company,
National Company,
National Development Corporation of New Jersey,
National Engineering and Remodeling Co.,
National Equipment Corporation,
National Fabrics Corporation,
National Finance Company of DuBois,
National Finance Company, of Indiana,
National Finance Company of Norristown,
National Finance Company of Punxsutawney,
National Finance Corporation of America Management,
National Housing Improvement Co.,
National Match Company,
National Motor Sales Co.,
National Packing Co.,
National Park Homes Corporation,
National Plumbing Supply Co., Inc.,
National Realty Owners Association,
National Securities Corporation,
National Sheep-Lining Clothing Co.,
N. B. Holding Company,
N. Boutross & Sons,
Neesande Realty Corporation,
Nelson R. Vanderhoof Company,
Nelson Tailors, Inc.,
Nelson Trucking Co.,
Neotransign Co. Inc.,
Neptune Boat Corporation,
Neptune Gables Holding Company,
Nesor Development Corp.,
Nesto Contracting Co.,
N. E. U. Investment Co. Inc.,
Neuss Hat Corporation,
Newark Antique Furniture Company, Inc.,
Newark Auto Wreckers,
Newark Cab Co.,
Newark Civic Opera Company, Inc.,

Newark Cleaning & Dye Works,
Newark Clothes Shop, Inc.,
Newark Coop Supply House, Inc.,
Newark Cut Rate Mens Shop,
Newark Duck & Live Poultry Co. Inc.,
Newark Fruit Brokerage Corp.,
Newark Heating Company, Inc.,
Newark Leather Products Corporation,
The Newark Market,
Newark Plumbing & Heating Co.,
Newark Post Publishing Company,
Newark Sand Co.,
Newark Silk & Cotton Store, Inc.,
Newark Upholstering Co.,
New Band Box Cleaners,
New Brunswick Finance & Loan Association,
New Brunswick Industries, Inc.,
New Central Holding Company,
New Colonial Inn, Inc.,
New Crystal Laundry, Incorporated,
New Crystal Palace, Inc..
Newell Manufacturing Company,
New England Textile Stores. Inc.,
New Era Pharmaceutical Lab. Inc.,
New Home Furniture Co., Inc.,
New Jersey Amusement Company,
New Jersey Building Service Company,
New Jersey Cotton Mills, Inc.,
New Jersey Food Products Co.,
New Jersey Foreign Factors, Inc.,
New Jersey Fur Dressing Co., Inc.,
New Jersey Gum Elastic Manufacturing Co.,
New Jersey Hotel & Construction Company,
New Jersey Industrial Development Co.,
New Jersey Laboratories, Inc.,
New Jersey Land and Homes Company,
New Jersey Landlord's Protective Corporation,
New Jersey Law School,
New Jersey Metal Awning Co.,
New Jersey Printers Roller Company,
New Jersey Printing Company,
New Jersey Public Utilities Reporting Service,
New Jersey Securities Corporation,

New Jersey Shoe Repair Shops, Inc.,
New Jersey Thread Co., Inc.,
New Jersey Title Service Bureau,
New Jersey Wall Paper Company,
New Jersey Window Display Service,
Newman & Lieberman, Inc.,
New Mexican Ranch and Cattle Corporation,
New Mosque Luncheonette Inc.,
New Municipal Restaurant, Inc.,
New Normandy Laundry Co., Inc.,
New Peerless Glass Company, Inc.,
New Pilgrim Laundry, Inc.,
Newton G. Burns, Inc.,
New Warren Restaurant, Inc.,
New Washington Market Inc.,
New Way Laundry Service Co. (No. 2),
New Wilbur Land Association,
New World Tavern, Inc.,
New York Baking Co.,
New York Butter & Egg Market, Inc.,
New Yorker Restaurant & Cafeteria, Inc.,
New York Homes Company,
New York Memorial Works Inc.,
New York & New Jersey Investment Co.,
N. Grossbart & Co., Inc.,
Niam Realty Co.,
Niles Gear Company,
Nite-Glo Chemical Company,
Nixolin Corporation,
Nixon-Nirdlinger Amusement and Realty Company,
Nixon Terminal and Storage Company,
Non-Pareil Die Corporation,
Norberg Industrial-Realty Company,
Norma Jane, Inc.,
Normandy Holding Company,
Norman Securities Inc.,
Norman Wilton Carpet Co., Inc.,
Norris C. Bonham, Inc.,
Norsec Company,
North Arlington Farms, Inc.,
North Carolina Corporation,
North Eastern Chemical Corporation,

Northeast Realty Co.,
North End Mortgage Co.,
Northern Iron Company,
Northern New Jersey Holding Co., Inc.,
North Hudson Trucking Co.,
North Jersey Abattoir Co., Inc.,
North Jersey Credit Bureau,
North Jersey Egg & Farm Products Inc.,
North Jersey Products, Inc.,
North Jersey Publishing Co.,
North Jersey Sports Club,
North Jersey Used Car Exchange Inc.,
North Newark Cleaners and Dyers Inc.,
North Roseville Holding Co.,
North Trenton Land Company,
Northwood Realty Co.,
Norton-Dowler Company,
Norton's, Inc.,
Noschs, Inc.,
Novelty Hat Co., Inc.,
No. 424 Grove Street, Inc.,
Nu-Tone, Inc.,
Nu-Wear Corporation,
Nyack-New York Coach Co.,

O & A Construction Company,
Oak Flooring Company, Inc.,
Oakland Development Company,
Oaklands Swimming Pool Association,
O-B Company,
Ocean City Investment Company,
Ocean Electric Refrigerating Company,
Ocean Pier and Amusement Corporation of Long Branch, N. J.,
Ocean State Corporation,
O. F. Pearson and Co.,
O. F. White, Inc.,
Ogdensburgh Motors, Inc.,
O. H. Robinson Co., Inc.,
Oil Carriers, Inc.,
Oil Properties, Inc.,
Okay Laboratories, Inc.,
Old King Cole Corporation,

Old Mill Inn, Inc.,
Oliver Electric Corporation,
Ollemar Tract Corporation,
Olney & Warrin, Inc.,
Olson Building Co., Inc.,
Olympic Silk Mills, Inc.,
Oradell Sweet Shoppe, Inc.,
Orange Bargain Center, Inc.,
Orange and Broad Amusement Company,
The Orange Drapery Store,
Orange Valley Diner,
Oraton-Main Service, Inc.,
Organic Alkali Corporation,
Orient Shoe & Slipper Co., Inc.,
Oritani Cleaners & Dyers, Inc.,
Oscar H. Rowe Brokerage Company, Inc.,
Ostend Hotel Company, Inc.,
Othugen Laboratories, Inc.,
Overview Realties, Inc.,
Owen R. Brown & Son, Inc.,
Owl Apparel, Inc.,
Oxman Wrecking Co.,

Pace Planned Publicity Inc.,
Pacific Dairy Co.,
Packard Realty Company,
Palace Sportswear Mills, Inc.,
Palisade Dry Goods Store, Inc.,
Palisade Investment Association, Inc.,
Palisade Investment and Realty Corporation,
Palisades Playland, Inc.,
Palisades Property & Operating Corporation,
Palisades Towers, Inc.,
Palmerhall Realty Corporation,
Panzarino & Co.,
Paradise Club,
Paragram Productions, Inc.,
Paramount Broadcasting Corporation,
Paramount Forwarding Company, Inc.,
Paramount Grill of Passaic, Inc.,
Paramount Investment Corporation,
Paramount Manufacturing Corporation,
Paramount Organization, Inc.,
Paramount Restaurant of Passaic Inc.,

Paramount Sales Incorporated,
Parisienne,
Park Avenue Service, Incorporated,
Park Cafeteria, Inc.,
Parkday Realty Company,
Parker Stores,
Park Lane Clothing Co.,
Park Lane Homes, Inc.,
Park Malt & Hops Store Inc.,
Park Service Stations,
Parkside Construction Co.,
Parkside Finance Co.,
Parks, Inc.,
Parkview Construction Co., Inc.,
Parkview Realty Co.,
Parkway Hardware Company,
Parkway Service,
Party Fishing, Inc.,
Pascack Development Company,
Pascack Valley Coach Company, Inc.,
Pasco Holding Company,
Passaic-Bergen Lumber Co.,
Passaic Bergen Mercantile Exchange,
Passaic County Stationery Company,
Passaic Excelsior Agency,
Passaic River Realty Corporation,
Passaic Tavern, Inc.,
Passaic Veritas, Inc.,
P. A. Stewart Co.,
P. A. Stewart & Sons Company,
Patented Products Corporation,
The Paterson Chamber of Commerce Exposition Company, Inc.,
Paterson Footwear Company, Inc.,
Paterson Ladder Company,
Paterson Malting Co. Inc.,
Paterson Motor Freight Inc.,
Paterson Trucking Co.,
Patrick Henry Distributors, Inc.,
Pauleon Investment Corporation,
Paul Smith, Inc.,
Pax Realty Co.,
Payne Studios, Inc.,

P. C. Thomsen Company,
Pearl Amusement Company, Inc.,
Pearl Farm Co.,
Pearl White Laboratories, Inc.,
Pearson, Inc.,
Pecker Tailoring & Fur Storage Co.,
Peck Press, Inc.,
Peerless Dyeing & Printing Co.,
Peerless Home Modernizing Corporation,
Peerless Realty Investment Company,
Peerless Sand Co.,
Pencil-Lite, Inc.,
Pencraft Press Inc.,
Penn Co-operative Land Co., Inc.,
Pennhurst Hotel Co.,
Penn Neckwear Co. Inc.,
Penn Oil Supply Co., Inc.,
Pennsauken Realty Company,
Penn Securities Company,
Pennsylvania Coal & Fuel Co.,
Pennsylvania Warehouse and Transportation Inc.,
Penny Cleaners & Dyers, Inc.,
Pensauken Trading Company,
Peoples' Collection Agency,
Peoples Finance Corporation of Newark, New Jersey,
Peoples System Mortgage Company,
Pep Bros. Service Stations,
Pequest Dairy, Inc.,
Perfect Sheet Metal & Roofing Co. Inc.,
Perley Realty & Investment Co.,
Perlox Laboratories, Inc.,
Perrotta & Macri, Inc.,
Perth Amboy Wimsett Thrift Company,
Peterson Mfg. Company,
Petroleum Refining Company,
Petro Oil Burner and Electric Co. of Elizabeth, N. J.,
Philadelphia Orthopedic Company,
Philorn Investment Company,
Phil Van Henray Company,
Phoenix Creamery Company, Inc.,
P. H. Unsinger & Co.,

Pierre Construction Company,
Pier Transit, Inc.,
Pietro Giordano & Son Inc.,
Pilcher Estates Incorporated,
Pinecliff Realty Company,
Pine Manor Homes, Inc.,
Pink's Inc.,
Pioneer Manufacturing Co., Inc.,
Plager's Vans, Inc.,
Plainfield City Market,
Plainfield Sales Company, Inc.,
Plainfield Sign Company,
Plainfield Special Hardware, Inc.,
Plainfield Taxi Cab Company, Inc.,
Plant Engineering & Equipment Co. Inc.,
Plantier China Company,
Platt, Hammond and Co.,
Platynol Manufacturing Corporation,
P. M. Mahler & Co. Inc.,
P. N. Lawes Co., Inc.,
P. N. Schult Co.,
Polas-Pingore Land Company,
Police Radio Corporation,
Polk's Modelcraft Hobbies Incorporated,
Pond Coal Company, Inc.,
Poplar Farms, Inc.,
Poplar Holding Company,
Popular Dress, Inc.,
Portland Tailoring Company,
Port Newark Terminal, Inc.,
Post Company,
Post-Francke Co. Inc.,
Potomac Printing Products Co. Inc.,
P. Picardi Realty Co., Inc.,
Prawdzik, Inc.,
Prebol Dyeing & Finishing Company,
Preferred Realty Company,
Premier Delicatessen & Dairy, Inc.,
Premier Holding and Mortgage Company,
Premier Novelty Co.,
President Street Holding Company,
Price Bros. Inc.,
Primmer Auto Service,

Processed Papers, Inc.,
Producers and Consumers Co-Operative Milk Dairy Company, Inc.,
Professional Men's Credit Service Bureau,
Progressive Theatres, Inc.,
Prolet Improvement Co., Inc.,
Prom Realty Co.,
Prospect Warehouses, Inc.,
Protected Milk Products Company,
Protective Realty Co.,
Protestant Church Bowling Association,
Prudent Agency, Inc.,
P. Sanford Ross Incorporated,
Public Agency, Inc.,
Public Investment Corporation,
Puget Sound Electric Railway,
Pure Asphalt Products Company,
Pureteed Laboratories, Inc.,
Puritan Beverage, Inc.,
Purity Co., Inc.,
Purity Creamery Company,
Purrelli Ice & Coal Co. Inc.,
Pyrolectric Furnaces & Refractories Corporation,

Quackenbush & Leonard, Builders, Inc.,
Quaker City Lines,
Quality Canning Company, Inc.,
Quality Coal & Fuel Co.,
Quality Fur Shop,
Quality Roofing Dealers, Inc.,
Quality Wine & Liquor Co. Inc.,
Quattro-Laboratories, Inc.,
Queen City Motors, Inc.,
Quick Heat Oil Burner Corporation,
Quiet-Heet, Inc.,
Quinn-Edsall Agency, Incorporated,

Rachel Langford Corporation,
Rachlin Coal Co.,
Radio Apparatus Corp.,
Radio & Television Sales Corp.,
Raeburn, Inc.,
R. A. Garreau & Co., Inc.,

Rahway Avenue Tailors, Inc.,
Ralph Yandola, Inc.,
Ramak Corporation,
Range Theatres, Inc.,
Raritan Hotel and Restaurant, Inc.,
Ray Hat Co., Inc.,
Raymond & Co., Inc.,
Raymond Grill, Inc.,
Rayotto Investment Company,
Raysec Corporation,
Ray's Mens Shop,
R. C. Edwards Sons, Inc.,
R-C Restaurant Corp.,
Read-Montell Realty Company,
Read's Inc.,
Real Estate Corporation—Fifteenth Street,
Real Estate Rehabilitation Corporation,
Realty Contracting Corp.,
Realty Holding and Finance Corporation,
Realty Holdings, Inc.,
Realty Underwriters Syndicate, Inc.,
Rea Reta Corporation,
Recardo's Service Station, Inc.,
R. E. Company,
Record Investment Company,
Red Circle Oil Co., Inc.,
Redlus & Sons, Incorporated,
Redner Corporation,
Red Star Cleaners & Dyers, Inc.,
Red Star Liquor Store, Inc.,
R. E. F. Corporation,
Refrigerite Company,
Regal Realty Co.,
Regan's, Inc., (No. 1),
Regent Oil Company,
Reich Baking Company,
Reider's Pharmacy, Inc.,
Reinau Process Co., Inc.,
Reliable Auto Body & Motor Co.,
Reliable Furniture Co. #2,
Reliable Paper Box Manufacturing Co., Inc.,
Reliable Realty Company,
Reliable Trimming Co.,

Reliance Finance Corporation,
Reliance Motor Credit Inc.,
Rellim Corporation,
Renée Shop, Inc.,
Reolux Products, Inc.,
Republic Finance Corporation,
Resco, Inc.,
Residence Remodeling Corp.,
Restaurant Belmont,
Rex Amusement Corp.,
Rex Embroidery Works, Inc.,
Rex Petroleum Products, Inc.,
Rex Theatre Corporation,
R. Hutchinson, Inc.,
Richard Corporation,
Richard Realty Holding Co.,
Richardson-Garrett Bag Company,
Richart Hosiery Mills, Inc.,
Ridgefield Chateau, Inc.,
Ridgefield Park Home Company,
Ridgewill Silk Company,
Ridgewood-Maple Realty Corporation,
Ridgewood Realty Co., Inc., #2,
Rimback Storage Co.,
Ritchie Realty Co., Inc.,
River Land Company,
River Motor Company,
Riverside Coal and Timber Company,
Riverside Knitting Mills, Inc.,
Riverview Community Club, Incorporated,
River View Lawns, Inc.,
Riverview Realty Company,
R. K. Wilson Shoppe, Inc.,
The Roach Agency, Inc.,
Robbins Oil Co., Inc.,
Roberta's, Inc.,
Robert B. Stoutenburgh Agency,
Robert Holmes, Inc.,
Robert O. Race, Inc.,
Robert R. Dunn, Inc.,
Robeshire Holding Company,
Robinson Coal & Supply Company Inc.,
Robjam Printing & Dyeing Co.,

Rocco Vigna, Inc.,
Rockaway Hardware and Stove Company,
Rockaway Neck Auto Wrecking Company, Inc.,
Rockland Concrete Products, Inc.,
Rock Ridge Development, Inc.,
Roger Brown, Inc.,
Rogers Department Store, Inc.,
Roland Holding Company,
Roma, Inc.,
Roma Realty Corporation,
Rome Stone Cutting Co., Inc.,
Ronnoco Holding Co., Inc.,
Ronz Products Company, Inc.,
Roof Coating Corporation of New Jersey,
Roofings Forwarding Corp.,
Roosevelt Apartments Corporation, Inc.,
Roosevelt Developing Co.,
Rosa-Dell Nurseries,
Rose Baking Co., Inc.,
Rose Curtain Company,
Rosenberg Brothers, Inc.,
Rosen Confectionery, Inc.,
Rose's, Inc.,
Roseville, Inc.,
Roseville Pet Shops,
Ros-Lor Holding Co., Inc.,
Rosner-Rubin Company,
Ross Hat Company,
Rosyl Realty Co.,
Roth Brothers, Inc.,
Rouse's Garage, Inc.,
Route Four Realty Co., Inc.,
Roxie Market, Inc.,
Roxy Market Inc.,
Royal Cleaning & Dyeing Works,
Royal Dairy Restaurant, Inc.,
Royal Decorating Company Inc.,
Royal Flavors Company,
Royal Holding Company, Inc.,
Royal Liquor Stores,
Royal Liquor Stores Co.,
Royal Luncheonette Inc.,
Royal Motor Service Inc.,

Royal Pines Realty Co.,
Royal Store Equipment, Inc.,
Royal Supplies, Inc.,
Royle-Brock, Inc.,
R-Six Corporation,
R. T. Benham, Inc.,
R & T Quilt Company,
Ruben Dichter, Inc.,
Rud Holding Co.,
Runnemede Theatres, Inc.,
Runyon Realty Company,
Rushden Company,
Rus-Les Products, Inc.,
Russell Beverages Inc.,
Russell W. Smith, Inc.,
Russian National Organization of New Jersey,
Russ Novelty Company,
Rutherford Smoke Shop, Inc.,
Ryan Coal & Ice Company,

Saddle River Homesteads, Inc.,
Saddle River Park Homes Inc.,
Safety Fire Escape Engineering Corporation,
Safety Window Corporation of New Jersey,
Safran's, Inc.,
Saginario Construction Co., Inc.,
St. John Holding Corporation,
Salem-Atlantic Coal Co.,
Salemi Land Company,
Sally Rogers Incorporated,
Salmar Ice Corporation,
Samax Corporation,
Sam Davis, Inc.,
Samphil's Food Products, Inc.,
Samuel Holding Co.,
Samuel Shelov Silk Co.,
Samuel Smith and Son Company,
Sandall Candy Company,
Sanen Holding Co., Inc.,
Sanitary Meat Market, Inc.,
Sanitary Products Sales Co.,
San Jacinto Club, Inc.,
Santaniello Bros.,

Saqui Match Sales, Inc.,
Save-On-Coal Co. Inc.,
Sav'on Bakeries, Inc.,
Saxon Floor Covering Corp.,
Scanlon Coal Co., Inc.,
Schaffer Fur Co., Inc.,
Schartoff, Inc.,
Schildkraut's Vegetarian Hotels and Restaurants,
Schlitz Brewing Products,
Schmidt's Beachwood Rest, Inc.,
Schmidt's Liquor Store, Inc.,
Schnoll & Friedman Poultry Market,
Schnoll Incorporated,
Schoolnik Construction Co.,
Schrenzel Holding Co., Inc.,
Schulman House, Inc.,
Schultz Milk Co.,
Schultz's Shoe Center,
Schwartz Bros.,
Schwartz's Dress Shop, Inc.,
Scientific Health Laboratories,
Scola Construction Co.,
S. C. R. Holding Co. Inc.,
S. & D. Realty Company,
Seaboard Distributing Co.,
Seaboard Food Corporation,
Seaboard Investment Co.,
Sea Bright-Rumson Plumbing & Heating Company, Inc.,
Seal-Tite Waterproofing Co., Inc.,
Seamless Hosiery Cloxing Co.,
Sea Side Realty Development Corporation,
Sebestyen, Inc.,
Secaucus Community Club, Inc.,
Secaucus Land and Improvement Company,
Secaucus Silk Manufacturing Company,
Security Finance Company,
Security Haulage Co.,
Security Transfer Co.,
Seeber Brewing Company,
[illegible] Lodge, Inc.,
See Gee Nurseries,
S. E. F., Inc.,

Selbro Corporation,
Selected Used Automobile Bureau of N. J. Inc.,
Seley Motor Corporation,
Selkirk Fabrics Co., Inc.,
Sellner-Mann, Inc.,
Selwyn's, Inc.,
Seminole Gardens, Inc.,
Sentinel Securities Co.,
Serotkin's, Inc.,
Service Construction Co., Inc.,
Service Parking Station,
Seton Chartiers & Company, Inc.,
The Setonia Shoe Company,
Severin Park Realty Company,
Sexton Estate Incorporated,
S. Feldman, Inc.,
S. & F. Tavern, Inc.,
The Sgrogat Trucking Co.,
Sharondon, Inc.,
Sheffield Manor Inc.,
Shelton Frocks, Inc.,
The Shepherdson Corporation,
Sherman Bakeries, Inc.,
Sherman's Bakery,
Shill Co.,
Shingle-Gibb Corporation of New Jersey,
Ships' Haven Inn, Inc.,
Shirley's Beauty Salon,
Shoal Harbor Industries,
Shoemaker Coal & Oil Co., Inc.,
Shore Beverage Company, Inc.,
Shore Building Company,
Shrewsbury Realty Co.,
S. & H. Sandwich Shop, Inc.,
Siciliano & Co.,
Silk City Steel Erecting Co.,
Silk Guild, Inc.,
Sil-Kon-Lite Corporation,
Silverman Bros., Inc.,
Silver Shredded Sauerkraut Company Inc.,
Silver Slipper, Inc.,
Simpson Auto Co., Inc.,
Singer's Drug Store,

Sink Realty Co., Inc.,
Sisbro Realty Co., Inc.,
Sixteenth Ward Realty Co. Inc.,
Sixth Avenue Apartments, Inc.,
S. Klein & Sons, Inc.,
S. Kosson & Sons,
S. Kramer, Inc.,
S. K. Seidenberg, Inc.,
Sley System Garages, Inc.,
Slovak News, Inc.,
Slowey, Copeland Linen Corporation,
Smalley's, Inc.,
Smart-Fit Coat Co.,
Smart Maid Dress Co. Inc.,
S. Medinkowitz, Inc.,
Smith Brothers and Mattix, Inc.,
Smith Rug Works, Inc.,
Smith's—Just Good Things,
Smith's Kosher Meat and Poultry Market, Inc.,
Smith and Sons Company,
Smith Stores Company,
Smith Superior Seeds, Inc.,
Smith Vehicle Company,
Solarino Loan Association,
Sol. J. Salins, Inc.,
So-Lo Cigar and Candy Co., Inc.,
Solow Construction Company,
Sol Zeger, Morris Isaacson & Company, Inc.,
Somerset Supply Company,
Somerset Vendors, Inc.,
Sost Contracting Company, Inc.,
Sound Equities Co.,
South Amboy Specialty Shop Inc.,
Southampton Investment Co.,
South Centre Realty Co.,
South End Service Station,
Southern Lumber Company,
Southern Transportation Company,
South Jersey Dairies, Inc.,
South Jersey Investment Co.,
South Newark Coal Company,
South Orange Company, Inc.,
South River Coat Company,

South River Handkerchief Company,
South Side Building Company,
South Side Holding Co.,
Spaar Printing Co., Inc.,
Spano Bros. Fuel & Ice Corp.,
Span Realty Corporation,
Speare Company,
Speed Bird Corp.,
Spence Embossing Company,
Spotless, Inc.,
S & P Realty and Mortgage Company,
Springem Overshoe Co.,
Spring-Fall Dress Co. Inc.,
Sproat & Dunn, Inc.,
Square Deal Novelty Co., Inc.,
S. Smith Coal Co.,
S. Steinhart & Sons, Inc.,
Stag Lake Corporation,
Standard Beverage Company of New Jersey,
Standard Burners, Inc.,
Standard Corporations Inc.,
Standard Detective Service, Inc.,
Standard Distributing Corp.,
Standard Garage, Inc.,
Standard Industrials, Inc.,
Standard Investment Corporation,
Standard Knitting Mills, Inc.,
Standard Land Company,
Standard Motor Parts Co.,
Standard Realty Company, (No. 2),
Standard Sandwich Company, Inc.,
Standard Securities Corporation of Westfield, N. J.,
Standard Transfer Co.,
Standard Wire Company,
Stanley & Frances Brown, Inc.,
Stanley Holding Company,
Stanton Construction and Realty Company,
Star Construction Co., Inc.,
Star Quilt Manufacturing Co., Inc.,
Starter and Battery Service Company,
State Association of Merchants and Manufacturers,

State Beef Co.,
State Chiropodists, Inc.,
State Dealers Discount Corporation,
State Painting & Decorating Contractors, Inc.,
States Paint & Hardware Store Inc.,
State Wide Co., Inc.,
Steelbilt Products Corporation,
Steffens Aircraft Corporation,
Steiner and Laub, Inc.,
Stellar Holding Corporation,
Stenecker Incorporated,
Sterling Building Company,
Sterling Journal Square Hand Laundry, Inc.,
Sterling Koalsaver Sales Co.,
Sterling Mercantile & Collection Bureau, Inc.,
Sterling Paper Box & Games Co., Inc.,
Sterling Shirt Corporation,
Steve Hamas, Inc.,
Stevens Millinery of Paterson, Inc.,
Stevenson's Restaurant, Inc.,
Stewart Kingsley Company,
Stockaid Realty Company,
Stonebrook Company,
Stone Construction Company, Inc., of
Scotch Plains, N. J.,
Stone Silk Mills,
Store Builders, Inc.,
Strait & Freeman Coal Company,
Strand Corporation,
Strand Realty Co.,
Strand Theatre Operating Corporation,
Strang Tube and Cap Manufacturing Co., Inc.,
Stratford Shops,
S. Traubman & Son, Inc.,
Straub and Youngman, Inc.,
Strauss Equipment Co.,
Straver's Automotive Service Garage,
Incorporated,
Streamline Service Stations, Inc.,
Strengs Dye Works Inc.,
Stretch & Mills Company,
Stromberg, Inc.,
Struble's Farm Dairy Prod's, Inc.,

Stuyvesant Development Company,
Stuyvesant Land Company,
Suburban Estates, Inc.,
Suburban Home Realty Co.,
Suburban Improvement Co., Inc.,
Suburban Press,
Suburban Realty and Building Company,
Sugar Bowl Company,
Sulson Realty Company,
Summit Centre Market,
Summit Construction Company,
Summit Provision Company,
Summit Used Car Exchange,
Sundh Electric Company,
Sunnyside Fruit Exchange, Inc.,
Sunnyside Homes, Inc.,
Sunnyside Laundry Service, Inc.,
Sunset Investment Corporation,
Sunset Silk Company,
Super Automatic Heating and Plumbing Co.,
Superior Auction Galleries, Inc.,
Superior Diners, Inc.,
Superior Gas & Petroleum Co. Inc.,
Superior Home Improvement Corp.,
Superior Material Supply Co.,
Superior Shingle Co.,
Superlithe Corporation of America,
Super Service Equipment Co., Inc.,
Supreme Cleaners & Dyers, Inc.,
Supreme Piece Dye Works,
Surety Holding Co.,
Surety Holding Company,
Sussex Bottling & Ice Corp.,
Suzanne Gowns, Inc.,
Sweeney-Demarest-Smith Company,
Sweeneys Productions, Inc.,
Sweet & Co., Inc.,
S. W. Geery and Company,
S. W. Peters, Inc.,
Sycle Realty Co.,
Synthetic Fabrics Dyeing & Printing Co.,
Synthetic Filament Company,

Taberner and Francis, Inc.,
Talmadge Holding Corporation,
Tasty Lunch, Inc.,
Tasty Shops, Corp.,
Taylor and Eisner, Inc.,
T. B. Hewes, Inc.,
T & B Realty Company,
Teaneck Auto Washers Inc.,
Teaneck Flower Shop,
Teaneck Land Sales Company,
Teaneck Service Station, Inc.,
T. E. B. Investing Co.,
Telese Holding Co.,
Tenafly Realty Corporation,
Teresa & John's Beauty Shoppe, Inc.,
Terminal Building Realty Co.,
Terminal Gas Station, Inc.,
Terminal Materials Company,
Texas-Pacific Realty Co.,
Tex-Cell, Incorporated,
Textile Credit Management Corp.,
Textile Dyeing & Finishing Liquidating Corp.,
Textile Machine Company,
Textile Warping Corporation,
T. H. Dougherty, Inc.,
The Theatre Enterprises, Inc.,
Theobald Sand & Crushed Stone Co., Inc.,
Thermoid Paving Block Corporation,
Thistle Dhu Farms, Inc.,
Thomas A. Kelly, Inc.,
Thomas A. Sandford Company,
Thomas Bruni & Son,
Thomas & Co.,
Thomas E. Day, Inc.,
Thomas English & Sons, Inc.,
Thomas Henry, Inc.,
Thomas Leather Coat Co.,
Thomas Neary Trucking Co., Inc.,
Thomas Yule, Incorporated,
Thompson Engineering Company,
Thor Electric Clock Corp.,
Thrift Markets, Inc.,
Thurston Magician,

Tichenor Building Co., Inc.,
Tiffany Engineering Co.,
Tip-Top Poultry Farm,
Tischler & Schafer, Inc.,
Tomar Holding Company,
Tomsig Realty Co.,
Toms River Amusement Company,
Topaz Theatre Corporation,
Tower Hill Laundry,
Town Hall Service Stations, Inc.,
Township Development Co.,
Toyers of Summit, Inc.,
Tranquility Corporation,
Transit Mixed Concrete Co.,
Travers Bureau, Inc.,
Traymore Company, Inc.,
Trefoil Holding Corporation,
Trefz Brewing Co.,
Tremont Realty Co.,
Trenco, Incorporated,
Trenew Engineering Corporation,
Trenton Charcoal and Coke Company,
Trenton Chemical Company,
Trenton Heating and Air Conditioning Company,
Trenton Watch Company,
Tribune Publishing Corporation,
Tri-County Corporation,
Trio Cordials, Inc.,
Tri-State Drug Co. Inc.,
Tri-States Natural Gas Corporation,
Tri-Vel Realty Co. Inc.,
Trojan Springs, Inc.,
Trop Chocolate Co., Inc.,
Truslow and Fulle, Incorporated,
T & S Building Corporation,
Tucek & Co. Inc.,
Tunack Club, Inc.,
Turin Silk Mills, Inc.,
Turner Land Company,
Turntrue Collar Method, Inc.,
Tutelman, Smolowe & Fink, Inc.,
Tuttle Corporation,
T. W. Holding Company,

T. W. Management Corp.,
Tyme Distributing Company,

Uhlig-Prebol Dye Works,
Umberto Nobile Loan Association,
Una Silk Mill, Inc.,
Uneeda Home Building Co.,
Union Amusement Operating Co.,
Union Bergen Developments, Inc.,
Union Carpet Cleaning Works, Inc.,
Union City Oil Co. Inc.,
Union County A. A. Inc.,
Union County Furniture Co.,
Union Fur Shop, Inc.,
Union Lehigh, Inc.,
Union Oil Company,
Union Oil & Supply Company Inc., of Summit, N. J.,
Union Pacific Butter & Egg Co. Inc.,
Unit Construction Company,
United Auto Credit Corporation,
United Carrier Corp.,
United Electric Sales Corporation,
United Express Co. Inc.,
United Fruit Foods, Inc.,
United Land Association,
United Meat Stores, Inc.,
United Optical Corporation,
United Stands Corporation,
United States Acceptance Corporation of N. J.,
United States Carrousel and Amusement Company,
United States Flour Mills, Inc.,
United Textile Print Works, of N. J.,
United Underwriters, Inc.,
United Used Car Dealers, Inc.,
United Van Service,
Unity Furniture Factories, Inc.,
Universal Drug Store,
Universal Mineral Spa Institution Inc.,
Universal Motors Service, Inc.,
Universal Sign Corporation,
Universal Tape Manufacturing Co. Inc.,

Universal Waterproofing Co., Inc.,
U-Pale Trading Company,
Usaac Service Corporation,
Utica Club Distributors, Inc.,
Utilities Recovery Corporation,
Utility Concession Corp.,
Utility Silk Corp.,

V. A. Carlson Inc.,
Vacationland, Incorporated,
Valdon Company,
Valenti Contracting Co.,
Vanar Hotel Company,
Van Cruller Co. Inc.,
Van Dine Co., Inc.,
Van Dyke Motors, Inc.,
Van Hise Davison, Inc.,
Van Holding Co. Inc.,
Vanity Fair Shoppe, Inc.,
Van-Smith Realty Corp.,
Van Tassel & Roy, Inc.,
Van The Tire Man, Inc.,
V. & D. Distributing Corporation,
V 8 Motor Sales Corp.,
Venner Holding Co. Inc.,
Ventnor Florist, Inc.,
Verderose Super-Service, Inc.,
Verona Junior Realty Co.,
Verplex Company,
Vesey Realty Corporation,
Veslor Realty Co.,
Victor Harvey, Inc.,
Victor Supreme Metal Polish Co.,
Village Decorating Co.,
Vince, Inc.,
Vineland Progressive Poultrymen, Inc.,
Viola Bartoszak Corporation,
Visek Brothers, Inc.,
Vitroc, Inc.,
V. M. S. Company,
Vogue Dress Shop, Inc., of Perth Amboy, N. J.,
Vogue Dyeing Company,
Volkmer Manufacturing Company,

Vose Realty Company,
Vulcan Lamp Works, Inc.,

W. A. Cokefair, Inc.,
Waer Bus Company, Inc.,
Walbus Food Products, Inc.,
Walden Terrace Realty Co.,
Waldwick Improvement Company,
Walk-A-Show, Inc.,
Walker Company,
Walker Match Corporation,
Wallace Garage, Inc.,
Walser Realty Corporation,
Walter B. Lippincott, Inc.,
Walter E. Smith Corp.,
Walter Gilby Alloy Company,
Walter P. Dunn,
Walter W. Reid Jr., Corporation,
Walton's Express, Inc.,
Warinanco Service Co.,
Warne Construction Corporation,
Warren Investment & Development Co.,
Warren Land Inc.,
Warren Motors Corporation,
Washington Coal Company, Inc.,
Washington Dyers & Cleaners, Inc.,
Washington-Paterson Bakery Shops, Inc.,
Washington-Rock Springs Holding Co.,
Washstreet Real Estate Corporation,
Watchung Amusement Company,
Watchung Reservation Estates,
Waters Auto Sales & Service Company, Inc.,
Water Works Equipment Company,
Watson Contracting Co., Inc.,
Wa Wa Club,
Way Underwriting Agency, Inc.,
W. D. Ettinger & Co.,
W. E. Construction Corporation,
W. E. Derry, M. D. Incorporated,
Wedgewood Homes, Inc.,
Weehawken Battery Service,
Weequahic Park Realty Corp.,
Weequahic Restaurant Corporation,

W. E. Holding Corporation,
Weich Bros., Inc.,
Weir Realty Corporation,
Weisberg & Weisberg, Inc.,
Wellington Building Co.,
Wellworth Stores,
Welsh Agency Incorporated,
West Bergen Recreation Company,
West End Amusement Co., Inc.,
West End Heights Improvement Company,
West End Plumbing & Heating Co. Inc.,
West Englewood Building Corporation,
West Englewood Land & Investment Company,
Western Educational Tours, Inc.,
Westfield Arms, Inc.,
Westfield Development Co., Inc.,
Westfield Road-Housing Corporation,
West Long Branch Company,
Westmont, Inc.,
Westmont Investment Company,
Westmont Land Company,
West New York Agency, Inc.,
West Shore Estates,
West Summit Garden Homes, Inc.,
W. F. Woodford, Inc.,
W. G. Eisele Inc.,
Wharton Realty Corporation,
Wharton Sweet Shop,
The Wheel and Hub Mercantile Corporation,
W. H. Holding Co.,
White Beeches Estates,
White Castles Inc.,
White Eagle Publishing Company,
Whitehouse-Builders, Inc.,
White Line Milk Carrier, Inc.,
Whitford Realty Corporation,
Wieder Holding Corp.,
Wildwood Place Development Company,
Wildwood Thrift and Loan Corporation,
Wilhart Corporation,
Willdon Realty Corporation,
William Day Sons Realty Company, Inc.,
William E. Herbert & Sons, Inc.,

William Elliott,
Williamette Realty Company,
William Everett's Sons Company,
William Fisher, Inc.,
Wm. H. Davis & Co., Inc.,
William J. Cooper Co.,
Wm. J. Cross Company,
Wm. J. Fagan & Son, Inc.,
Wm. L. Knowles, Inc.,
Wm. M. Tobrowsky, Inc.,
Williams Construction Building and Coal Co. Inc., of Cedar Grove, N. J.,
William Shakespeare, Inc.,
William Silverman, Inc.,
Williams & Knapp, Inc.,
William Solly, Inc.,
Williams Realty Company, Inc. Of Cedar Grove, N. J.,
William Welsh Wittmer, Inc.,
Wm. Wraga & Co., Inc.,
Willie O'Dowd's Wonder Bar, Inc.,
Willow Inn, Inc. (#2),
Wilson Bond Co.,
Wilsonite Products, Inc.,
Wilson Wineries,
Wilsy Oil Company,
Wimer & Company,
Windsor Knitting Mills, Inc.,
Wine and Good Living, Incorporated,
Winton Shirt Corporation,
Wizzard Products Co.,
W. & J. Morris Coal Co.,
Wolffs, Inc.,
Wollenberg Electric Co., Inc.,
Woodback Sales Company, Inc.,
Woodbridge Pharmacy, Inc.,
Woodlawn Realty Co.,
Wood-Ridge Improvement Company,
Woodrow Wilson Hotel Corporation,
Woodstown Canning Co.,
Woodward Contracting Co., Inc.,
Woodward-Vernor Holding Company, Inc.,
Wootton Hotel Corp.,

Work & Evarts, Inc.,
Workingman's American Society,
World Fuel Oil Co., Inc.,
Worthington Apartments, Inc.,
Worth More Dress Shop, Inc.,
Wright Investment Co.,
W. Sarbone Co.,
W. Sarbone Co. of Bergenfield,
W. S. B. Realty Co.,
W. S. Regan,
W. T. Lewis & Co.,
W. V. E. Tunison Agency, Inc.,
W. W. Kirby & Co.,

X-L-C-OR Products, Inc.,

Yanoff Silk Works, Inc.,
Yardley Coal & Lumber Co.,
Yerg Brothers, Inc.,
Yetta Feinstein Holding Co., Inc.,
York Butter and Cheese Company,
York Construction Corp.,
Young-Allers, Inc.,

Zane, Inc.,
Zelie de L. Ely, Inc.,
Zeller Lacquer Manufacturing Company, Inc.,
Zenith Investment Co.,
Zion Famous Restaurant, Inc.,
Zodon Investment Co.,
Zucker's Pharmacy, Inc.,
Zudick Bros. Inc.,
Zwerdling Brothers, Inc.,
Zwigard Construction Co. Inc.,

Four Star Production Co. Inc.,
4 Walls Co., Inc.,
Five Corner Wholesale and Retail Cigar Store,
Five Points Realty Company,
Ten Mellon St. Corporation,
17 Palmer Street Corporation,
Eighteen Beaver Street Cafe, Inc.,
21-X Laboratories Inc.,
32 So. Munn Service Garage, Inc.,
Thirty-Three DeForest Avenue Corporation,

The Thirty-Five Club, Inc.,
37 Martha Place, Inc.,
88 Monroe Place Corp.,
One Twenty-Nine Hudson Street Corporation,
One Hundred Thirty Eight Main Street Hackensack Corporation,
156 Market Street Co., Inc.,
164 Polk Street Corporation,
188 Claremont Ave., Inc.,
223 Ocean Ave. Holding Co. Inc.,
Two Hundred and Fifty Nine Centre Street Corporation,
263 River Company,
287 Main Street Corporation,
No. 319 Barrow Street, Inc.,
333 Elizabeth Avenue Corporation,
359 Holding Company,
Three Sixty-Five Chancellor, Inc.,
371 Grove Street, Inc.,
Four Thirty Five Van Houten Avenue Corporation,
492 Boulevard Realty Corporation,
564 Holding Company,
616 Freeman Corporation,
752 Bergenline Ave. Produce Corp.,
Nine Hundred Bergen Avenue, Inc.,
1014 Broad Street 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 twenty-third day of
[SEAL] January, A. D. one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The President of the United States, in accordance with the provisions of a concurrent resolution adopted by the 75th Congress, has issued a proclamation concerning Army Day, and has called upon the Governors of all States to do likewise.

Following this dictum, it is my privilege to again call attention to the military forces of the State and country, and to emphasize their part in the scheme of national defense and the necessity of maintaining and equipping the military establishment to a high degree of effectiveness—adequate for both normal and emergency requirements.

THEREFORE, I, A. HARRY MOORE, Governor of New Jersey, do hereby proclaim

THURSDAY, APRIL 6TH

as

ARMY DAY

and I ask that the day be appropriately observed.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of February, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

In any consideration of the conservation of all elements which contribute to the general well-being we should include the necessity for protecting bird life. The National and State governments have recognized this necessity by passing protective measures and various societies and individuals have established "Bird Sanctuaries," with a view to affording a refuge for the birds.

It would be difficult to estimate the value of birds to the farms and forests of the State. Even a brief study will disclose an amazing variety of species, and an allocation to particular duties which is one of the marvels of nature. Certain species of birds destroy certain insects which are destructive of trees; others feed upon insects and rodents which are destructive of crops.

Destruction of these birds causes a corresponding danger to plant life. Aside from their utilitarian value, we cannot visualize what our land would be like without the song of birds, and from an esthetic, as well as practical standpoint, it is imperative that they should be conserved.

To focus attention upon a study of the habits of birds and the methods of protecting them,

I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the period from

APRIL 17TH TO APRIL 21ST

as

CONSERVATION WEEK

and I ask that particular instructions be given in the schools during this week, in order that the children of the State may receive instruction which

will engender an appreciation of bird life, and a determination to assist in its conservation.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this first day of March, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Among the serious problems which have confronted the National and State governments has been the problem of equipping the members of the Negro race for what has come to be known as the "more abundant life." The problem is not yet solved in its entirety, but so much progress has been made as to encourage all who have at heart the welfare of the race and the fulfillment of the American ideal of living.

The transformation from the condition of Negroes before the Emancipation Proclamation and the present time is so great as to be almost startling, when we consider what has been accomplished in seventy-five years. At the time of their emancipation practically all Negro activities were in the line of manual and domestic labor. We marvel at the pinnacles they have reached in the

dramatic, musical and professional world, as well as in the sciences and industry. This progress, however, would not have been possible if the qualities needed for such advancement were not inherent in the race, and needed only the opportunities for development.

Chief among the influences which have brought recognition to the talents of the race has been religion. The great Negro spirituals which have become so well known and loved are an expression of the deeply religious spirit of the race and an illustration of the influence of the church upon the lives and thought of its members.

I feel that the people of the State should be more fully aware of these accomplishments, and in order that opportunity may be given for enlightenment, I, A. HARRY MOORE, Governor of New Jersey, do hereby proclaim,

SUNDAY, APRIL 9TH

as

NEGRO ACHIEVEMENT DAY

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this first day of April, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, On the twenty-eighth day of January in the year nineteen hundred and thirty-eight, acting pursuant to Section 54:11–2 of the Revised Statutes, the Governor of this State issued his Proclamation declaring the charter of Fairview Mausoleum Company, a corporation of New Jersey, is repealed and that all powers conferred by law upon said Company are inoperative and void; and

WHEREAS, It now appearing that on the twentieth day of April, nineteen hundred and thirty-six in a certain cause pending in the Court of Chancery of New Jersey, the Chancellor made an Order restraining said Company from exercising any of its corporate functions, including the expending of its funds in satisfaction of taxes, and that such restraint has been continuously in force and effect until the present time; and

THEREFORE, Acting pursuant to Section 54:11-4 of the Revised Statutes, I, A. Harry Moore, Governor of the State of New Jersey, being satisfied that said Fairview Mausoleum Company did not neglect or refuse to pay the Capital Stock Tax assessed against it, under the statute in such case provided, for the year nineteen hundred and thirty-five within two consecutive years from said assessment, and that said Company was inadvertently reported to the Governor for action under said Section 54:11-2, do hereby declare that the action of the Governor of New Jersey under said Section 54:11-2 on the twenty-eighth day of January, nineteen hundred and thirty-eight, purporting to repeal the corporate powers conferred by the law of New Jersey on Fairview Mausoleum Company, is without force and effect in the law and I hereby make

Proclamation to that effect and order said Proclamation filed in the office of the Secretary of State.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this fourth day of April, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

National Hospital Day, which has been observed for several years throughout the country, gives the people an opportunity to visit the hospitals and learn something of the services and facilities available for the relief of suffering and the cure of illness.

Appreciation of the skill, time, labor and expense involved in the operation of a hospital will undoubtedly be heightened by visiting the hospitals.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

FRIDAY, MAY TWELFTH

as

NATIONAL HOSPITAL DAY

It is my hope that the people of New Jersey will demonstrate their interest in the work of hospitals

by taking advantage of this opportunity to visit these institutions in their respective communities.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this sixth day of April, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The first day of May has been designated by the President and Congress of the United States as Child Health Day, and

WHEREAS, New Jersey's participation in appropriate observance of the occasion is essential to a proper development of Child Health promotion,

NOW, THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

MAY FIRST, NINETEEN HUNDRED AND THIRTY-NINE

as

CHILD HEALTH DAY,

and call attention to the commendable achievements of our State and communities in the devel-

opment of child health programs. I urge families and communities alike to seek to determine if we are taking full advantage of the forward strides made by science and government to assure to each child health of mind and body.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-ninth day of April, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The New York 1939 World's Fair commemorates the 150th Anniversary of the inauguration of George Washington as the first President of the United States.

The Management of the Fair has set aside Wednesday, June 28th, 1939, as New Jersey Day. It is eminently fitting that this should be, because it marks the 161st anniversary of the Battle of Monmouth, and appropriate ceremonies in commemoration thereof will be held at the Fair.

Another feature of the day will be the dedication of the New Jersey Building, of which building and its exhibits I feel that the State may well be proud.

We are most anxious that the day be a great success, and to that end I invite all who can possibly do so to visit the Fair, join in the ceremonies

and pay our respects to the officials who have made "The World of Tomorrow" a reality.

I particularly urge State employees to attend, and for this purpose I am declaring a holiday for all employees in the service of the State.

Furthermore, I have asked the Mayors to urge those in the employ of the municipalities to attend.

I also wish to urge patriotic, civic and religious organizations to observe this double celebration by attending the Fair, and I hope that the people of New Jersey will attend in large numbers.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this sixteenth day of June, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-third.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The Board of State Canvassers, having on this eleventh day of July, A. D. one thousand nine hundred and thirty-nine, filed in the office of the Secretary of State, their certificate and determination as required by an act entitled "An act providing for the submission of a proposed amendment to the Constitution of this State to the people thereof and making an appropriation therefor," approved December twenty-second, one thousand nine hundred and thirty-eight, by which it appears that

the proposed amendment to the Constitution of this State, submitted to the people at the Special Election for that purpose only, held by virtue of said act, on the twentieth day of June, one thousand nine hundred and thirty-nine, has received in its favor a majority of all the votes cast in the State for and against said proposed amendment, by the electors qualified to vote thereon under the Constitution, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby, as further provided in said act, issue this my proclamation, declaring that said amendment has been adopted, approved and ratified by the people, by a majority of the electors qualified to vote for members of the Legislature voting thereon, and that the same has this day become a part of the Constitution, which amendment reads as follows:

ARTICLE IV.

Amend paragraph two of section seven of Article IV of the State Constitution by striking out said paragraph two and inserting in lieu thereof a new paragraph to be known as "paragraph two of section seven of Article IV of the State Constitution," which shall read as follows:

It shall be lawful to hold, carry on, and operate in this State race meetings whereat the trotting, running or steeplechase racing of horses only may be conducted between the hours of sunrise and sunset on week days only and in duly legalized race tracks, at which the pari-mutuel system of betting shall be permitted. No lottery, roulette, or game of chance of any form shall be authorized by the Legislature in this State, and no ticket in any lottery shall be bought or sold within this State, or offered for sale; nor shall pool-selling, book-making, or gambling of any kind be authorized or allowed within this State, except pari-mutuel betting on the results of the racing of horses only, from which the State shall derive a reasonable revenue for the support of government; nor shall any gambling device, practice, or

game of chance, or pari-mutuel betting thereon now prohibited by law, except as herein stated and otherwise provided, be legalized, or the remedy, penalty, or punishment now provided therefor be in any way diminished.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this eleventh day of July, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, There has been established in the State of New Jersey, at the expense of the citizens and taxpayers of New Jersey, largely at the instigation and with the continuing encouragement of the Federal Government, adequate, safe and convenient aviation ground facilities which have been utilized and proven as such over a period of ten consecutive years; and

WHEREAS, Because of the safety and convenience of these facilities—there has been developed within the State of New Jersey, the largest air traffic flow of any air terminal, not only in the United States but in the World; and

WHEREAS, Vigorous efforts are being made on the part of certain selfish interests outside the

State of New Jersey to deprive New Jersey of the economic and business advantages which flow from the facilities aforesaid to New Jersey and its citizens, with the result that unprecedented and unjust short notice has been given of a hearing before the Federal Government calling upon the State of New Jersey to show cause why these facilities should not be taken from the people of New Jersey; and

WHEREAS, If the policy of the Federal Government will permit tactics of this nature to be successful, no air facility investments by individuals, States or municipalities can be secure in their rights; and

WHEREAS, Because the extreme shortness of time and the magnitude of the decision involved constitutes an emergency which demands united support and action in defense of the rights of the people of New Jersey;

THEREFORE, I, ROBERT C. HENDRICKSON, President of the Senate, Acting Governor of the State of New Jersey, pursuant to law, do hereby issue this Proclamation and urge the Press of the State to properly publicize the seriousness of the situation to the people and call upon all service, civic, fraternal, commercial, industrial, women's and veterans' organizations, and all others interested to establish committees and agencies to arouse the whole people of the State to a course of action which will result in a formidable showing at the public hearing which is to be held before the Civil Aeronautics Authority in Washington, D. C., on Monday, September 11th, 1939, and I do further urge every member of the Legislature of the State of New Jersey, as well as the representatives of the State in the Congress of the United States, to be present and participate in said hearing. I do further order and direct that the facilities of the several Departments of the State of New Jersey be made available to the organizations aforesaid for the purpose

of co-ordinating the efforts of those who have assumed the responsibility of defending the State's position in the matter, and to the end that the Federal Authorities may be made aware of the vigorous opposition of the State of New Jersey to the unfair and unjust effort which is being made to deprive the State of the facilities aforesaid, the Secretary of State of the State of New Jersey is hereby authorized and directed to transmit forthwith duly certified copies of this Proclamation to the President of the United States, to the Secretary of War, to the Postmaster-General, to the Secretary of Navy, to the Maritime Commission, to the Civil Aeronautics Authority, and the United States Senators and members of Congress from New Jersey.

[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-nine, and in the Independence of the United States the one hundred and sixty-fourth.

ROBERT C. HENDRICKSON,
President of the Senate,
Acting Governor.

By the President of the Senate,
Acting Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It has come to my attention that the prices of foodstuffs have advanced in this State in the past few days to such an extent as to indicate profiteering in certain directions, and

WHEREAS, It is possible that some of this increase is due to the fear that there will be a shortage of certain commodities, nevertheless honest wholesalers and retailers are agreed that there is no legitimate reason for this advance, and, therefore, the suspicion of profiteering seems to be justified, and

WHEREAS, Aside from the immediate hardship caused by the rise of such prices, we are particularly concerned about future prices of farm products in New Jersey, and

WHEREAS, If the price of grain is increased, it will greatly affect farmers during the coming year, and make certain farm products more costly. For example, the price of milk will go up.

THEREFORE, I, ROBERT C. HENDRICKSON, Acting Governor of the State of New Jersey, to the end that profiteering shall not become established in this State, do hereby call upon all the people of the State—wholesalers, retailers and consumers, to unite in an effort to keep the prices of foodstuffs within a reasonable limit, and to uphold the efforts of the government to stabilize such prices.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this seventh day of September, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

ROBERT C. HENDRICKSON,
President of the Senate,
Acting Governor.

By the President of the Senate,
Acting Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The One Hundred and Fifty-Second Anniversary of the adoption of the United States Constitution will be observed this year. Annual celebrations are often in danger of perfunctory observance, but we should enthusiastically welcome the coming of Constitution Day as an opportunity of reasserting our allegiance to the Constitution. Especially should we refresh our memories as to the purpose set forth in its preamble: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

How inspiring and vigorous are these words against the background of strife, injustice and oppression under which other nations are suffering today! If there was ever a need for education on the Constitution it is now, when so many forces are endeavoring to overthrow it while claiming the protection it guarantees.

In this year, when so much of the world is devastated by war, it is peculiarly fitting that Constitution Day fall on a Sunday. Its observance should be solemn. Let us offer up prayers of thanksgiving for the blessings which we enjoy in this favored land under our Constitution. Let us pray for the coming of peace in other lands.

To the end that the day may be fittingly observed,

I, ROBERT C. HENDRICKSON, President of the Senate, Acting Governor of the State of New Jersey, do hereby proclaim,

SUNDAY, SEPTEMBER 17TH

as

CONSTITUTION DAY

and I particularly ask the churches to call attention to this anniversary and urge the people to join in prayers of gratitude and petition.

[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-nine, and in the Independence of the United States the one hundred and sixty-fourth.

ROBERT C. HENDRICKSON,
President of the Senate,
Acting Governor.

By the President of the Senate,
Acting Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

One hundred and sixty years ago Brigadier General Casimir Pulaski died from wounds received at the siege of Savannah, Georgia. In recognition of his heroic service to our country the Legislature of New Jersey has enacted legislation to the effect that this anniversary shall be annually observed.

This year, in a war-torn world, it is especially appropriate that we stress the sacrifices which he made in the cause of freedom. His valiant spirit and actions were an inspiration to the struggling colonies, and it is fitting that we revive their memories at the anniversary of his death.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

WEDNESDAY, OCTOBER 11TH
as
GENERAL PULASKI MEMORIAL DAY,

and I ask that the day be especially observed in schools with appropriate ceremonies in honor of this noble champion of American independence.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-ninth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States, the one hundred and sixty-fourth.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Mankind is constantly faced with the necessity of combating elements which destroy the work of years. Some of these elements are beyond his control, but fire is an element which is largely man-made, and, therefore, may be controlled by the exercise of precaution.

Fire hazards exist in homes and other buildings and inspection of such property for the purpose of discovering such hazards is most desirable.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby declare the week of

OCTOBER 8TH TO OCTOBER 14TH
as
FIRE PREVENTION WEEK

and I urge the dissemination of instruction in fire prevention among both adults and children, to the end that the appalling annual loss of life and property may be minimized throughout the State.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-ninth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The citizens of New Jersey and of these entire United States are primarily interested in the safety and security of this country, particularly in these war-torn times, and

WHEREAS, The United States Navy constitutes our first line of defense and a guarantee of peace,

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

FRIDAY, OCTOBER 27TH

as

NAVY DAY,

and do request the citizens of the State to gather together to take joint action, particularly on such day, to express their interest in and support of the United States Navy.

I particularly request that the flag be displayed on this day on all public buildings, as well as on private homes.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this sixth day of October, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The celebration of Armistice Day during the past twenty years has for the most part been one of rejoicing. This year there is a solemn tinge to the celebration of that glad November 11th of twenty-one years ago.

The wars which are devastating other countries bring home to us the full beauty and blessing of that word "Armistice." A truce was declared in which the nations joined. Those who suffered and died to bring about this truce did so in the belief that their sacrifices would not be in vain. Today we are saddened at the sight of so many countries again at war. Let us not, however, allow this fact to make us lose faith and hope in humanity. Let us pray that out of the struggle will come a more lasting peace, based upon fairness and justice.

It may not be so easy this year to rejoice unqualifiedly upon the celebration of the signing of the Armistice, but I feel that the observance of this day should be marked by a determination to advance the cause of peace and brotherly love and to pay reverent tribute to our dead.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

SATURDAY, NOVEMBER 11TH

as

ARMISTICE DAY.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this first day of November, in the year of Our Lord one thousand nine hundred

and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

In conforming with the established custom of setting aside one day of the year to be a day of thanksgiving, I wish to call attention to some of the particular blessings which have descended upon the United States during the year 1939.

There can be no question concerning the decided up-turn in business. It is evident on all sides. We have been favored with bountiful crops and have been free from great national disaster. But above all is the blessing of peace, the benefits of which are apparent to everyone, particularly by contrast with conditions in other lands.

We are so prone to accept our manifold blessings as a matter of course that it is well for us to pause now and then and consider the debt of gratitude that we owe to God.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, following the precedent established by the President of the United States, do hereby proclaim

THURSDAY, NOVEMBER 23RD

as

THANKSGIVING DAY,

and call upon the citizens of New Jersey to observe the day with prayers of thanksgiving and petition. I also ask that the flag be displayed as an evidence of patriotism and gratitude.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this second day of November, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

For some years past May 18th has been widely observed as Good Will Day, since it commemorates the anniversary of the meeting of the first Peace Conference at The Hague.

The State of New Jersey has recognized the importance of Good Will and Tolerance as prominent factors in the maintenance of peace and its resultant benefits, and has created a State Good Will Commission to assist in furthering these objectives.

It is the opinion of this Commission, in which I am glad to concur, that in view of the troubled conditions in many lands, the approach of the anniversary of the birth of the Prince of Peace makes it most fitting that a message of Peace on Earth and Good Will to all be extended to the citizens of the State.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do extend to all the season's greetings with the sincere wish that the principles of Good Will and Racial and Religious Tolerance may spread from New Jersey throughout the Nation, and I urge the co-operation of all citizens in the dissemination and practice of these principles.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fifth day of December in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The State of New Jersey is conducting a State-wide campaign to cut down the huge December traffic toll, which last year exceeded all months, with a cost of ninety-two lives; and

WHEREAS, This slaughter on our streets and highways is due, in a measure, to bad weather conditions and the rush and geniality of the Christmas holiday season; and

WHEREAS, This State is willing and eager to enlist in the nation-wide fight to save human lives;

THEREORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby call upon every citizen, driver and pedestrian alike to do his part in this drive to stop the Christmas carnage by exercising unusual care during this extra hazardous month, so that Christmas joy shall reign untouched by sorrow.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey this seventh day of December, in the year of Our Lord one thousand nine hundred and thirty-nine, and in the Independence of the United States the one hundred and sixty-fourth.

A. HARRY MOORE,
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*
Red Bank Motor Co.	Dec. 31, 1938
P. M. T. Realty Co.	May 26, 1939
Albert L. Fleming Co., Inc.	Sept. 1, 1939
Edward F. Farrell, Inc.	Oct. 5, 1939
N. A. Meaney Lumber Company, Incorporated	Nov. 30, 1939
Prospect Securities Company	Dec. 5, 1939
Suburban Investment Company	Dec. 5, 1939
Packard Suburban, Inc.	Dec. 7, 1939

Change of Corporate Title of Municipalities

Change of Corporate Title of Municipalities

In pursuance to law, the following changes of corporate titles of municipalities have been filed in the office of the Secretary of State:

By action of the Township Committee of "The Mayor and Council of the Borough of Englewood Cliffs" the name was changed to "Borough of Englewood Cliffs," August 11, 1938. Filed August 15, 1938.

By action of the Township Committee of "The Inhabitants of the Township of Hanover, in the County of Morris" the name was changed to "Township of Hanover," February 21, 1939. Filed March 2, 1939.

Statements of Results of Municipal Elections

Statements of Results of Municipal Elections

At a Special Election held in the City of Trenton, April 11, 1939, on the question: "Shall Chapters 70 to 76 of the title 'Municipalities and Counties' of the Revised Statutes (40:70–1 et seq.), providing for Commission Form of Government be adopted?" was adopted and a certified copy of the result was filed in the office of Secretary of State April 14, 1939.

At a Special Election held in the City of Gloucester City, August 15, 1939, on the question: "Shall Chapters 70 to 76 of the title 'Municipalities and Counties' of the Revised Statutes (40:70–1 et seq.), providing for Commission Form of Government be adopted?" was rejected and a certified copy of the result was filed in the office of Secretary of State August 17, 1939.

At a Special Election held in the Borough of Spotswood, Middlesex County, September 12, 1939, on the question: "Shall Chapters 70 to 76 of the title 'Municipalities and Counties' of the Revised Statutes (40:70–1 et seq.), providing for Commission Form of Government be adopted?" was adopted and a certified copy of the result was filed in the office of Secretary of State September 16, 1939.

At a Special Election held in the Township of Delaware, Camden County, November 7, 1939, on the question: "Shall Chapters 70 to 76 of the title 'Municipalities and Counties of the Revised Statutes (40:70–1 et seq.), providing for Commission Form of Government be adopted?" was rejected and a certified copy of the result was filed in the office of Secretary of State November 16, 1939.

Standards of Purity of Foods

(1091)

Food Standards

I hereby certify that the following is a true and correct copy of a resolution adopted by the Department of Health of the State of New Jersey at a meeting held on December 12, 1939.

J. LYNN MAHAFFEY,
Secretary,

Department of Health of the State of New Jersey.

WHEREAS, In order to bring about uniformity in the enforcement of the requirements of the food laws, both Federal and State, it is essential that the interpretations of the food laws and regulations of the State be in agreement with the interpretations adopted by the Food and Drug Administration of the United States Department of Agriculture; and

WHEREAS, The Secretary of Agriculture of the United States has promulgated Definitions and Standards of Identity and Quality of certain foods in connection with the Federal Food, Drug and Cosmetic Act of 1938; and

WHEREAS, Authority is contained in Title 24:6–1 of the Revised Statutes of New Jersey to empower the Department of Health of the State of New Jersey to adopt standards of "purity, quality or strength of a particular food or drug" when such standards are established and published by the Secretary of Agriculture of the United States; therefore,

Be It Resolved, That the following Definitions and Standards of Identity and Quality promulgated by the Secretary of Agriculture of the United States for: canned tomatoes, tomato puree, tomato pulp, tomato paste, tomato juice, tomato catsup, frozen egg yolks, dried egg yolks, egg yolks, dried whole eggs, liquid whole eggs, liquid mixed eggs, frozen whole eggs, be adopted by the Department of Health of the State of New Jersey to take effect immediately.

DATED: December 12, 1939.

Definitions and Standards of Identity and Quality promulgated by the Secretary of Agriculture of the United States for: Canned Tomatoes, Tomato Puree, Tomato Pulp, Tomato Paste, Tomato Juice, Tomato Catsup, Frozen Egg Yolks, Dried Egg Yolks, Egg

Yolks, Dried Whole Eggs, Liquid Whole Eggs, Liquid Mixed Eggs, Frozen Whole Eggs, adopted by the State Department of Health of New Jersey on December 12, 1939.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES.

53.040. CANNED TOMATOES—Identity; label statement of optional ingredients.

(a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

It may be seasoned with one or more of the optional ingredients:

(4) Salt.

(5) Spices.

(6) Flavoring.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient (2) is present, the label shall bear the statement "With Added Strained Residual Tomato Material from Preparation for Canning." When optional ingredient (3) is present, the label shall bear the statement "With Added Strained Tomatoes." When optional ingredient (5) or (6) is present, the label shall bear the statement or statements "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. If two or all of optional ingredients (2), (3), (5), and (6) are present, such statements may be combined, as for example, "With Added Strained Tomatoes, Residual Tomato Material from Preparation for Canning, Spice, and Flavoring." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomatoes" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF QUALITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES.

53.041. CANNED TOMATOES—Quality.

(a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in subsection (b) (1), is not less than 50 per cent. of the weight of water required to fill the container, as determined by the general method for water capacity of containers;

(2) The strength and redness of color, as determined by the method prescribed in subsection (b) (2), is not less than that of the blended color of any combination of the color discs described in such method in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(3) Peel, per pound of canned tomatoes in the container, covers an area of not more than 1 square inch; and

(4) Blemishes, per pound of canned tomatoes in the container, cover an area of not more than one-fourth square inch.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of clauses (1) and (2) of subsection (a):

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The meshes of such sieve are made by so weaving wire of 0.054 inch diameter as to form square openings 0.446 inch by 0.446 inch. Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes obtained in (1). Cut out and segregate successively those portions of least redness until 50 per cent. of the drained weight, as determined under (1), has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 1 inch. Free the mixture from air bubbles, and skin off or press below the surface all visible seeds. Compare the color

of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalents of such discs:

1. Red—Munsell 5R 2.6/13 (glossy finish).
2. Yellow—Munsell 2.5YR 5/12 (glossy finish).
3. Black—Munsell N 1/ (glossy finish).
4. Grey—Munsell N 4 (mat finish).

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF LABELING OF SUBSTANDARD FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES.

53.041. CANNED TOMATOES—Label statement of substandard quality.

(c) If the quality of canned tomatoes falls below the standard prescribed in subsection (a) of this section, the label shall bear the general statement of substandard quality as follows: "Below Standard Quality" on one line and "Good Food—Not High Grade" on a line below; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ———," the blank to be filled in with the words specified after the corresponding number of each clause of subsection (a) of this section which such canned tomatoes fail to meet, as follows: (1) "Excessively Broken Up"; (2) "Poor Color"; (3) "Excessive Peel"; (4) "Excessive Blemishes." If such canned tomatoes fail to meet both clauses (3) and (4), the words "Excessive Peel and Blemishes" may be used instead of the words specified after the corresponding numbers of such clauses. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name "Tomatoes" and any statements required or authorized to appear with such name by section 53.040 (b).

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO PUREE.

53.020. TOMATO PUREE, TOMATO PULP—Identity; labeling of optional ingredients.

(a) Tomato puree, tomato pulp, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes. Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with salt. When sealed in a container, it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.37 per cent., but less than 25.00 per cent., of salt-free tomato solids.

(b) When optional ingredient (2) is present, in whole or in part, the label shall bear the statement "Made from ———" (or "Made in Part from ———", as the case may be) "Residual Tomato Material from Canning." When optional ingredient (3) is present, in whole or in part, the label shall bear the statement "Made from ———" (or "Made in Part from———", as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made from ———" (or "Made in Part from ———", as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Tomato Puree" or "Tomato Pulp" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO PASTE.

53.030. TOMATO PASTE—Identity; labeling of optional ingredients. (a) Tomato paste is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes. Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with one or more of the optional ingredients:

(4) Salt.

(5) Spice.

(6) Flavoring.

It may contain, in such quantity as neutralizes a part of the tomato acids, the optional ingredient:

(7) Baking soda.

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 25.00 per cent. of salt-free tomato solids.

(b) When optional ingredient (2) is present, in whole or in part, the label shall bear the statement "Made from ———" (or "Made in Part from ———", as the case may be) "Residual Tomato Material from Canning." When optional ingredient (3) is present, in whole or in part, the label shall bear the statement "Made from ———" (or "Made in Part from———", as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made from ———" (or "Made in Part from ———", as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." When optional ingredient (5) or (6) is present the label shall bear the statement or statements "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. When optional ingredient (7) is present, the label shall bear the statement "Baking Soda Added." If two or all of the optional ingredients (5), (6), and (7) are present, such statements may be combined, as for example, "Spice, Flavoring, and Baking Soda Added." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomato Paste" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO JUICE.

53.000. TOMATO JUICE—Identity. Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

53.005. YELLOW TOMATO JUICE—Identity. Yellow tomato juice is the unconcentrated liquid extracted from mature tomatoes of yellow varieties. It conforms, in all other respects, to the definition and standard of identity for tomato juice prescribed in section 53.000.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO CATSUP.

53.010. CATSUP, KETCHUP, CATCHUP—Identity; labeling of optional ingredients.

(a) Catsup, Ketchup, Catchup, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes. Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and is seasoned with sugar or a mixture of sugar and dextrose (refined corn sugar), salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) When optional ingredient (2) is present, in whole or in part, the label shall bear the statement "Made from ———" (or "Made in Part from ———", as the case may be) "Residual Tomato Material from Canning." When optional ingredient (3) is present, in whole or in part, the label shall bear the statement "Made from ———" (or "Made in Part from———", as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made from ———" (or "Made in Part from ———", as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Catsup," "Ketchup," or "Catchup" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS FROZEN EGG YOLKS.

42.050. FROZEN YOLKS, FROZEN EGG YOLKS—Identity; frozen yolks, frozen egg yolks, are the food prepared by freezing egg yolks.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS DRIED EGG YOLKS.

42.060. DRIED EGG YOLKS, DRIED YOLKS—Identity; dried egg yolks, dried yolks are the food prepared by drying egg yolks. They contain not less than 95 per cent. total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids."

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS EGG YOLKS.

42.040. EGG YOLKS, LIQUID EGG YOLKS, YOLKS, LIQUID YOLKS—Identity; egg yolks, liquid egg yolks, yolks, liquid yolks, are yolks of eggs of the domestic hen so separated from the whites thereof as to contain not less than 43 per cent. total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids." They may be mixed, or mixed and strained.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS DRIED WHOLE EGGS.

42.030. DRIED EGGS, DRIED WHOLE EGGS—Identity; dried eggs, dried whole eggs, are the food prepared by drying liquid eggs. They may be powder. They contain not less than 92 per cent. total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids."

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS LIQUID WHOLE EGGS, LIQUID MIXED EGGS.

42.010. LIQUID EGGS, MIXED EGGS, LIQUID WHOLE EGGS, MIXED WHOLE EGGS—Identity; liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs, are eggs of the domestic hen, broken from the shells, and with yolks and whites in their natural proportions as so broken. They may be mixed, or mixed and strained.

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS FROZEN WHOLE EGGS.

42.020. FROZEN EGGS, FROZEN WHOLE EGGS, FROZEN MIXED EGGS —Identity; frozen eggs, frozen whole eggs, frozen mixed eggs, are the food prepared by freezing liquid eggs.

NOTE: The numbers preceding the Definitions and Standards of the above foods are those numbers used by the United States Department of Agriculture to identify the different regulations.

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Chapter 1. REGULATION OF AERIAL NAVIGATION.

Additional Legislation.

Aeronautics over and within this State, regulated, 1938, c. 48.

Title 8. CEMETERIES.

Chapter 2. PROPERTY, AND RIGHTS AND INTERESTS THEREIN.

R. S. 8:2–30 amended 1939, c. 319.

R. S. 8:2–37 " 1939, c. 109.

Chapter 3. CONTROL, REGULATION AND PROTECTION OF CEMETERIES.

R. S. 8:3-1 amended 1938, c. 201.

Additional Legislation.

Existing associations permitted to use adjoining, etc., lands for cemetery purposes in certain cases, suppl., 1938, c. 61.

Title 9. CHILDREN—JUVENILE AND DOMESTIC RELATIONS COURTS.

Subtitle 2. ADOPTION, APPRENTICESHIP AND INDENTURE.

Chapter 3. ADOPTION.

R. S. 9:3-2 amended 1938, c. 355, s. 1.

R. S. 9:3-3 " 1938, c. 355, s. 2.

R. S. 9:3-4 " 1938, c. 355, s. 3.

R. S. 9:3-5 " 1938, c. 355, s. 4.

R. S. 9:3-6 " 1938, c. 355, s. 5.

R. S. 9:3-8 " 1938, c. 355, s. 6.

R. S. 9:3-9 " 1939, c. 355, s. 1.

R. S. 9:3-11 " 1938, c. 355, s. 7; 1939, c. 355, s. 2.

Chapter 4. APPRENTICESHIP AND INDENTURE.

R. S. 9:4-18 amended 1938, c. 274.

Subtitle 3. PROTECTIVE WELFARE LAWS.

Chapter 6. ABANDONMENT, ABUSE, CRUELTY AND NEGLECT.

R. S. 9:6-5 amended 1939, c. 277, s. 1.

R. S. 9:6-9 " 1939, c. 277, s. 2.

Chapter 13. CRIPPLED CHILDREN.

R. S. 9:13-1 amended 1938, c. 150.

R. S. 9:13-7 " 1938, c. 406, suppl., 1938, c. 424.

Subtitle 4. ILLEGITIMATE CHILDREN.

Chapter 17. BASTARDY PROCEEDINGS.

Note: For use of blood tests in determining paternity, see 1939, c. 221.

Subtitle 6. JUVENILE DELINQUENCY COMMISSION.

Chapter 20. THE COMMISSION; ITS POWERS AND DUTIES.

Additional Legislation.

Commission continued, suppl., 1938, c. 326; 1939, c. 114.

Title 10. CIVIL RIGHTS.

Chapter 3. (new) EMPLOYMENT IN THE PUBLIC SERVICE.

Note: For additional legislation relating to discrimination for age in public employment, see R. S. 40:11-4 as amended by 1938, c. 336.

Discrimination against applicants, for age, in employment in public service, prohibited, 1938, c. 295.

Title 11. CIVIL SERVICE.

Note: For prohibition of discrimination against applicants for employment, for age, see 1938, c. 295, also R. S. 40:11-4 as amended by 1938, c. 336.

Subtitle 1. CIVIL SERVICE COMMISSION.

Chapter 2. THE CHIEF EXAMINER AND SECRETARY.

R. S. 11:2-2 amended 1938, c. 192.

Chapter 2A. (new) CONTROL OF COMMISSION OVER CIVIL SERVICE EMPLOYEES, GENERALLY.

Right of appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, suppl., 1938, c. 76.

Subtitle 2. STATE SERVICE.

Chapter 4. PURPOSE, CONSTRUCTION AND APPLICATION OF SUBTITLE.

Additional Legislation.

Legal assistants, Attorney-General, under civil service, 1939, c. 101.

Deputy Commissioner of Compensation, civil service status, 1939, c. 111.

Chief Auditor, Comptroller's Department, under civil service, 1939, c. 219.

Chapter 10. VACANCY IN POSITIONS.

Additional Legislation.

Discrimination against eligibles certified for appointment in competitive class in civil service, record, report, etc., suppl., 1939, c. 322.

Chapter 14. HOURS OF WORK, LEAVES OF ABSENCE.

R. S. 11:14–1 amended 1939, c. 233, s. 1.

R. S. 11:14–2 " 1939, c. 233, s. 2.

Chapter 15. SUSPENSION; DEMOTION; REMOVAL.

Note: For appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, see 1938, c. 76.

Subtitle 3. COUNTIES, MUNICIPALITIES AND SCHOOL DISTRICTS.

Chapter 20. ADOPTION OF SUBTITLE BY COUNTY, MUNICIPALITY OR SCHOOL DISTRICT.

R. S. 11:20–2 amended 1938, c. 135.

Chapter 21. APPOINTMENTS, PROMOTIONS, REMOVALS AND DISCHARGE IN GENERAL.

Note: For appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, see 1938, c. 76.

Chapter 24A. (new) HOURS OF WORK, ATTENDANCE AND LEAVES OF ABSENCE.

Regulations as to holidays, hours of work, attendance, sick and other leaves of absence, suppl., 1939, c. 232.

Chapter 25. APPEAL TO COMMISSION OR SUPREME COURT JUSTICE FOR VIOLATION OF SUBTITLE.

Note: For appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, see 1938, c. 76.

Subtitle 4. VETERANS.

Chapter 27. PREFERENCES.

R. S. 11:27–2 amended 1938, c. 381, s. 1.

R. S. 11:27–3 " 1938, c. 381, s. 2.

R. S. 11:27–4 " 1938, c. 381, s. 3.

R. S. 11:27–5 " 1938, c. 381, s. 4.

R. S. 11:27–6 " 1938, c. 381, s. 5.

R. S. 11:27–7 " 1938, c. 381, s. 6.

R. S. 11:27–8 " 1938, c. 381, s. 7.

R. S. 11:27–9 " 1938, c. 381, s. 8.

R. S. 11:27–10 " 1938, c. 381, s. 9.

R. S. 11:27–11.1 " 1938, c. 38.

Additional Legislation.

Administration of chapter by Civil Service Commission, suppl., 1938, c. 381, s. 10.

Title 12. COMMERCE AND NAVIGATION.

Chapter 3. RIPARIAN LANDS.

R. S. 12:3–10 amended 1938, c. 418.

R. S. 12:3–64 " 1939, c. 193.

Chapter 7. REGULATION AND REGISTRATION OF POWER VESSELS.

Additional Legislation.

Additional rules and regulations governing operation, etc., of craft navigating inland waterway authorized, suppl., 1938, c. 306.

Title 13. CONSERVATION AND DEVELOPMENT—PARKS AND RESERVATIONS.

Note: For transfer of New Jersey System of Plane Co-ordinates to Board of Conservation and Development, see 1938, c. 225.

Chapter 4. EDISON STATE PARK.

Additional Legislation.

Maintenance and operation, etc., of Edison Tower at Menlo Park, 1938, c. 146.

Chapter 8. FOREST PARK RESERVES AND RESERVATIONS.

Additional Legislation.

Application of profits derived from sale of products of forest parks, etc., suppl., 1939, c. 192.

Chapter 9. STATE FOREST FIRE SERVICE.

R. S. 13:9–23 amended 1939, c. 246.

Chapter 12. MORRIS CANAL.

R. S. 13:12–4 amended 1939, c. 326.

Chapter 13. DELAWARE AND RARITAN CANAL.

Note: For Delaware and Raritan Canal Commission continued, see 1938, c. 34.

Chapter 14. UNITED STATES RESERVATIONS.

R. S. 13:14–7 amended 1939, c. 195.

Title 14. CORPORATIONS, GENERAL.

Chapter 2. FORMATION.

R. S. 14:2–4 amended 1939, c. 249, s. 1.

R. S. 14:2–5 " 1939, c. 249, s. 2.

Chapter 5. BOOKS OF THE CORPORATION.

R. S. 14:5–3 amended 1939, c. 352.

Chapter 12. MERGER OR CONSOLIDATION.

R. S. 14:12–4 amended 1938, c. 305.

Chapter 13. DISSOLUTION AND WINDING UP.

R. S. 14:13–14 amended 1938, c. 290.

Additional Legislation.

Dissolution when directors or stockholders deadlocked, suppl., 1938, c. 303.

Chapter 14. INSOLVENCY, RECEIVERS AND REORGANIZATION.

Note: For dissolution, etc., when directors or stockholders deadlocked, see 1938, c. 303.

R. S. 14:14–2 amended 1939, c. 241; 1939, c. 363.

Chapter 15. FOREIGN CORPORATIONS.

Additional Legislation.

Issuance of certificate to transact business to merged or consolidated foreign corporation prohibited until certificate of payment of taxes by pre-existing corporations filed, suppl., 1938, c. 180.

Surrender of certificate of foreign corporation to transact business in State authorized, suppl., 1938, c. 178.

Title 15. CORPORATIONS AND ASSOCIATIONS NOT FOR PROFIT.

Chapter 2. CHARITABLE, EDUCATIONAL AND BENEVOLENT CORPORATIONS AND SOCIETIES.

R. S. 15:2–5 (added) Merger of charitable corporations conducting their activities in the same county, suppl., 1939, c. 240.

R. S. 15:2–6 (added) Merger; agreement, suppl., 1939, c. 240.

R. S. 15:2–7 (added) Agreement; submission to members; filing; suppl., 1939, c. 240.

R. S. 15:2–8 (added) Effect of merger; suppl., 1939, c. 240.

R. S. 15:2–9 (added) Corporate entity continued for purpose of receiving legacy, bequest or devise; title vested in merged corporations, suppl., 1939, c. 240.

Title 16. CORPORATIONS AND ASSOCIATIONS, RELIGIOUS.

Chapter 19. YOUNG MEN'S, YOUNG WOMEN'S CHRISTIAN OR HEBREW ASSOCIATIONS.

R. S. 16:19–2 amended 1939, c. 231.

Title 17. CORPORATIONS AND INSTITUTIONS FOR FINANCE AND INSURANCE.

Subtitle 1. GENERAL PROVISIONS.

Part 1. THE DEPARTMENT OF BANKING AND INSURANCE.

Chapter 1. THE DEPARTMENT AND THE COMMISSIONER.

Note: For regulation, by Commissioner, of loans, service agreements, etc., on Federal Housing mortgages by building and loan associations, see 1939, c. 129; for additional emergency powers of Commissioner of Banking and Insurance in connection with mortgages guaranteed or issued by corporation, see 1938, c. 212.

Chapter 2. LEGAL INVESTMENTS GENERALLY.

R. S. 17:2–6 amended 1938, c. 52, s. 1.

R. S. 17:2–6.1 " 1938, c. 52, s. 2.

Additional Legislation.

Investments in securities of Federal Home Loan Banks, suppl., 1938, c. 222.

Subtitle 2. FINANCIAL INSTITUTIONS.

Part 1. BANKS, TRUST COMPANIES, BANKERS, SAVINGS BANKS AND CLEARING HOUSE ASSOCIATIONS.

Chapter 4. BANKS AND TRUST COMPANIES.

Note: For additional legislation affecting legal investments, see chapter 2 of this Title, supra.

R. S. 17:4–29 amended 1938, c. 185, s. 1.

R. S. 17:4–31.8 " 1938, c. 185, s. 2.

R. S. 17:4–51 " 1938, c. 226.

R. S. 17:4–59 " 1938, c. 218.

R. S. 17:4–60 " 1939, c. 351.

R. S. 17:4–62 " 1938, c. 431, s. 1.

R. S. 17:4–63 to 17:4–67 repealed 1938, c. 431, s. 2.

R. S. 17:4–71 amended 1938, c. 431, s. 3.

Chapter 6. SAVINGS BANKS.

Note: For additional legislation affecting legal investments, see chapter 2 of this Title, supra; for credit unions excepted from chapter, see 1938, c. 293.

Article 1. Formation.

R. S. 17:6–14 amended 1939, c. 26; 1939, c. 202.

Article 5. Deposits and Dividends.

R. S. 17:6–49 amended 1938, c. 219.

Article 6. Investments.

R. S. 17:6–53 amended 1938, c. 162, s. 1.

R. S. 17:6–54 " 1938, c. 162, s. 2.

R. S. 17:6–55 " 1938, c. 162, s. 3.

R. S. 17:6–56 " 1938, c. 162, s. 4.

R. S. 17:6–57 " 1938, c. 162, s. 5.

R. S. 17:6–58.1 (added) Industrial securities as investments, suppl., 1938, c. 162, s. 6.

R. S. 17:6–59 amended 1938, c. 162, s. 7.

R. S. 17:6–61 " 1938, c. 162, s. 8.

R. S. 17:6–62 " 1938, c. 162, s. 9.

R. S. 17:6–63 " 1938, c. 162, s. 10.

Article 9. Extension of Charter and Change of Name.

R. S. 17:6–70 amended 1939, c. 27.

Additional Legislation.

Waiver of certain provisions upon extension of corporate existence, suppl., 1939, c. 25.

Chapter 8. ISSUANCE OF PREFERRED AND DEPOSITORS' COMMON STOCK; REORGANIZATIONS.

R. S. 17:8–1 amended 1939, c. 205, s. 1.

R. S. 17:8–2 " 1939, c. 205, s. 2.

R. S. 17:8–3 " 1939, c. 205, s. 3.

R. S. 17:8–7 " 1939, c. 205, s. 4.

R. S. 17:8–15 " 1939, c. 205, s. 5.

Part 2. LOAN BUSINESS AND COMPANIES; BUILDING AND LOAN ASSOCIATIONS; CREDIT UNIONS.

Chapter 10. SMALL LOAN BUSINESS.

Note: For credit unions excepted from chapter, see 1938, c. 293.

Chapter 12. BUILDING AND LOAN ASSOCIATIONS.

Article 2. Powers, Duties and Limitations.

Note: For authorization of investment in, insurance, assignment and servicing of Federal Housing mortgages, see 1939, c. 129.

R. S. 17:12–11 amended 1939, c. 126.

R. S. 17:12–17 " 1938, c. 32.

Additional Legislation.

Change in location of principal office, suppl., 1939, c. 131.

Article 5. Members and Membership.

R. S. 17:12–39 amended 1938, c. 31.

Article 6. Investments and Reserves.

Additional Legislation.

Making, servicing, etc., of Federal Housing Administration loans authorized, suppl., 1939, c. 129.

Article 7. Shares.

R. S. 17:12–51 amended 1938, c. 113.

R. S. 17:12–52 " 1938, c. 112.

Article 10. Conversion Into Federal Savings and Loan Association.

R. S. 17:12–60 amended 1939, c. 208, s. 1.

R. S. 17:12–61 " 1939, c. 208, s. 2.

R. S. 17:12–62 repealed 1939, c. 208, s. 3.

R. S. 17:12–63 " 1939, c. 208, s. 5.

Article 10A. (new) Conversion of Federal Savings and Loan Association Into Building and Loan Association.

Additional Legislation.

Conversion of Federal Savings and Loan Association into Building and Loan Association, suppl., 1939, c. 208, s. 4, s. 6.

New Jersey State Library

Article 12. Dissolution and Liquidation.

R. S. 17:12-81 amended 1939, c. 130, s. 1.

R. S. 17:12-82 " 1939, c. 130, s. 2.

R. S. 17:12-83 " 1939, c. 130, s. 3.

R. S. 17:12-86 " 1939, c. 130, s. 4.

R. S. 17:12-87 " 1939, c. 130, s. 5.

R. S. 17:12-87.1 (added) Trustees, accounting, allowances, etc., suppl., 1939, c. 130, s. 6.

Article 15. Reorganization.

R. S. 17:12-106 amended 1939, c. 255.

R. S. 17:12-107 " 1939, c. 132, s. 1.

R. S. 17:12-108 " 1939, c. 132, s. 2.

R. S. 17:12-109 " 1939, c. 132, s. 3.

R. S. 17:12-109.1 (added) Certificate of incorporation and organization of associations under R. S. 17:12-107, suppl., 1939, c. 132, s. 4.

R. S. 17:12-110 amended 1939, c. 132, s. 5.

R. S. 17:12-111 " 1939, c. 132, s. 6.

R. S. 17:12-115 " 1939, c. 127.

Article 16. Issuance of Shares by Federal Savings and Loan Insurance Corporation.

R. S. 17:12-124 amended 1939, c. 208, s. 7.

Chapter 13. CREDIT UNIONS.

R. S. 17:13-1 to 17:13-25 repealed 1938, c. 293, s. 47.

Additional Legislation.

Incorporation and regulation of credit unions, 1938, c. 293.

Part 5. FOREIGN INSTITUTIONS.

Chapter 16. REGULATION OF BUSINESS IN STATE.

R. S. 17:16-2 amended 1938, c. 321, s. 1.

R. S. 17:16-3 " 1938, c. 321, s. 2.

R. S. 17:16-3.1 (added) Issuance of certificate of authority to transact business in State prohibited where applicant originally probated will or obtained administration of estate of resident decedent in another State; affidavit required, suppl., 1939, c. 123, s. 1.

R. S. 17:16-3.2 (added) Revocation of certificate of authority to transact business in State directed where holder probated will or applied for administration of estate of resident decedent in another State, suppl., 1939, c. 123, s. 2.

R. S. 17:16-10 amended 1938, c. 321, s. 3.

R. S. 17:16-15 repealed 1938, c. 321, s. 4.

Part. 6. (new) INVESTMENT COMPANIES.

Chapter 16A. (new) INVESTMENT COMPANIES.

Investment companies defined and regulated, 1938, c. 322.

Sec. 3 of above amended 1939, c. 353.

Subtitle 3. INSURANCE.

Part 1. INSURANCE COMPANIES GENERALLY.

Chapter 17. FORMATION.

R. S. 17:17-1 amended 1938, c. 289, s. 1.

R. S. 17:17-3 " 1938, c. 289, s. 2.

R. S. 17:17-4 " 1938, c. 289, s. 3.

R. S. 17:17-6 " 1938, c. 289, s. 4.

R. S. 17:17-8 " 1938, c. 289, s. 5.

Chapter 18. POWERS, DUTIES AND LIMITATIONS.

R. S. 17:18-7 repealed 1939, c. 305, s. 8.

Additional Legislation.

Reserves required of title insurance companies, suppl., 1938, c. 289, s. 6, s. 7, s. 8.

Chapter 24. INVESTMENTS.

Note: For additional legislation affecting legal investments, see chapter 2 of this Title, supra.

R. S. 17:24-1 amended 1938, c. 359; 1938, c. 368.

R. S. 17:24-7 " 1938, c. 289, s. 9.

Chapter 27. MERGER.

R. S. 17:27-1 amended 1938, c. 259, s. 1.

R. S. 17:27-2 " 1938, c. 259, s. 2.

R. S. 17:27-3 " 1938, c. 259, s. 3 and see R. S. 17:27-5A added below.

R. S. 17:27-4 amended 1938, c. 259, s. 4 and see R. S. 17:27-5A added below.

R. S. 17:27-5 amended 1938, c. 259, s. 5 and see R. S. 17:27-5A added below.

R. S. 17:27-5A (added) Effect of unconstitutionality or invalidity of any provision of act, suppl., 1938, c. 259, s. 17:27-5A.

Chapter 28. POLICY FORM AND PROVISIONS.

Additional Legislation.

Insurance of financed automobiles, suppl., 1939, c. 74.

Chapter 32. FOREIGN COMPANIES.

R. S. 17:32-2 amended 1938, c. 289, s. 10.

R. S. 17:32-7 " 1938, c. 55.

Part 2. LIFE INSURANCE.

Chapter 34. LIFE INSURANCE COMPANIES GENERALLY.

R. S. 17:34-19 amended 1938, c. 255, s. 1.

R. S. 17:34-24 " 1938, c. 254.

R. S. 17:34-31 " 1938, c. 255, s. 2.

R. S. 17:34-32 " 1938, c. 255, s. 3.

Additional Legislation.

Dividends or reduction in rate of premium on group policies; how applied, suppl., 1938, c. 255, s. 4.

Chapter 35. ASSESSMENT LIFE INSURANCE COMPANIES.

Additional Legislation.

Life, accident and health insurance policies and certificates issued by assessment life, health and accident insurance companies and associations and transaction of business by such companies and associations, regulated, suppl., 1938, c. 232.

Part 4. HEALTH AND ACCIDENT INSURANCE.

Note: For regulation of assessment, health and accident insurance companies and associations, see 1938, c. 232; for regulation of hospital service corporations and plans, see 1938, c. 366.

Chapter 38. UNIFORM POLICY PROVISIONS.

Additional Legislation.

Standard provisions in group health and accident policies, filing of forms, etc.; approval, etc., suppl., 1939, c. 305.

Part 6. MUTUAL BENEFIT ASSOCIATIONS.

Note: For regulation of assessment, health and accident insurance companies and associations, see 1938, c. 232; for regulation of hospital service corporations and plans, see 1938, c. 366.

Chapter 45. AUTHORITY, REGULATIONS AND RESTRICTIONS.

Additional Legislation.

Certain associations excepted from application of chapter, suppl., 1938, c. 60.

Part 9. (new) HOSPITAL, ETC., SERVICES.

Chapter 48. (new) HOSPITAL SERVICES.

Hospital service corporations and hospital service plans, regulated, suppl., 1938, c. 366.

Part 10. (new) INSURANCE BY INDIVIDUALS, PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS.

Chapter 49. (new) REGULATION.

Transaction of insurance business by individuals, partnerships and unincorporated associations regulated, 1939, c. 188.

Title 18. EDUCATION.

Note: For prohibition of payment of pensions or subsidies by school districts to certain inmates of penal institutions, see 1938, c. 221.

Chapter 5. SCHOOL DISTRICTS IN GENERAL.

Note: For authority of district clerks or secretary of board of education to take oaths, etc., in school matters, see 1939, c. 148.

Article 4. Effect of Formation of New Municipality or Annexation of Municipality or Part Thereof.

R. S. 18:5–13 repealed 1939, c. 343, s. 39.

1922, c. 129, repealed 1939, c. 343.

1925, c. 149, repealed 1939, c. 343.

Article 5. Consolidation of Districts.

R. S. 18:5–16 amended 1938, c. 145; 1939, c. 3.

Additional Legislation.

Apportionment of membership of boards of education of consolidated school districts among the constituent districts, suppl., 1938, c. 144.

Sec. 1 of above amended 1939, c. 2.

Article 7. District Property; Acquisition, Use and Disposition in General.

R. S. 18:5–27 amended 1939, c. 341, s. 1.

R. S. 18:5–28 " 1939, c. 341, s. 2.

Article 12. Officers, Teachers and Employees in General.

Note: For tenure of service for superintendents of schools in school districts in first class counties, see 1938, c. 288.

Additional Legislation.

Protection of teachers and members of supervisory and administrative staff against claims for negligence, etc., while in discharge of duties, suppl., 1938, c. 311.

Physical examination of employees of boards of education required, suppl., 1939, c. 295.

Article 13. Secretaries, District Clerks and Business Managers.

R. S. 18:5–51 amended 1938, c. 78, s. 1; 1938, c. 247.

Article 14. Custodians of School Moneys.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158.

Article 18. Limitations on Issuance of Bonds.

R. S. 18:5–84 amended 1938, c. 335.

Chapter 6. SCHOOL DISTRICTS IN CITIES, AND IN TOWNSHIPS, INCORPORATED TOWNS AND BOROUGHS ACCEPTING THIS CHAPTER.

Note: For act limiting school debt and appropriations in certain school districts, see 1939, c. 265.

R. S. 18:6–27 amended 1938, c. 78, s. 2.

R. S. 18:6–72.1 " 1939, c. 89.

Chapter 7. SCHOOL DISTRICTS IN TOWNSHIPS, INCORPORATED TOWNS AND BOROUGHS, AND IN CITIES ACCEPTING THIS CHAPTER.

Note: For act limiting school debt and appropriations in certain school districts, see 1939, c. 265; for transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158.

R. S. 18:7–20 amended 1939, c. 386, s. 1.

R. S. 18:7–27 " 1939, c. 386, s. 2.

R. S. 18:7–29 " 1939, c. 386, s. 3.

R. S. 18:7–34 " 1939, c. 386, s. 4.

R. S. 18:7–35 " 1939, c. 386, s. 5.

R. S. 18:7–36 " 1939, c. 386, s. 6.

R. S. 18:7–38 " 1939, c. 386, s. 7.

R. S. 18:7–39 repealed 1939, c. 386, s. 8.

R. S. 18:7–42 amended 1939, c. 386, s. 9.

R. S. 18:7–44 " 1939, c. 386, s. 10.

R. S. 18:7–56 " 1938, c. 78, s. 3.

Chapter 8. REGIONAL BOARDS OF EDUCATION.

R. S. 18:8–1 amended 1938, c. 155, s. 1.

R. S. 18:8–4 " 1938, c. 155, s. 2.

R. S. 18:8–5 " 1938, c. 155, s. 3.

R. S. 18:8–6 " 1938, c. 155, s. 4.

R. S. 18:8–7 " 1938, c. 155, s. 5.

R. S. 18:8–8 " 1938, c. 155, s. 6.

R. S. 18:8–9 " 1938, c. 155, s. 7.

R. S. 18:8–10 " 1938, c. 155, s. 8.

R. S. 18:8–11 " 1938, c. 155, s. 9.

R. S. 18:8–16 " 1938, c. 155, s. 10.

Additional Legislation.

Apportionment of State school moneys for first year of regional school districts, suppl., 1939, c. 58.

Purchase of high school buildings; referendum, suppl., 1939, c. 113.

Chapter 10. STATE SCHOOL MONEYS, AND APPORTIONMENT THEREOF.

R. S. 18:10–18 amended 1938, c. 9.

R. S. 18:10–49 " 1938, c. 14.

Chapter 13. TEACHERS.

Additional Legislation.

Tenure of service for superintendents of schools; school districts; first class counties, suppl., 1938, c. 288.

Chapter 14. PUPILS AND CONDUCT OF SCHOOLS IN GENERAL.

Article 1. Admission and Attendance of Pupils in General.

R. S. 18:14–10 amended 1939, c. 86, s. 1.

R. S. 18:14–12 " 1939, c. 86, s. 2.

Article 2. Compulsory Education.

R. S. 18:14–42 amended 1938, c. 262, s. 1.

R. S. 18:14–47 " 1938, c. 262, s. 2.

R. S. 18:14–48 " 1938, c. 262, s. 3.

Article 4. Promotion of Health and Prevention of Disease.

Additional Legislation.

Physical examinations of pupils regulated, suppl., 1939, c. 296.

Boards of education authorized to require or waive immunization to diphtheria of pupils, suppl., 1939, c. 299.

Tests for tuberculosis in pupils required, suppl., 1939, c. 294.

Chapter 15. SPECIAL SCHOOLS AND COURSES IN SCHOOL DISTRICTS OR IN COUNTIES.

Additional Legislation.

Adult education courses, suppl., 1938, c. 307.

Chapter 20. LAWS AFFECTING PRIVATE SCHOOLS AND COLLEGES.

Additional Legislation.

Approval of names of certain institutions above high school grade, by State Board of Education, required, suppl., 1938, c. 261.

Title 19. ELECTIONS.

Subtitle 1. ANY ELECTION.

Chapter 3. OFFICES AND PUBLIC QUESTIONS.

R. S. 19:3–6 amended 1938, c. 308.

Chapter 6. ELECTION OFFICIALS.

R. S. 19:6–10 amended 1939, c. 81.

Chapter 8. POLLING PLACES; BALLOT BOXES; EQUIPMENT.

R. S. 19:8–2 amended 1938, c. 280.

R. S. 19:8–4 " 1938, c. 281.

Subtitle 2. GENERAL ELECTIONS.

Chapter 15. BALLOTING.

R. S. 19:15–7 amended 1939, c. 354, s. 1.

Chapter 19. CANVASS OF RETURNS BY BOARD OF COUNTY CANVASSERS.

R. S. 19:19–8 amended 1938, c. 399, s. 1.

R. S. 19:19–12 " 1938, c. 399, s. 2.

Subtitle 3. PRIMARY ELECTIONS.

Chapter 23. PRIMARY FOR GENERAL ELECTION.

R. S. 19:23–45 amended 1939, c. 354, s. 2.

Subtitle 11. FIRST ELECTIONS IN CONSOLIDATED MUNICIPALITIES.

Chapter 38. PROCEDURE.

R. S. 19:38–1 amended 1939, c. 343, s. 22.

R. S. 19:38–2 " 1939, c. 343, s. 23.

R. S. 19:38–3 " 1939, c. 343, s. 24.

R. S. 19:38–4 repealed 1939, c. 343, s. 39.

R. S. 19:38–5 amended 1939, c. 343, s. 25.

R. S. 19:38–6 " 1939, c. 343, s. 26.

Title 20. EMINENT DOMAIN.

Chapter 1. CONDEMNATION IN GENERAL.

R. S. 20:1-30 amended 1938, c. 21, s. 1.

R. S. 20:1-36 (added) Condemnation by Housing Authority, suppl., 1938, c. 21, s. 2.

Chapter 2. ACQUISITION OF LANDS BY THE STATE OR ANY AGENCY THEREOF.

R. S. 20:2-1 to 20:2-18 repealed 1938, c. 103.

Title 21. EXPLOSIVES AND FIREWORKS.

Subtitle 2. FIREWORKS.

Chapter 2. MANUFACTURE, STORAGE AND TRANSPORTATION.

R. S. 21:2-4 amended 1938, c. 69.

Title 22. FEES AND COSTS.

Chapter 1. GENERAL PROVISIONS.

Note: For allowance of fees to attorneys, proctors, solicitors and counsel, in proceedings, etc., in courts, see 1939, c. 140.

Chapter 2. IN CIVIL CAUSES AND PROCEEDINGS IN THE COURTS.

R. S. 22:2-22 amended 1938, c. 172.

R. S. 22:2-29 " 1939, c. 398.

R. S. 22:2-44 " 1939, c. 184.

Title 23. FISH AND GAME, WILD BIRDS AND ANIMALS.

Chapter 3. LICENSES AND PERMITS.

R. S. 23:3-4 amended 1939, c. 100.

R. S. 23:3-50 " 1939, c. 51; 1939, c. 350.

Chapter 4. GAME, WILD BIRDS AND ANIMALS.

R. S. 23:4-1 amended 1939, c. 168, s. 1.

R. S. 23:4-2 " 1939, c. 168, s. 2.

R. S. 23:4-7 " 1938, c. 39.

R. S. 23:4-8 " 1939, c. 120.

R. S. 23:4-12 " 1938, c. 102.

R. S. 23:4-16 " 1939, c. 252.

R. S. 23:4-23 " 1938, c. 304.

R. S. 23:4-37 " 1939, c. 69, s. 1.

R. S. 23:4-38 repealed 1939, c. 278.

R. S. 23:4-39 amended 1939, c. 69, s. 2; 1939, c. 293.

Additional Legislation.

Possession or liberation of coyotes regulated, 1939, c. 42.

Carrying of loaded firearms in vehicle for hunting purposes prohibited, 1939, c. 172.

Chapter 5. FISH.

R. S. 23:5–1 amended 1939, c. 327, s. 1.

R. S. 23:5–3 " 1939, c. 327, s. 2.

R. S. 23:5–5 repealed 1938, c. 318, s. 10.

R. S. 23:5–8 amended 1938, c. 318, s. 11.

R. S. 23:5–10 " 1939, c. 327, s. 3.

Additional Legislation.

Protection of striped bass and licensing of use of nets for taking, 1938, c. 318.

Chapter 9. LOCAL AND SPECIAL PROVISIONS.

Additional Legislation.

Reciprocal enforcement of fishing laws on Hudson and Delaware river with New York and Pennsylvania, 1938, c. 240.

Chapter 10. PROCEDURE FOR COLLECTION OF PENALTIES; FORFEITURES.

R. S. 23:10–5 amended 1939, c. 106.

Chapter 12. (new) WILDLIFE-RESTORATION PROJECTS.

Board of Fish and Game Commissioners co-operative agency in wildlife-restoration projects, 1938, c. 157.

Title 24. FOOD AND DRUGS.

Subtitle 1. FOOD AND DRUGS.

Note: For act adding cosmetics to Pure Food and Drug Law, see 1939, c. 320.

Chapter 1. DEFINITIONS AND CONSTRUCTION.

R. S. 24:1–1 amended 1939, c. 320, s. 1.

R. S. 24:1–2 " 1939, c. 320, s. 2.

R. S. 24:1–4 (added) Federal regulations to control over State regulations, suppl., 1939, c. 320, s. 3.

Chapter 2. ENFORCEMENT AGENCIES.

R. S. 24:2-1 amended 1939, c. 320, s. 4.

Chapter 3. INSPECTION—SAMPLES.

R. S. 24:3-1 amended 1939, c. 320, s. 5.

R. S. 24:3-2 " 1939, c. 320, s. 6.

R. S. 24:3-3 " 1939, c. 320, s. 7.

R. S. 24:3-4 " 1939, c. 320, s. 8.

R. S. 24:3-6 " 1939, c. 320, s. 9.

Chapter 4. CONDEMNATION AND DESTRUCTION OF FOOD OR DRUG.

R. S. 24:4-1 amended 1939, c. 320, s. 10.

R. S. 24:4-2 " 1939, c. 320, s. 11.

R. S. 24:4-8 " 1939, c. 320, s. 12.

R. S. 24:4-9 " 1939, c. 320, s. 13.

R. S. 24:4-12 (added) Embargo on adulterated or misbranded articles, suppl., 1939, c. 320, s. 14.

Chapter 5. GENERAL ADULTERATION AND MISBRANDING OF FOODS AND DRUGS.

R. S. 24:5-1 amended 1939, c. 320, s. 15.

R. S. 24:5-2 " 1939, c. 320, s. 16.

R. S. 24:5-5 " 1939, c. 320, s. 17.

R. S. 24:5-6 " 1939, c. 320, s. 18.

R. S. 24:5-8 " 1939, c. 320, s. 19.

R. S. 24:5-9 " 1939, c. 320, s. 20.

R. S. 24:5-10 " 1939, c. 320, s. 21.

R. S. 24:5-11 " 1939, c. 320, s. 22.

R. S. 24:5-11.1 (added) Adulteration of cosmetics defined, suppl., 1939, c. 320, s. 23.

R. S. 24:5-13 amended 1939, c. 320, s. 24.

R. S. 24:5-16 " 1939, c. 320, s. 25.

R. S. 24:5-17 " 1939, c. 320, s. 26.

R. S. 24:5-18 " 1939, c. 320, s. 27.

R. S. 24:5–18.1 (added) Misbranding of cosmetics defined, suppl., 1939, c. 320, s. 28.

R. S. 24:5–18.2 (added) Articles to be processed, labeled or repacked elsewhere than where originally processed or packed exempted from labeling and processing requirements, suppl., 1939, c. 320, s. 29.

R. S. 24:5–19 amended 1939, c. 320, s. 30.

Chapter 6. STANDARDS OF PURITY, QUALITY AND STRENGTH.

R. S. 24:6–1 amended 1939, c. 320, s. 31.

R. S. 24:6–2 " 1939, c. 320, s. 32.

R. S. 24:6–3 " 1939, c. 320, s. 33.

Chapter 6A. (added) NEW DRUGS.

R. S. 24:6A–1 (added) Introduction of new drugs; regulations concerning, suppl., 1939, c. 320, s. 35.

Chapter 10. DAIRY PRODUCTS.

R. S. 24:10–16 amended 1939, c. 185.

Additional Legislation.

Production, sale, etc., of goats milk regulated, 1938, c. 195.

Chapter 11A. (new) EGGS REMOVED FROM INCUBATORS.

Eggs removed from incubators, distribution, etc., regulated, suppl., 1939, c. 116.

Chapter 17. VIOLATIONS; PENALTIES; RECOVERY.

R. S. 24:17–2 amended 1939, c. 320, s. 34.

Subtitle 2. NARCOTIC DRUGS.

Chapter 18. UNIFORM NARCOTIC DRUG LAW.

R. S. 24:18–2 amended 1938, c. 156, s. 1, see also 1938, c. 24.

R. S. 24:18–7 " 1938, c. 156, s. 2.

R. S. 24:18–30 " 1938, c. 156, s. 3.

Title 26. HEALTH AND VITAL STATISTICS.

Note: For hospital service corporations and plans, regulated, see 1938, c. 366; for licensing of persons in charge of water purification or treatment and sewerage treatment plants and water supply systems, see 1938, c. 206; for production, etc., and sale of goats milk, regulated, see 1938, c. 195.

Chapter 2. STATE DEPARTMENT OF HEALTH.

Article 1. Organization and Departmental Personnel.

R. S. 26:2–2 amended 1939, c. 280, s. 1.

R. S. 26:2–3 " 1939, c. 280, s. 2.

Article 2. Powers and Duties.

I. FEDERAL GRANTS FOR PUBLIC WORK, MATERNAL AND CHILD WELFARE.

R. S. 26:2–60 amended 1939, c. 378.

J. (added) INSPECTION OF PUBLIC PLACES.

R. S. 26:2–62 (added) Definition of public place, suppl., 1939, c. 261.

R. S. 26:2–63 (added) Toilets, wash rooms, etc., cleanliness, suppl., 1939, c. 261.

R. S. 26:2–64 (added) Toilets, etc., construction and sanitation, suppl., 1939, c. 261.

R. S. 26:2–65 (added) Quality of water used or available for use regulated, suppl., 1938, c. 261.

R. S. 26:2–66 (added) Protection of food from contamination, suppl., 1939, c. 261.

R. S. 26:2–67 (added) Towels and drinking utensils to be kept clean, suppl., 1939, c. 261.

R. S. 26:2–68 (added) Utensils and equipment to be kept clean, suppl., 1939, c. 261.

R. S. 26:2–69 (added) Garbage, etc., storage, etc., suppl., 1939, c. 261.

R. S. 26:2–70 (added) Drainage of waste liquids regulated, suppl., 1939, c. 261.

R. S. 26:2–71 (added) Freedom from rats, etc., and vermin required, suppl., 1939, c. 261.

R. S. 26:2–72 (added) Jurisdiction of local boards of health saved, suppl., 1939, c. 261.

R. S. 26:2–73 (added) Penalties for violations; amount and in whose name sued for, suppl., 1939, c. 261.

R. S. 26:2-74 (added) Payments and disposal of penalties, suppl., 1939, c. 261.

R. S. 26:2-75 (added) Jurisdiction of and institution of proceedings, suppl., 1939, c. 261.

R. S. 26:2-76 (added) Trial, suppl., 1939, c. 261.

R. S. 26:2-77 (added) Imprisonment for failure to pay judgment, suppl., 1939, c. 261.

R. S. 26:2-78 (added) Adjournment of hearing; detention of defendant; bond and prosecution thereof, suppl., 1939, c. 261.

R. S. 26:2-79 (added) Form of judgment, suppl., 1939, c. 261.

R. S. 26:2-80 (added) Execution of process; recovery of costs; execution, suppl., 1939, c. 261.

K. (new) WEEDS DETRIMENTAL TO HEALTH.

Control of marihuana weed, 1939, c. 248.

Chapter 3. LOCAL BOARDS OF HEALTH.

R. S. 26:3-9 amended 1938, c. 105.

Chapter 4. COMMUNICABLE DISEASES.

Article 3. Venereal Diseases.

Note: For test for syphilis before marriage license issued, see 1938, c. 126.

Additional Legislation.

Tests of pregnant women for syphilis; report on birth certificate; required, 1938, c. 41.

Article 7. Rabies and Control of Dogs.

R. S. 26:4-84 amended 1939, c. 201, s. 1.

R. S. 26:4-94 " 1939, c. 201, s. 2.

Article 8. Biological Products and Laboratory Supplies.

Additional Legislation.

Free distribution of anti-pneumococcic serum, 1938, c. 24.

Chapter 8. REGISTRATION OF VITAL STATISTICS.

Note: For report as to prenatal tests for syphilis required in birth and stillbirth certificates, see 1938, c. 41.

R. S. 26:8-49 amended 1938, c. 174, s. 1.

R. S. 26:8-51 " 1938, c. 174, s. 2.

Chapter 12. (new) REGIONAL HEALTH COMMISSIONS.

Associations to furnish public health services, 1938, c. 67.

Title 27. HIGHWAYS.

Subtitle 1. STATE HIGHWAY DEPARTMENT AND COMMISSIONER.

Chapter 1. CONSTITUTION AND GENERAL POWERS.

Additional Legislation.

Appointment, tenure, etc., of general solicitor to department, 1939, c. 75.

Settlement of claims against counties, municipalities or corporations for share of cost of laying-out, etc., maintenance, etc., of State highways, 1938, c. 258.
Sec. 2 amended, 1939, c. 10.

Subtitle 3. STATE HIGHWAYS.

Chapter 6. STATE HIGHWAY ROUTES.

R. S. 27:6–1	amended	1938, c. 17.
Route 2–N	added	1938, c. 269.
Route S–4–d	extended	1938, c. 134.
Route S–4–A	"	1938, c. 341.
Route 6–A	added	1938, c. 47.
Route 24N	"	1938, c. 85.
Route 29B	"	1938, c. 183.
Route 31A	"	1938, c. 345.
Route 38	extended	1938, c. 51.
Route S–41	"	1938, c. 299.
Route S–43	added	1938, c. 216.
Route S–44	"	1938, c. 374.
Route 44–T	"	1938, c. 367; 1939, c. 264.
Route S–49	"	1938, c. 168.
Route 54	"	1938, c. 43.
Route 55	"	1938, c. 83; 1938, c. 143.
Route 56	"	1938, c. 84; 1938, c. 177.
Route 100, S–100 Ocean County	"	1938, c. 50.
Route 13–E	"	1938, c. 238.

Route 18 " 1939, c. 243.
Route 19 " 1939, c. 200.
Route 25A " 1939, c. 198.
Route 25B " 1939, c. 317.
Route 101 " 1939, c. 105.

Chapter 12. SALE OF LANDS.

R. S. 27:12–1 amended 1938, c. 407.

Subtitle 4. STATE AID ROADS.

Chapter 15. STATE AID TO MUNICIPALITIES.

R. S. 27:15–1 amended 1938, c. 427, s. 1.
R. S. 27:15–2 " 1938, c. 427, s. 2.
R. S. 27:15–4 " 1938, c. 427, s. 3.
R. S. 27:15–7 " 1938, c. 403.

Additional Legislation.

"Unimproved roads" defined, 1938, c. 362.

Chapter 23. (new) MUNICIPAL ROADS.

Diversion, moneys appropriated for maintenance, roads and streets, to new construction, reconstruction, etc.; towns, townships and boroughs in first class counties, 1939, c. 380.

Title 29. HOTELS.

Chapter 4. (new) REGULATION IN GENERAL.

Tourist and trailer camps and overnight lodging places regulated, 1939, c. 254.

Title 30. INSTITUTIONS AND AGENCIES.

Note: For lien in favor of State and county institutions for care and treatment of patients, see 1938, c. 239.

Subtitle 1. STATE DEPARTMENTS AND INSTITUTIONS GOVERNED THEREBY.

Chapter 2. APPROPRIATIONS.

R. S. 30:2–1 amended 1938, c. 275.

Chapter 4. MANAGEMENT, CONTROL AND OPERATION OF INSTITUTIONS IN GENERAL.

R. S. 30:4–67 amended 1939, c. 259.

R. S. 30:4–157.4 " 1939, c. 301.

Additional Legislation.

Deposit, etc., of funds of inmates of State institutions, regulated, suppl., 1938, c. 380.

Lien in favor of State and county institutions upon property of persons receiving care and treatment therein, suppl., 1938, c. 239.

Subtitle 2. STATE BOARD OF CHILDREN'S GUARDIANS.

Chapter 5. ASSISTANCE TO AND CARE, CUSTODY, GUARDIANSHIP, ETC., OF CHILDREN.

Article 1. Definitions, Construction of Chapter and General Powers and Duties of Board.

R. S. 30:5–1 amended 1938, c. 161, s. 1.

R. S. 30:5–4 " 1939, c. 245.

Article 2. Assistance to Indigent, Etc., Children Becoming a Public Charge in General.

R. S. 30:5–9 " 1939, c. 377, s. 1.

Additional Legislation.

Disposition of moneys held for payment of uncashed checks issued by State Board of Children's Guardians, regulated, 1939, c. 213.

Article 3. Care, Custody, Guardianship and Support of Abandoned, Etc., Children.

Additional Legislation.

Guardianship of the State Board of Children's Guardians, defined and regulated, 1938, c. 160.

Article 4. Home Life of Dependent Children.

R. S. 30:5–33 amended 1938, c. 161, s. 2; 1938, c. 400; 1939, c. 377, s. 2.

R. S. 30:5–35 " 1939, c. 377, s. 3.

R. S. 30:5–36 " 1938, c. 161, s. 3; 1939, c. 377, s. 4.

R. S. 30:5–43 " 1938, c. 161, s. 4.

R. S. 30:5–44 " 1938, c. 161, s. 5.

Subtitle 3. BLIND, DEAF AND DUMB AND FEEBLE-MINDED PERSONS.

Chapter 6. RELIEF OF BLIND, DEAF AND DUMB AND FEEBLE-MINDED.

R. S. 30:6-3 amended 1939, c. 160, s. 1.

R. S. 30:6-5 " 1939, c. 160, s. 2.

R. S. 30:6-10 " 1939, c. 160, s. 3.

Additional Legislation.

Operation of stands in public buildings, by the blind, under supervision of New Jersey State Commission for Blind, 1938, c. 349.

Subtitle 4. SOLDIERS' HOMES.

Chapter 6A. HOMES FOR DISABLED SOLDIERS, SAILORS AND MARINES AND THEIR WIVES AND WIDOWS.

R. S. 30:6A-3 amended 1938, c. 184.

Subtitle 6. COUNTY AND MUNICIPAL INSTITUTIONS.

Note: For lien in favor of State and county institutions for care and treatment of patients, see 1938, c. 239.

Chapter 8. PENAL INSTITUTIONS.

Additional Legislation.

Compensation of guards, keepers and industrial officers in jails, detention houses and penitentiaries; first class counties, 1938, c. 54.

Chapter 9. ASYLUMS AND HOSPITALS.

R. S. 30:9-19 amended 1938, c. 275, s. 2.

R. S. 30:9-24 " 1938, c. 425; 1939, c. 340.

Title 32. INTERSTATE AND PORT AUTHORITIES AND COMMISSIONS.

Subtitle 1. THE PORT OF NEW YORK AUTHORITY.

Chapter 2. OTHER LAWS RELATING TO THE PORT OF NEW YORK AUTHORITY.

Additional Legislation.

Procedure upon sale of real estate; prior conveyances ratified, 1939, c. 35.

Series F and FF Bonds, etc., legal investments, 1939, c. 189.

Subtitle 5. COUNTY INTERSTATE BRIDGES AND TUNNELS.

Chapter 13A. GLOUCESTER COUNTY TUNNEL.

R. S. 32:13A–14 amended 1939, c. 84, s. 1; c. 158, s. 1.

R. S. 32:13A–15 " 1939, c. 84, s. 2; c. 158, s. 2.

Additional Legislation.

Contract with Delaware County-Pennsylvania Authority for construction, operation and maintenance of tunnel and issuance of bonds, 1938, c. 379.

Chapter 13B. (new) CAPE MAY COUNTY FERRY.

Cape May County Ferry Act, 1938, c. 426.

Subtitle 6. PALISADES INTERSTATE PARK.

Chapter 14. GENERAL PROVISIONS.

R. S. 32:14–1 amended 1939, c. 191, s. 1.

R. S. 32:14–2 repealed 1939, c. 191, s. 2.

R. S. 32:14–3 amended 1939, c. 191, s. 3.

R. S. 32:14–4 " 1939, c. 191, s. 4.

R. S. 32:14–5 " 1939, c. 191, s. 5.

R. S. 32:14–6 " 1939, c. 191, s. 6.

R. S. 32:14–7 " 1939, c. 191, s. 7.

R. S. 32:14–8 " 1939, c. 191, s. 8.

R. S. 32:14–9 " 1939, c. 191, s. 9.

R. S. 32:14–10 " 1939, c. 191, s. 10.

R. S. 32:14–12 " 1939, c. 191, s. 11.

R. S. 32:14–13 " 1939, c. 191, s. 12.

R. S. 32:14–13.1 " 1939, c. 191, s. 13.

R. S. 32:14–13.2 " 1939, c. 191, s. 14.

R. S. 32:14–14 " 1939, c. 191, s. 15.

R. S. 32:14–15 " 1939, c. 191, s. 16.

R. S. 32:14–16 " 1939, c. 191, s. 17.

R. S. 32:14–17 " 1939, c. 191, s. 18.

R. S. 32:14–18 " 1939, c. 191, s. 19.

R. S. 32:14–19 repealed 1939, c. 191, s. 20.
R. S. 32:14–20 amended 1939, c. 191, s. 21.
R. S. 32:14–21 " 1939, c. 191, s. 22.
R. S. 32:14–23 " 1939, c. 191, s. 23.
R. S. 32:14–25 " 1939, c. 191, s. 24.
R. S. 32:14–26 " 1939, c. 191, s. 25.
R. S. 32:14–27 " 1939, c. 191, s. 26.
R. S. 32:14–28 " 1939, c. 191, s. 27.
R. S. 32:14–29 " 1939, c. 191, s. 28.
R. S. 32:14–30 " 1939, c. 191, s. 29.

Chapter 15. HENRY HUDSON DRIVE.

R. S. 32:15–1 amended 1939, c. 191, s. 30.
R. S. 32:15–2 " 1939, c. 191, s. 31.
R. S. 32:15–3 " 1939, c. 191, s. 32.
R. S. 32:15–4 " 1939, c. 191, s. 33.

Chapter 16. PALISADES PARKWAY.

R. S. 32:16–1 amended 1939, c. 191, s. 34.
R. S. 32:16–2 " 1939, c. 191, s. 35.
R. S. 32:16–3 " 1939, c. 191, s. 36.
R. S. 32:16–4 " 1939, c. 191, s. 37.
R. S. 32:16–5 " 1939, c. 191, s. 38.
R. S. 32:16–6 " 1939, c. 191, s. 39.
R. S. 32:16–7 " 1939, c. 191, s. 40.

Subtitle 8. (new) INTERSTATE CO-OPERATION FOR CONSERVATION AND PROTECTION OF WATER RESOURCES.

Chapter 20. (new) INTERSTATE CO-OPERATION OF WATER RESOURCES IN DELAWARE RIVER BASIN.

Interstate compact with New York and Pennsylvania for co-operation for conservation and protection of water resources in Delaware River basin, 1939, c. 146.

Title 33. INTOXICATING LIQUORS.

Chapter 1. ALCOHOLIC BEVERAGE LAW.

R. S. 33:1–2	amended	1938, c. 79.
R. S. 33:1–10	"	1938, c. 30; 1938, c. 296; 1938, c. 429; 1939, c. 235.
R. S. 33:1–21	"	1938, c. 209.
R. S. 33:1–26	"	1938, c. 297.
R. S. 33:1–31.2	"	1938, c. 350.
R. S. 33:1–43	"	1938, c. 147; 1939, c. 225.
R. S. 33:1–77	"	1939, c. 228.

Additional Legislation.

Alcohol, sale and possession of, regulated, suppl., 1939, c. 173.

Discrimination in sale to retailers of alcoholic beverages other than malt beverages, prohibited, suppl., 1939, c. 87.

Fair trade agreements as to dealings in alcoholic beverages, enforcement of by Commissioner, suppl., 1938, c. 208.

Illicit beverages, presumption, suppl., 1939, c. 177.

Licensees not to limit amount of off premises sales; to post notice of disposal of stock of advertised brands, suppl., 1939, c. 171.

Licenses effective on expiration of license previously issued, renewals, suppl., 1939, c. 281.

Licenses, limitation of number; sixth class counties, suppl., 1939, c. 61.

Municipal regulations as to retail trade, Sunday selling and license fees to be by ordinance only, except in sixth class counties, suppl., 1939, c. 234.

Chapter 3. OTHER LAWS RELATING TO INTOXICATING LIQUORS.

R. S. 33:3–1 to 33:3–8	repealed	1938, c. 285.

Title 34. LABOR AND WORKMEN'S COMPENSATION.

Chapter 1. ORGANIZATION OF DEPARTMENT OF LABOR.

Note: For Deputy Commissioner of Compensation, civil service status, see 1939, c. 111.

Chapter 2. CHILD AND FEMALE LABOR; MERCANTILE ESTABLISHMENTS.

R. S. 34:2–28 amended 1938, c. 98.

Chapter 15. WORKMEN'S COMPENSATION.

R. S. 34:15–12v amended 1939, c. 287.

R. S. 34:15–13(i) " 1938, c. 36.

R. S. 34:15–31 " 1938, c. 419.

R. S. 34:15–60 " 1939, c. 291.

R. S. 34:15–79 " 1938, c. 130.

R. S. 34:15–87 " 1939, c. 68.

R. S. 34:15–94 " 1938, c. 198, s. 1.

R. S. 34:15–95 " 1938, c. 198, s. 2.

Additional Legislation.

Application for benefits, hearing, decision, review, suppl., 1938, c. 198, s. 3.

Chapter 18. (new) DEPOSITS BY EMPLOYEES WITH EMPLOYER.

Deposits of moneys, etc., by employee with employer to insure performance of duties, trust funds; remedies, etc., 1939, c. 117.

Title 35. LEGAL ADVERTISEMENTS.

Chapter 1. LEGAL NEWSPAPERS.

R. S. 35:1–2.1 amended 1938, c. 328.

R. S. 35:1–2.2 " 1938, c. 328.

Title 36. LEGAL HOLIDAYS.

Chapter 1. LEGAL HOLIDAYS AND EFFECT THEREOF.

R. S. 36:1–1 amended 1938, c. 115.

Title 37. MARRIAGES AND MARRIED PERSONS.

Chapter 1. MARRIAGES.

R. S. 37:1–10 amended 1939, c. 227.

Additional Legislation.

Test for syphilis before marriage license issued, 1938, c. 126.

Title 38. MILITIA—SOLDIERS, SAILORS AND MARINES.

Subtitle 1. MILITIA.

Chapter 3. NATIONAL GUARD.

R. S. 38:3–3 amended 1939, c. 95, s. 1.

R. S. 38:3–4 " 1939, c. 95, s. 2.

R. S. 38:3–12 " 1939, c. 95, s. 3.

R. S. 38:3–23 " 1939, c. 95, s. 4.

R. S. 38:3–30 " 1939, c. 95, s. 5.

R. S. 38:3–36 " 1939, c. 95, s. 6.

Additional Legislation.

Retirement of enlisted men for age; assignment to duty, suppl., 1939, c. 95, s. 9.

Chapter 12. PRIVILEGES AND IMMUNITIES.

R. S. 38:12–8 amended 1939, c. 95, s. 7.

Chapter 13. PROHIBITIONS AND PENALTIES.

R. S. 38:13–1 amended 1939, c. 95, s. 8.

Subtitle 2. SOLDIERS, SAILORS AND MARINES.

Chapter 17. BURIAL OF DECEASED SOLDIERS, SAILORS, MARINES AND NURSES.

R. S. 38:17–7 amended 1939, c. 24, s. 1.

R. S. 38:17–8 " 1939, c. 24, s. 2.

Chapter 25A. (new) SOUVENIRS, INSIGNIA AND EMBLEMS.

Designation of State souvenir of deceased veterans of the World War; sales regulated, 1938, c. 207.

Designation of State souvenir of Disabled American Veterans of the World War; sales regulated, 1939, c. 135.

Title 39. MOTOR VEHICLES AND TRAFFIC REGULATION.

Subtitle 1. MOTOR VEHICLES AND TRAFFIC LAWS.

Chapter 3. MOTOR VEHICLES.

Article 2. Registration and Licensing.

R. S. 39:3-4 amended 1938, c. 66, s. 1.

R. S. 39:3-9 " 1938, c. 66, s. 2.

R. S. 39:3-10 " 1938, c. 66, s. 3.

R. S. 39:3-10.1 " 1938, c. 49; 1938, c. 66, s. 4.

R. S. 39:3-15 " 1938, c. 66, s. 5; 1938, c. 332; 1939, c. 79, s. 1.

R. S. 39:3-16 " 1939, c. 79, s. 2.

R. S. 39:3-17 " 1939, c. 79, s. 3.

R. S. 39:3-22 " 1938, c. 66, s. 6.

R. S. 39:3-24 " 1938, c. 66, s. 7.

R. S. 39:3-26 " 1938, c. 66, s. 8.

Article 6. (new) Reports of Theft, Etc.

Additional Legislation.

Report of theft of motor vehicle or registration plates and of recovery of same, required, suppl., 1938, c. 352.

Chapter 4. TRAFFIC REGULATION.

Note: For report of injury to certain animals required, see 1939, c. 315.

Article 11. Law of Road and Right of Way.

Additional Legislation.

Right of way of blind persons crossing highway or intersection, 1939, c. 274.

Article 12. Speed.

R. S. 39:4-98 amended 1939, c. 211.

Article 14. Turns, Hand Signals, Starting and Stopping.

R. S. 39:4-128 amended 1938, c. 164, s. 1.

Chapter 5. ENFORCEMENT AND PROCEDURE.

R. S. 39:5-1 amended 1938, c. 164, s. 2.

R. S. 39:5-2 " 1939, c. 216, s. 1.

R. S. 39:5-30 " 1939, c. 216, s. 2.

R. S. 39:5-40 " 1938, c. 75, s. 1.

R. S. 39:5-41 " 1938, c. 75, s. 2.

Additional Legislation.

Exchange of information between States concerning certain violations by nonresidents, 1938, c. 360.

Subtitle 2. OTHER LAWS REGULATING MOTOR VEHICLES.

Note: For insurance of financed motor vehicles, policy-forms, etc., see 1939, c. 74.

Chapter 10. PURCHASE, SALE AND TRANSFER OF MOTOR VEHICLES.

R. S. 39:10-10 amended 1939, c. 270, s. 1.

R. S. 39:10-11 " 1939, c. 270, s. 2.

Title 40. MUNICIPALITIES AND COUNTIES.

Subtitle 1. COUNTIES AND MUNICIPALITIES, GENERALLY.

Note: For supervision of State Department of Local Government over certain municipalities, see 1938, c. 127; 1938, c. 158; 1938, c. 159.

Chapter 1. BONDS AND OTHER OBLIGATIONS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158; for personnel and powers of Funding Commission, see 1938, c. 158.

Article 1. Local Bond Law.

R. S. 40:1-16 amended 1938, c. 383.

R. S. 40:1-57 " 1939, c. 4; 1939, c. 310, s. 1.

R. S. 40:1-57.1 repealed 1939, c. 310, s. 2.

R. S. 40:1-61 to 40:1-74 supplemented, bond resolution or ordinance; contents, 1939, c. 373.

R. S. 40:1-62 to 40:1-73 see 1939, c. 384, post.

R. S. 40:1-76 amended 1939, c. 334.

R. S. 40:1-77 " 1939, c. 333.

R. S. 40:1-79 " 1938, c. 404.

Additional Legislation.

Powers, etc., Funding Commission, vested in Local Government Board, 1939, c. 384.

Article 3. Covenants in Certain Sewer Bonds.

R. S. 40:1-90 amended 1939, c. 176.

Chapter 2. COUNTY AND MUNICIPAL BUDGETS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158; for separate budgets in cities operating radio broadcasting stations and municipal convention halls, see 1939, c. 304; for diversion, road and street moneys, from maintenance to new construction, etc.; towns, townships and boroughs in first class counties, see 1939, c. 380.

R. S. 40:2-2 amended 1938, c. 128, s. 1.

R. S. 40:2-6 " 1939, c. 396, s. 1.

R. S. 40:2-7 " 1939, c. 396, s. 2.

R. S. 40:2-8 " 1939, c. 396, s. 3.

R. S. 40:2-10 " 1939, c. 396, s. 4.

R. S. 40:2-12 " 1939, c. 1.

R. S. 40:2-18 " 1939, c. 396, s. 5.

R. S. 40:2-21 " 1938, c. 128, s. 2.

R. S. 40:2-22 " 1938, c. 128, s. 3; 1939, c. 28; 1939, c. 38.

R. S. 40:2-23 " 1938, c. 23.

R. S. 40:2-25 " 1939, c. 7.

R. S. 40:2-28 see 1939, c. 7.

R. S. 40:2-30 amended 1939, c. 36.

R. S. 40:2-31 " 1938, c. 128, s. 4; 1939, c. 23.

R. S. 40:2-52 " 1938, c. 128, s. 6.

R. S. 40:2-53 " 1938, c. 128, s. 7; 1939, c. 396, s. 6.

R. S. 40:2-54 " 1938, c. 128, s. 8.

R. S. 40:2-55 " 1938, c. 128, s. 9.

Additional Legislation.

Alteration of county and municipal budgets, suppl., 1938, c. 2; 1938, c. 6.

Capital budgets, suppl., 1938, c. 128, s. 5.

Debt service for school indebtedness deducted from municipal and added to school budget; certain municipalities, suppl., 1939, c. 32.

Chapter 3. SINKING FUNDS AND SINKING FUND COMMISSIONERS, IN COUNTIES, MUNICIPALITIES AND SCHOOL DISTRICTS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158.

Additional Legislation.

Use of cash surpluses as anticipated miscellaneous revenue in budget, 1938, c. 25.

Chapter 4. AUDITS AND AUDITORS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158; for additional provisions concerning fiscal administration in Local Governments, see 1938, c. 159.

Chapter 5. PUBLIC MONEYS AND FINANCIAL STATEMENTS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158.

Chapter 9. LANDS AND BUILDINGS.

Note: For authorization of maintenance of stands in public buildings by blind, see 1938, c. 349.

Chapter 11. OFFICERS AND EMPLOYEES.

Note: For additional legislation dealing with discrimination against applicants for employment, for age, see 1938, c. 295.

R. S. 40:11–4 amended 1938, c. 336.

R. S. 40:11–13 " 1938, c. 80.

Subtitle 2. COUNTIES.

Part 1. COUNTIES, GENERALLY.

Chapter 17. CLASSIFICATION.

R. S. 40:17–2 amended 1939, c. 150.

Chapter 18. INCORPORATION; BOUNDARIES; ANNEXATION.

R. S. 40:18–4 Boundary between Camden, Atlantic and Gloucester Counties fixed, 1938, c. 176; boundary between Monmouth and Middlesex Counties changed, 1939, c. 244.

Chapter 21. OFFICERS AND EMPLOYEES.

Note: For legislation dealing with discrimination against applicants for employment, for age, see 1938, c. 295; 1938, c. 336.

R. S. 40:21–60 amended 1938, c. 268.

Additional Legislation.

Tenure of office for superintendents, child welfare, 1939, c. 224.

Chapter 23. GENERAL POWERS.

R. S. 40:23–6.1 amended 1938, c. 33.

Chapter 25. CONTRACTS.

R. S. 40:25–2 amended 1938, c. 167.

Chapter 32. LANDS AND BUILDINGS.

Note: For authorization of maintenance of stands in public buildings by blind, see 1938, c. 349.

Chapter 37. COUNTY PARKS.

Article 5. County Parks Established by Referendum.

C. COUNTIES OF MORE THAN 200,000; COMMISSIONERS APPOINTED BY SUPREME COURT JUSTICE.

R. S. 40:37–156A (added) Appeal from conviction for violations by members of county police force or police departments not under civil service, 1939, c. 44.

Additional Legislation.

Appropriations for county parks by board of freeholders, 1939, c. 133.

E. COUNTIES BETWEEN 175,000 and 200,000; COMMISSIONERS APPOINTED BY BOARD OF CHOSEN FREEHOLDERS.

R. S. 40:37–201.1 (added) Franchises, facilities, etc., regulations as to use, suppl., 1939, c. 360.

Part 2. ELECTIVE COUNTY OFFICERS.

Chapter 38. COUNTY CLERKS.

Additional Legislation.

Tenure of office of deputy county clerks and deputy surrogates; second class counties, 1939, c. 223.

Chapter 41. SHERIFFS AND CONSTABLES.

Note: For reports of information as to criminal proceedings, etc., see 1939, c. 78.

Subtitle 3. MUNICIPALITIES GENERALLY.

Chapter 43. INCORPORATION; NEWLY CREATED MUNICIPALITIES; ANNEXATION; CONSOLIDATION; BOUNDARIES.

Article 5. Annexation.

Additional Legislation.

Annexation of part of boundary street, suppl., 1939, c. 46.

Article 6. Consolidation of Municipalities.

R. S. 40:43–40 to 40:43–64 repealed 1939, c. 343, s. 39.

R. S. 40:43–66 repealed 1939, c. 343, s. 39.

1923, c. 117, repealed 1939, c. 343, s. 39.
1925, c. 10, " 1939, c. 343, s. 39.
1925, c. 60, " 1939, c. 343, s. 39.
1930, c. 129, " 1939, c. 343, s. 39.
1935, c. 98, " 1939, c. 343, s. 39.

Additional Legislation.

Local Units Permissive Consolidation Act, 1939, c. 343.

Chapter 46. OFFICERS AND EMPLOYEES.

Note: For legislation dealing with discrimination against applicant for employment, for age, see 1938, c. 295; 1938, c. 336.

R. S. 40:46–5 amended 1938, c. 149.

Additional Legislation.

Term of office of tax assessors, 1938, c. 386.

Method of fixing compensation of employees; certain municipalities, 1939, c. 286.

Chapter 47. FIRE AND POLICE.

Article 1. Fire and Police Departments.

R. S. 40:47–4 amended 1939, c. 318.

Additional Legislation.

Appeal for members, police and fire departments, not under civil service, convicted of violation of rules and regulations, suppl., 1938, c. 298.

Article 3. Fire Departments Only.

B. VOLUNTEER COMPANIES.

Note: For appointments to paid fire departments from volunteer departments, see 1938, c. 131.

R. S. 40:47–29 amended 1938, c. 257.

C. PAID DEPARTMENTS.

R. S. 40:47–40 amended 1938, c. 276.

Additional Legislation.

Appointments to paid fire departments from membership volunteer fire departments, 1938, c. 131.

E. EXEMPT FIREMEN.

Additional Legislation.

Tenure of office of exempt firemen, 1938, c. 385.

F. (new) JOINT FIRE SERVICE BY MUNICIPALITIES.

Contract for mutual emergency aid in extinguishing fires; two or more municipalities, 1938, c. 260.

Chapter 48. GENERAL POWERS.

Note: For regulation retail trade, etc., in alcoholic liquors, see Title 33, chapter 1, supra.

Additional Legislation.

Ordinances regulating opening and closing of beauty parlors, 1938, c. 249.

Chapter 52. LICENSES.

Note: For licenses to sell, etc., alcoholic liquors, see Title 33, chapter 1, supra.

R. S. 40:52-3 repealed 1939, c. 258.

Chapter 54. LIBRARIES AND READING ROOMS.

R. S. 40:54-35 amended 1938, c. 68.

Chapter 56. LOCAL AND OTHER IMPROVEMENTS; CONDEMNATION; ASSESSMENTS, DAMAGES AND APPEALS.

R. S. 40:56-1 amended 1938, c. 229.

Chapter 60. PUBLIC LANDS AND BUILDINGS.

Note: For maintenance of stands by blind in public buildings, see 1938, c. 349.

R. S. 40:60-26 amended 1938, c. 300; 1939, c. 66; 1939, c. 344.

Additional Legislation.

Conveyance and reacquisition of lands to create restrictions on use; municipalities; sixth class counties, 1939, c. 110.

Chapter 61. PUBLIC PARKS AND PLAYGROUNDS.

Additional Legislation.

Sale or lease of park lands; certain municipalities, 1938, c. 87.

Title of above amended, 1938, c. 203, s. 1.

Sec. 1 " " " 1938, c. 203, s. 2.

Chapter 62. PUBLIC UTILITIES MUNICIPALLY OWNED.

R. S. 40:62–28 amended 1939, c. 253, s. 1.

R. S. 40:62–31 " 1939, c. 253, s. 2.

R. S. 40:62–33 " 1939, c. 38, s. 1.

R. S. 40:62–34 " 1939, c. 38, s. 2.

R. S. 40:62–54 " 1938, c. 377.

R. S. 40:62–102 " 1938, c. 253.

Additional Legislation.

Separate budgets for convention halls and broadcasting stations, suppl., 1939, c. 304.

Chapter 68. WATER FRONT IMPROVEMENTS.

Note: For reclamation of low lands as local improvement, see 1938, c. 229.

Subtitle 4. COMMISSION FORM OF GOVERNMENT.

Chapter 75. ELECTION OF COMMISSIONERS.

R. S. 40:75–9 amended 1938, c. 287.

Subtitle 6. BOROUGHS.

Note: For diversion, road and street moneys, from maintenance to new construction, etc.; boroughs; first-class counties, see 1939, c. 380.

Chapter 87. OFFICERS.

Additional Legislation.

Marshals under civil service and members police department; certain boroughs, 1939, c. 285.

Chief of police to take complaints, issue process and hold to bail, 1939, c. 306.

Subtitle 7. CAMP MEETING AND SEASIDE ASSOCIATIONS AND RESORTS.

Part 2. CAMP MEETING ASSOCIATIONS.

Chapter 97. GENERAL POWERS.

Additional Legislation.

Limitation of action against persons claiming certain rights, etc., in lands in highways vacated by associations, 1939, c. 182.

Chapter 101. FIRE DISTRICTS.

R. S. 40:101–6 amended 1939, c. 181.

Subtitle 8. CITY REFERENDUM CHARTER ACTS.

Chapter 109. ADDITIONAL ACTS AFFECTING CITIES HAVING A POPULATION OF LESS THAN 12,000 INHABITANTS.

R. S. 40:109–3 1899, c. 52, s. 3, amended 1938, c. 302; 1939, c. 389.

Subtitle 10. TOWNS.

Note: For diversion, road and street moneys, from maintenance to new construction, etc.; towns; first class counties, see 1939, c. 380.

Subtitle 11. TOWNSHIPS.

Note: For preparation and use of tax maps in townships authorized, see 1939, c. 167; for diversion, road and street moneys, from maintenance to new construction, etc.; townships; first class counties, see 1939, c. 380.

Chapter 146. TOWNSHIP COMMITTEE.

R. S. 40:146–8 amended 1938, c. 344.

Additional Legislation.

Election of chairman, quorum, annual meeting, 1938, c. 65.

Preparation and use of tax maps, 1939, c. 167.

Subtitle 13. CITIES (COMPILATION).

Chapter 171. OFFICERS.

R. S. 40:171–106A (added) Commissioner of Assessment, leave of absence while candidate for elective office, reinstatement, acting commissioner, suppl., 1939, c. 358.

R. S. 40:171–174 amended 1938, c. 324.

Chapter 174. FIRE AND POLICE.

R. S. 40:174–147A (added) Promotion from any rank to next higher rank; police departments; first class cities, 1938, c. 410.

Chapter 190. INDUSTRIAL COMMISSION.

Article 1. Cities of First Class.

1936, c. 184, title amended 1939, c. 236, s. 1.

R. S. 40:190–1	1936, c. 184, s. 1,	"	1939, c. 236, s. 2.
R. S. 40:190–2	1936, c. 184, s. 2,	"	1939, c. 236, s. 3.
R. S. 40:190–3	1936, c. 184, s. 3,	"	1939, c. 236, s. 4.
R. S. 40:190–4	1936, c. 184, s. 4,	"	1939, c. 236, s. 5.
R. S. 40:190–7	1936, c. 184, s. 7,	"	1939, c. 236, s. 6.

Title 41. OATHS AND AFFIDAVITS.

Chapter 2. WHO MAY ADMINISTER OATHS OR TAKE AFFIDAVITS.

Additional Legislation.

Oaths, etc., in school matters taken by secretary or district clerk of board of education, 1939, c. 148.

Certain oaths in criminal matters taken by county detectives and prosecutors investigators, suppl., 1939, c. 276.

Title 43. PENSIONS AND RETIREMENT AND UNEMPLOYMENT COMPENSATION.

Subtitle 1. GENERAL PROVISIONS.

Chapter 1A. (new) SUSPENSION OF RIGHT TO PENSION OR SUBSIDY.

Payment of pension or subsidy by State, municipality or school district to person confined in penal institution under conviction of crime involving moral turpitude, prohibited, suppl., 1938, c. 221.

Chapter 3. PENSIONERS IN PUBLIC EMPLOYMENT.

R. S. 43:3–5 amended 1939, c. 220.

Subtitle 2. STATE PENSIONS AND RETIREMENT.

Chapter 6. COURT OFFICERS AND EMPLOYEES.

Additional Legislation.

Retirement on pension of sergeant-at-arms, of Court of Chancery, physically unfit for service, 1939, c. 156.

Subtitle 3. COUNTY PENSIONS AND RETIREMENT.

Chapter 9. PENSIONS PAYABLE FROM PUBLIC FUNDS.

Additional Legislation.

Retirement on pension of deputy or special deputy surrogate. 1938,. c. 142.

Chapter 10. PENSION FUNDS.

Article 1. Employees of County of the First Class Generally.

R. S. 43:10–1 amended 1939, c. 206; 1939, c. 394, s. 1; status of employees made eligible, suppl., 1939, c. 394, s. 2.

Article 2. County Detectives in Counties of the First, Second, Third and Fifth Classes.

R. S. 43:10–20 amended 1939, c. 186.

Article 9. (new) County Departments of Weights and Measures.

Retirement on pension of county superintendent or assistant superintendent of weights and measures, 1938, c. 397.

Article 10. (new) Court Interpreters.

Retirement on pension of court interpreter; second class counties, 1938, c. 330.

Subtitle 4. MUNICIPAL PENSIONS.

Chapter 12. PENSIONS PAYABLE FROM PUBLIC FUNDS.

R. S. 43:12–1 amended 1939, c. 218.

R. S. 43:12–50 " 1938, c. 310; 1939, c. 226, s. 1.

R. S. 43:12–51 " 1939, c. 226, s. 2.

Subtitle 5. STATE, COUNTY AND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM.

Chapter 14. STATE SYSTEM.

R. S. 43:14–2.4 amended 1938, c. 230.

R. S. 43:14–4 " 1938, c. 215.

R. S. 43:14–7 " 1939, c. 144.

R. S. 43:14–8 " 1939, c. 142.

R. S. 43:14–22.1 " 1938, c. 116.

R. S. 43:14–31 " 1939, c. 297.

R. S. 43:14–35 " 1939, c. 99; 1939, c. 292.

R. S. 43:14–37 " 1939, c. 149.

Additional Legislation.

Classification of members; definition of benefits payable thereunder, suppl., 1939, c. 50.

Chapter 15. COUNTY AND MUNICIPAL SYSTEM.

R. S. 43:15–2 amended 1939, c. 143.

Subtitle 6. PENSION FUND FOR POLICEMEN AND FIREMEN; TRAFFIC OFFICERS ON COUNTY ROADS.

Chapter 16. ESTABLISHMENT OF FUND BY REFERENDUM.

R. S. 43:16–1 amended 1938, c. 104.

R. S. 43:16–13 (added) Members, twenty years service, not to lose pension for violation of rules or regulations, 1938, c. 252.

Subtitle 7. CORPORATIONS AND ASSOCIATIONS FOR PENSION, RETIREMENT AND RELIEF.

Chapter 18. EMPLOYEES AND CERTAIN OFFICERS OF CITY BOARDS OF HEALTH.

Additional Legislation.

Eligibility of certain widows, of members, for pension, suppl., 1938, c. 327.

Chapter 19. STREET AND WATER DEPARTMENT EMPLOYEES.

R. S. 43:19–9 amended 1938, c. 53.

Subtitle 9. SOCIAL SECURITY.

Chapter 21. UNEMPLOYMENT COMPENSATION.

R. S. 43:21–3 amended 1938, c. 396; 1939, c. 94, s. 1.

R. S. 43:21–5 " 1939, c. 94, s. 2.

R. S. 43:21–7 " 1938, c. 58; 1939, c. 289.

R. S. 43:21–9 " 1939, c. 94, s. 3.

R. S. 43:21–11 " 1939, c. 94, s. 4.

R. S. 43:21–12 " 1939, c. 94, s. 5.

R. S. 43:21–13 " 1939, c. 94, s. 6.

R. S. 43:21–14 " 1938, c. 59; 1939, c. 309.

R. S. 43:21–19 " 1938, c. 312; 1938, c. 314; 1939, c. 94, s. 6A.

R. S. 43:21–21 " 1939, c. 94, s. 7.

Additional Legislation.

"Employment" not to include part-time work by certain minors, suppl., 1938, c. 111.

Title 44. POOR.

Note: For settlement, recipients of emergency relief, unchanged during emergency, see 1938, c. 28.

Chapter 4. SETTLEMENT AND RELIEF OF POOR; COUNTY REFERENDUM LAW.

Article 3. County Welfare Board.

R. S. 44:4–20 amended 1938, c. 194, s. 1.

R. S. 44:4–23 " 1938, c. 194, s. 2.

R. S. 44:4–28 " 1938, c. 194, s. 3.

Article 4. Director of Welfare; Other Officers, Employees and Assistants.

R. S. 44:4–33 amended 1938, c. 194, s. 4.

Article 8. Application for and Granting of Relief in General.

Additional Legislation.

Agreement to reimburse to be taken as prerequisite to relief, suppl., 1939, c. 263.

Chapter 5. MEDICAL CARE AND HOSPITALIZATION OF POOR IN GENERAL.

R. S. 44:5–16 amended 1939, c. 230.

Chapter 7. OLD AGE ASSISTANCE.

R. S. 44:7–3 amended 1938, c. 361, s. 1.

R. S. 44:7–5 " 1938, c. 361, s. 2.

R. S. 44:7–6 " 1938, c. 361, s. 3.

R. S. 44:7–7 " 1938, c. 361, s. 4.

R. S. 44:7–9 " 1938, c. 361, s. 5.

R. S. 44:7–10 " 1938, c. 361, s. 6.

R. S. 44:7–11 " 1938, c. 361, s. 7; 1938, c. 382; 1939, c. 311.

R. S. 44:7–12 " 1938, c. 361, s. 8; 1939, c. 338.

R. S. 44:7–13 " 1938, c. 361, s. 9.

R. S. 44:7–14 " 1938, c. 361, s. 10.

R. S. 44:7–15 " 1938, c. 361, s. 11.

R. S. 44:7–18 " 1938, c. 361, s. 12.

R. S. 44:7–19 " 1938, c. 361, s. 13.

R. S. 44:7–20 " 1938, c. 361, s. 14.

R. S. 44:7–24 amended 1938, c. 361, s. 15.

R. S. 44:7–27 " 1938, c. 361, s. 16.

R. S. 44:7–29 " 1938, c. 361, s. 17.

R. S. 44:7–30 " 1938, c. 361, s. 18.

R. S. 44:7–31 " 1938, c. 361, s. 19.

Chapter 8. FINANCIAL ASSISTANCE TO CERTAIN NEEDY PERSONS.

R. S. 44:8–1 amended 1938, c. 123, s. 1.

R. S. 44:8–5 " 1938, c. 123, s. 2.

R. S. 44:8–6 " 1938, c. 123, s. 3.

R. S. 44:8–7 " 1938, c. 123, s. 4.

R. S. 44:8–8 " 1938, c. 123, s. 5.

R. S. 44:8–9 " 1938, c. 123, s. 6.

R. S. 44:8–10 " 1938, c. 123, s. 7.

R. S. 44:8–11 " 1938, c. 123, s. 8.

R. S. 44:8–12 " 1938, c. 123, s. 9.

R. S. 44:8–13 " 1938, c. 123, s. 10.

R. S. 44:8–14 " 1938, c. 123, s. 11.

R. S. 44:8–17 " 1938, c. 123, s. 12.

R. S. 44:8–19 " 1938, c. 123, s. 13.

R. S. 44:8–23 " 1938, c. 123, s. 14.

R. S. 44:8–25 " 1938, c. 123, s. 15.

R. S. 44:8–26 supplemented, Payment of cost of transportation of relief workers; reimbursement of municipalities, 1938, c. 213.

R. S. 44:8–30 amended 1938, c. 46.

Title 45. PROFESSIONS AND OCCUPATIONS.

Note: For business of selling, etc., motor fuels, etc., at retail, regulated, see 1938, c. 163, as amended by 1938, c. 401; for business of selling, trading in, receiving, installing or repairing condemned, rebuilt or used weighing machines, regulated, see 1938, c. 182; for licenses to superintendents, operators, etc., of water purification, treatment and supply plants, etc., and sewerage plants, see 1938, c. 206; for stands maintained in public buildings by blind, regulated, see 1938, c. 349; for sales at retail at less than cost, prohibited, see 1938, c. 394; for tourist and trailer camps and overnight lodging places regulated, see 1939, c. 254.

Subtitle 1. PROFESSIONS AND OCCUPATIONS REGULATED BY STATE BOARDS OF REGISTRATION AND EXAMINATION.

Chapter 3. ARCHITECTS.

R. S. 45:3-1	amended	1938, c. 277, s. 1.
R. S. 45:3-2	"	1938, c. 277, s. 2.
R. S. 45:3-3	"	1939, c. 239, s. 1.
R. S. 45:3-4	"	1939, c. 239, s. 2.
R. S. 45:3-5	"	1939, c. 239, s. 3.
R. S. 45:3-6	"	1939, c. 239, s. 4.
R. S. 45:3-7	"	1939, c. 239, s. 5.

Chapter 4. BARBERS.

Additional Legislation.

Regulation of barbering, licensing of barbers and creation of State Board of Barber Examiners, etc., 1938, c. 197.

Chapter 4A. BEAUTY CULTURE.

Note: For regulation of opening and closing of beauty parlors by municipal ordinance, see 1938, c. 249.

R. S. 45:4A-5	amended	1939, c. 76, s. 1.
R. S. 45:4A-6	"	1939, c. 76, s. 2.
R. S. 45:4A-8	"	1938, c. 120, s. 1; 1939, c. 76, s. 3; 1939, c. 376.
R. S. 45:4A-9	"	1939, c. 76, s. 4.
R. S. 45:4A-10	"	1939, c. 76, s. 5.
R. S. 45:4A-12	"	1939, c. 76, s. 6.
R. S. 45:4A-14	"	1938, c. 120, s. 2.
R. S. 45:4A-15	"	1939, c. 76, s. 7.

R. S. 45:4A–18 amended 1938, c. 120, s. 3; 1939, c. 76, s. 8.

R. S. 45:4A–21 " 1939, c. 76, s. 9.

R. S. 45:4A–24 " 1938, c. 120, s. 4.

R. S. 45:4A–25 to 45:4A–29 repealed 1938, c. 120, s. 6.

R. S. 45:4A–26.1 (added) Proof of violation, 1939, c. 76, s. 10.

R. S. 45:4A–30 amended 1938, c. 120, s. 5.

R. S. 45:4A–31 to 45:4A–34 repealed 1938, c. 120, s. 6.

R. S. 45:4A–35 amended 1938, c. 120, s. 5.

Chapter 6. DENTISTS.

R. S. 45:6–1 amended 1938, c. 277, s. 3.

R. S. 45:6–3 " 1939, c. 108, s. 1.

R. S. 45:6–10 " 1939, c. 108, s. 2.

Chapter 7. EMBALMERS AND FUNERAL DIRECTORS.

R. S. 45:7–1 amended 1938, c. 277, s. 4.

Chapter 8. ENGINEERS, PROFESSIONAL, AND LAND SURVEYORS.

R. S. 45:8–1 to 45:8–26 repealed 1938, c. 342, s. 23.

Additional Legislation.

Practice of professional engineering and land surveying regulated (Revision, 1938), 1938, c. 342.

Sec. 3 of above amended 1939, c. 339, s. 1.

Sec. 4 " " " 1939, c. 339, s. 2.

Sec. 5 " " " 1939, c. 339, s. 3.

Sec. 6 " " " 1939, c. 339, s. 4.

Sec. 7 " " " 1939, c. 339, s. 5.

Sec. 11 " " " 1939, c. 339, s. 6.

Sec. 20 " " " 1939, c. 302.

Chapter 9. MEDICINE AND SURGERY.

Article 1. Practice of Medicine and Surgery in General.

R. S. 45:9–1 amended 1938, c. 277, s. 5; 1939, c. 115, s. 1.

R. S. 45:9–2 " 1939, c. 115, s. 2.

R. S. 45:9–3 " 1939, c. 115, s. 3.

R. S. 45:9–5 " 1938, c. 277, s. 6; 1939, c. 115, s. 4.

R. S. 45:9–5.1 (added) Additional definitions, suppl., 1939, c. 115, s. 5.

R. S. 45:9–6 amended 1939, c. 115, s. 6.

R. S. 45:9–7 " 1939, c. 115, s. 7.

R. S. 45:9–8 " 1939, c. 115, s. 8.

R. S. 45:9–9 " 1939, c. 115, s. 9.

R. S. 45:9–10 " 1939, c. 115, s. 10.

R. S. 45:9–11 " 1939, c. 115, s. 11.

R. S. 45:9–12 " 1939, c. 115, s. 12.

R. S. 45:9–13 " 1939, c. 115, s. 13.

R. S. 45:9–14 " 1939, c. 115, s. 14.

R. S. 45:9–14.1 " 1939, c. 115, s. 15.

R. S. 45:9–14.2 repealed 1939, c. 115, s. 16.

R. S. 45:9–14.3 (added) Osteopathy defined, suppl., 1939, c. 115, s. 17.

R. S. 45:9–14.4 (added) Certain licenses to practice osteopathy saved, suppl., 1939, c. 115, s. 18, amended 1939, c. 361.

R. S. 45:9–14.5 (added) Chiropractic defined, suppl., 1939, c. 115, s. 19.

R. S. 45:9–14.6 (added) Certain licenses to practice chiropractic saved, suppl., 1939, c. 115, s. 20.

R. S. 45:9–14.7 (added) Certain chiropractors eligible for examination, suppl., 1939, c. 115, s. 21.

R. S. 45:9–14.8 (added) Veterans' licenses, suppl., 1939, c. 115, s. 22.

R. S. 45:9–14.9 (added) Qualifications for and examinations; certain cases, suppl., 1939, c. 115, s. 23.

R. S. 45:9–14.10 (added) Certain limited licenses saved, suppl., 1939, c. 115, s. 24.

R. S. 45:9–15 amended 1939, c. 115, s. 25.

R. S. 45:9–16 " 1939, c. 115, s. 26.

R. S. 45:9–17 " 1939, c. 115, s. 27.

R. S. 45:9–21 " 1939, c. 115, s. 28.

R. S. 45:9–22 " 1939, c. 115, s. 29.

R. S. 45:9–23 " 1939, c. 115, s. 30.

R. S. 45:9–26 " 1939, c. 115, s. 31.

R. S. 45:9–27.1 (added) Chancery proceedings to prevent certain violations, suppl., 1939, c. 115, s. 32.

Additional Legislation.

Qualifications for certain applicants for license to practice medicine and surgery, suppl., 1938, c. 121.

Article 2. Limited Licenses.

Note: For types, etc., of licenses which may be issued, see Article 1 of this chapter as amended, etc.

R. S. 45:9–28 to 45:9–37 repealed 1939, c. 115, s. 34.

Article 3. Practice of the Science of Chiropractic.

Note: For types, etc., of licenses which may be issued, see Article 1 of this chapter as amended, etc.

R. S. 45:9–38 to 45:9–41 repealed 1939, c. 115, s. 35.

Chapter 12. OPTOMETRY.

R. S. 45:12–2 amended 1938, c. 277, s. 7.

R. S. 45:12–18 " 1938, c. 277, s. 8.

Chapter 13. OSTEOPATHY.

Note: For types, etc., of licenses which may be issued, see Article 1 of chapter 9 of this Title as amended, etc.

R. S. 45:13–1 to 45:13–5 repealed 1939, c. 115, s. 33.

Chapter 14. PHARMACY.

R. S. 45:14–7 amended 1939, c. 85, s. 1.

R. S. 45:14–33 " 1939, c. 85, s. 2.

R. S. 45:14–34 " 1939, c. 85, s. 3.

Chapter 15. REAL ESTATE BROKERS, SALESMEN AND AUCTIONEERS.

R. S. 45:15–9 amended 1938, c. 227, s. 1.

R. S. 45:15–20 " 1938, c. 227, s. 2.

R. S. 45:15–30 " 1939, c. 103.

Chapter 16. VETERINARY MEDICINE, SURGERY AND DENTISTRY.

R. S. 45:16–1 amended 1938, c. 277, s. 9.

Subtitle 2. OCCUPATIONS SUBJECT TO OTHER REGULATION.

Chapter 19. DETECTIVES.

R. S. 45:19–1 to 45:19–7 repealed 1939, c. 368.

Additional Legislation.

Private Detective Act of 1939, 1939, c. 369.

Chapter 22. PAWNBROKERS AND DEALERS IN SECONDHAND GOODS.

Additional Legislation.

Sale of used or secondhand watches regulated, 1939, c. 55.

Title 46. PROPERTY.

Subtitle 2. REAL PROPERTY ONLY.

Chapter 3. ESTATES AND INTERESTS IN REAL PROPERTY AND ALIENATION THEREOF IN GENERAL.

Additional Legislation.

Creation, descent, transfer, etc., of estates, rights and interests in areas above surface of ground, suppl., 1938, c. 370.

Subtitle 3. SIGNATURES, SEALS, ACKNOWLEDGMENTS AND PROOFS.

Chapter 14. ACKNOWLEDGMENTS AND PROOFS.

R. S. 46:14–7 amended 1938, c. 170.

R. S. 46:14–8 " 1939, c. 166.

Subtitle 4. RECORDING, REGISTRATION, FILING AND INDEXING OF DEEDS AND OTHER INSTRUMENTS.

Chapter 16. INSTRUMENTS ENTITLED TO RECORD.

Additional Legislation.

Recording of certified copies of final decrees of Court of Chancery affecting title to real estate, in county clerk's or register of deed's office, 1939, c. 170.

Chapter 18. RECORD OF AND RECORD ENTRIES AS TO INSTRUMENTS AFFECTING MORTGAGES.

R. S. 46:18–8.1 amended 1939, c. 370.

Subtitle 6. PERSONAL PROPERTY ONLY.

Note: For deposit by employee with employer as trust fund; certain cases, see 1939, c. 117; for effect of contributory negligence of owner, etc., of special property in goods, etc., in suit for damages to same, see 1939, c. 53.

Chapter 35. (new) TRUST RECEIPTS.

Uniform Trust Receipts Act, 1938, c. 294.

Title 47. PUBLIC RECORDS.

Chapter 1. RECORDS AND RECORDING OFFICES GENERALLY.

R. S. 47:1–5 amended 1939, c. 346.

Chapter 3. DESTRUCTION AND UNLAWFUL POSSESSION OF PUBLIC RECORDS.

Additional Legislation.

Destruction of cancelled, etc., scrip issued by municipalities and counties, suppl., 1938, c. 329; amended 1939, c. 147.

Title 48. PUBLIC UTILITIES.

Chapter 2. BOARD OF PUBLIC UTILITY COMMISSIONERS.

R. S. 48:2–19 amended 1939, c. 80.

Chapter 12. RAILROADS.

Note: For extension of time for completion of certain railroads, see 1939, c. 15.

R. S. 48:12–63 amended 1939, c. 152.

R. S. 48:12–74 " 1939, c. 153.

R. S. 48:12–150 " 1939, c. 49.

Additional Legislation.

Use, sale, etc., of different levels of railroad property for other than railroad purposes, suppl., 1938, c. 369.

Chapter 13. SEWERAGE COMPANIES.

Additional Legislation.

Abandonment of sewerage system without consent of board of public utility commissioners prohibited; extension of corporate existence of certain sewerage companies, suppl., 1939, c. 138.

Title 50. SHELLFISH.

Chapter 2. GENERAL REGULATORY PROVISIONS.

R. S. 50:2–5 amended 1939, c. 242.

Title 51. STANDARDS, WEIGHTS, MEASURES AND CONTAINERS.

Chapter 1. WEIGHTS, MEASURES AND CONTAINERS.

R. S. 51:1–103 amended 1939, c. 390, s. 1.

R. S. 51:1–104 " 1939, c. 390, s. 2.

R. S. 51:1–105 " 1939, c. 390, s. 3.

R. S. 51:1–106 " 1939, c. 390, s. 4.

R. S. 51:1–107 " 1939, c. 390, s. 5.

R. S. 51:1–108 " 1939, c. 390, s. 6.

Additional Legislation.

Regulation of business of selling, trading-in, receiving, installing or repairing condemned, rebuilt or used weighing or measuring devices, 1938, c. 182.

Chapter 3. STANDARD MERIDIAN LINE; LAND DESCRIPTIONS.

Additional Legislation.

New Jersey System of Plane Co-ordinates; continuation of by Department of Conservation and Development, 1938, c. 225.

Chapter 7. ANTHRACITE.

R. S. 51:7–2 amended 1938, c. 242, s. 1.

R. S. 51:7–4 " 1938, c. 242, s. 2.

R. S. 51:7–5 " 1938, c. 242, s. 3.

R. S. 51:7–6 " 1938, c. 242, s. 4.

R. S. 51:7–7 " 1938, c. 242, s. 5.

R. S. 51:7–9 " 1938, c. 242, s. 6.

Chapter 8. SOLID FUEL.

R. S. 51:8–5 amended 1938, c. 44, s. 1; 1939, c. 41.

R. S. 51:8–12 " 1938, c. 44, s. 2.

Chapter 9. LIQUID FUEL.

R. S. 51:9–1 amended 1938, c. 323.

Title 52. STATE GOVERNMENT, DEPARTMENTS AND OFFICERS.

Note: For discrimination against applicants for employment, for age, see 1938, c. 295; for maintenance of stands by blind in State buildings, see 1938, c. 349.

Subtitle 1. GENERAL PROVISIONS.

Chapter 3. FLAGS.

Additional Legislation.

Display of State flag regulated, 1938, c. 86.

Historic flags, preservation and repair, 1938, c. 129.

Chapter 9C. NEW JERSEY COUNCIL.

R. S. 52:9C–2 amended 1939, c. 393.

Subtitle 3. EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS, OFFICERS AND EMPLOYEES.

Chapter 17. ATTORNEY GENERAL.

Note: For act placing legal assistants under civil service, see 1939, c. 101.

Chapter 18. STATE TREASURER.

R. S. 52:18–18 amended 1938, c. 173; 1938, c. 244.

Additional Legislation.

Assistant to act as deputy during illness or absence of State Treasurer, 1939, c. 29.

Chapter 19. STATE COMPTROLLER.

Note: For act placing chief auditor under civil service, see 1939, c. 219.

Additional Legislation.

Auditing and preauditing force under tenure of office, 1939, c. 222.

Chapter 20. STATE HOUSE COMMISSION.

Additional Legislation.

Compensation of chief and members of State Capitol police force, 1938, c. 389, suppl., 1939, c. 77.

Chapter 22. STATE BUDGET AND STATE BUDGET COMMISSIONER.

R. S. 52:22–20 amended 1938, c. 13.

Chapter 24. STATE AUDITOR.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158.

R. S. 52:24–12 to 52:24–18 repealed 1938, c. 159, s. 29.

R. S. 52:24–20 to 52:24–27 " 1938, c. 159, s. 29.

Chapter 24A. (new) STATE DEPARTMENT OF LOCAL GOVERNMENT.

Note: For changes in local budget law to conform with establishment of State Department of Local Government, see 1938, c. 128; for powers, etc., Funding Commission vested in Local Government Board, see 1939, c. 384; for powers, etc., Municipal Finance Commission vested in Local Government Board, see 1939, c. 385.

Local Government Act (1938), 1938, c. 158.

Supervision over certain municipalities; State Department of Local Government, 1938, c. 127.

Title of above amended 1939, c. 364, s. 1.

Sec. 3 " " " 1939, c. 364, s. 2.

Sec. 5 " " " 1939, c. 364, s. 3.

Sec. 6 " " " 1939, c. 364, s. 4.

Sec. 6A (added) Limitation upon counties, suppl., 1939, c. 364, s. 5.

Sec. 8 of above amended 1939, c. 364, s. 6.

Sec. 11 " " " 1939, c. 364, s. 7.

Sec. 11A (added) Municipalities under the Municipal Finance Commission, suppl., 1939, c. 364, s. 8.

Limitation of school debt and appropriations in school districts; municipalities subject to supervision State Department of Local Government, 1939, c. 265.

Fiscal administration in local governments regulated, 1938, c. 159.

Chapter 27. MUNICIPAL FINANCE COMMISSION.

Article 1. Organization and Personnel.

Note: For personnel and powers of commission, see 1938, c. 158.

Additional Legislation.

Powers, etc., Municipal Finance Commission vested in Local Government Board, 1939, c. 385.

Article 3. Funding of Municipal Indebtedness; Issuance and Sale of Notes and Bonds.

R. S. 52:27–23.1 amended 1938, c. 202, s. 1; 1939, c. 47, s. 1.

Article 3A. (new) Issuance of Scrip or Tax Anticipation Securities.

Additional Legislation.

Issuance of scrip or tax anticipation notes or bonds by municipalities under Municipal Finance Commission without approval, prohibited, suppl., 1938, c. 169.

Article 4. Taxes and Assessments.

R. S. 52:27–29.1 amended 1938, c. 202, s. 2.

Article 8. Readjustment of Debts Under Federal Municipal Bankruptcy Act.

R. S. 52:27–40 amended 1938, c. 243, s. 1.

R. S. 52:27–42 " 1938, c. 243, s. 2.

R. S. 52:27–44 " 1938, c. 243, s. 3.

Additional Legislation.

Readjustment of debt; issuance of funding or refunding warrants, etc.; bankrupt municipalities, 1939, c. 56.

Article 9. Fund or Refunding Indebtedness of School Districts.

R. S. 52:27–51 amended 1939, c. 47, s. 2.

Title 53. STATE POLICE.

Note: For reports of thefts of motor vehicles and registration plates and of recovery of same to be made to superintendent of State Police, see 1938, c. 352.

Chapter 1. ORGANIZATION AND PERSONNEL.

Additional Legislation.

Identification of criminals, reports and file of criminal proceedings, suppl., 1939, c. 78.

Title 54. TAXATION.

Note: For exemption of credit unions from chapters 4, 33, 34, 35, 36 and 37 of this Title, see 1938, c. 293.

Subtitle 1. DEPARTMENT AND BOARDS FOR THE REVIEW, ASSESSMENT AND COLLECTION OF TAXES.

Chapter 1. STATE TAX DEPARTMENT AND COMMISSIONER.

R. S. 54:1–15 see 1939, c. 167.

R. S. 54:1–35 amended 1938, c. 279.

Chapter 2. STATE BOARD OF TAX APPEALS.

Note: For credit for reduction in taxes paid by mortgagee before or pending appeal, see 1938, c. 152.

Chapter 3. COUNTY BOARDS OF TAXATION.

Note: For credit for reduction in taxes by mortgagee before or pending appeal, see 1938, c. 152.

R. S. 54:3–6 amended 1939, c. 217.

R. S. 54:3–27 " 1938, c. 151.

Subtitle 2. TAXATION OF REAL AND PERSONAL PROPERTY IN GENERAL.

Chapter 4. ASSESSMENT AND COLLECTION OF TAXES.

Note: For payment of taxes pending appeal, see R. S. 54:3–27 as amended 1938, c. 151; for act limiting school debt and appropriations in certain school districts, see 1939, c. 265.

R. S. 54:4–3.23 amended 1938, c. 390.

R. S. 54:4–22 " 1938, c. 245.

R. S. 54:4–52 " 1938, c. 384.

R. S. 54:4–122 (added) Compromise, adjustment or cancellation of certain assessments against cemeteries, suppl., 1938, c. 16.

Additional Legislation.

Credit, etc., for reduction in taxes when paid by mortgagee before or pending appeal, 1938, c. 152.

Collection of delinquent real estate taxes by receivership proceedings, 1939, c. 362.

Chapter 5. CREATION, ENFORCEMENT AND COLLECTION OF LIENS FOR UNPAID TAXES AND OTHER MUNICIPAL LIENS ON REAL PROPERTY.

R. S. 54:5-46 amended 1939, c. 93.

Additional Legislation.

Beneficiaries need not be made parties defendant to tax, etc., sale foreclosures, suppl., 1938, c. 264 and 1939, c. 151.

Subtitle 4. PARTICULAR TAXES ON CORPORATIONS AND OTHERS.

Note: For certificate of authority of merged foreign corporations to do business in State withheld until prior taxes paid, see 1938, c. 180.

Part 2. CAPITAL STOCK AND GROSS RECEIPTS TAXES ON CERTAIN CORPORATIONS.

Chapter 13. ASSESSMENT.

R. S. 54:13-1 amended 1939, c. 137, s. 1.

R. S. 54:13-2 " 1938, c. 186; 1939, c. 137, s. 2.

R. S. 54:13-4 " 1939, c. 137, s. 3.

R. S. 54:13-7 " 1939, c. 137, s. 4.

R. S. 54:13-8 " 1939, c. 137, s. 5.

R. S. 54:13-9 repealed 1939, c. 137, s. 6.

R. S. 54:13-10 " 1939, c. 137, s. 7.

Chapter 14. COLLECTION AND ENFORCEMENT.

R. S. 54:14-1 amended 1939, c. 137, s. 8.

Chapter 15. REVIEW, CORRECTION AND REFUND.

R. S. 54:15-5 repealed 1938, c. 132.

Part 3. TAXATION OF INSURANCE COMPANIES OTHER THAN LIFE.

Chapter 17. FOREIGN INSURANCE COMPANIES GENERALLY.

R. S. 54:17-1 amended 1938, c. 56.

Part 5. TAXATION OF CERTAIN PUBLIC UTILITIES.

Chapter 30A. (new) FRANCHISE AND GROSS RECEIPTS TAXES.

Excise tax for use, etc., of public streets, etc., under franchise, etc., except for autobuses, taxi cabs, street railway, traction, gas and electric light, heat and power, or by municipal corporations and railroad and canal companies, 1938, c. 7.

Sec. 7 of above amended 1938, c. 122.

Tax on property and franchises of street railway, traction, gas and electric light, heat and power corporations, using, etc., public streets, etc., 1938, c. 8.

Chapter 31. FRANCHISE TAX ON OCCUPANCY OF STREETS; GROSS RECEIPTS.

R. S. 54:31-1 to 54:31-15 repealed 1938, c. 7, s. 15.

R. S. 54:31-16 to 54:31-28 " 1938, c. 8, s. 18.

Chapter 32. TAX IN LIEU OF LOCAL TAXATION OF CERTAIN PROPERTY; GROSS RECEIPTS.

R. S. 54:32-1 to 54:32-7 repealed 1938, c. 8, s. 18.

Subtitle 5. TRANSFER INHERITANCE AND ESTATE TAXES.

Part 1. TRANSFER INHERITANCE TAX.

Chapter 34. ASSESSMENT OF TAX.

R. S. 54:34-4 amended 1939, c. 303.

Chapter 35. COLLECTION AND ENFORCEMENT OF TAX; REFUNDS.

R. S. 54:35-9 amended 1938, c. 278.

Additional Legislation.

Issuance of consent to transfer assets of resident decedent prohibited, unless will probated or administration had originally in New Jersey, suppl., 1939, c. 122.

Subtitle 6. TAX UPON SALE OF MOTOR FUELS.

Chapter 39. IMPOSITION AND COLLECTION OF TAX.

R. S. 54:39-2 amended 1939, c. 209, s. 1.

R. S. 54:39-5 " 1939, c. 209, s. 2.

R. S. 54:39-6 " 1939, c. 209, s. 3.

R. S. 54:39-7 amended 1938, c. 283, s. 1.
R. S. 54:39-30 " 1938, c. 166, s. 1.
R. S. 54:39-31 " 1939, c. 209, s. 4.
R. S. 54:39-41 " 1938, c. 283, s. 2; 1939, c. 209, s. 5.
R. S. 54:39-45 " 1938, c. 283, s. 3.
R. S. 54:39-50 repealed 1938, c. 166, s. 2.
R. S. 54:39-53 amended 1938, c. 283, s. 4.
R. S. 54:39-64 " 1939, c. 209, s. 6.
R. S. 54:39-67 " 1938, c. 283, s. 5.
R. S. 54:39-71 " 1938, c. 166, s. 3.

Subtitle 8. ALCOHOLIC BEVERAGE TAX.

Chapter 41. DEFINITIONS AND GENERAL PROVISIONS.

R. S. 54:41-2 amended 1938, c. 319, s. 1.

Chapter 42. POWERS OF COMMISSIONER.

R. S. 54:42-1 amended 1938, c. 319, s. 2.
R. S. 54:42-2 " 1938, c. 319, s. 3.
R. S. 54:42-3 " 1938, c. 319, s. 4.
R. S. 54:42-4 " 1938, c. 319, s. 5.
R. S. 54:42-6 " 1938, c. 391, s. 1.
R. S. 54:42-7 " 1938, c. 391, s. 2.

Chapter 43. IMPOSITION OF TAX.

R. S. 54:43-1 amended 1938, c. 319, s. 6.
R. S. 54:43-2 " 1938, c. 319, s. 7.
R. S. 54:43-4 " 1938, c. 319, s. 8.
R. S. 54:43-5 " 1938, c. 319, s. 8A.

Chapter 44. COLLECTION OF TAX.

R. S. 54:44-1 amended 1938, c. 319, s. 9.
R. S. 54:44-2 " 1938, c. 319, s. 10.
R. S. 54:44-2.1 (added) Enforcement of lien by warrant, etc., suppl., 1938, c. 319, s. 14.
R. S. 54:44-3 amended 1938, c. 319, s. 11.
R. S. 54:44-4 " 1938, c. 319, s. 12.
R. S. 54:44-5 " 1938, c. 319, s. 13.

Chapter 45. ADMINISTRATION.

R. S. 54:45-1 amended 1938, c. 319, s. 15; 1939, c. 357.

R. S. 54:45-2 " 1938, c. 319, s. 16.

R. S. 54:45-4 " 1938, c. 319, s. 17.

R. S. 54:45-5 " 1938, c. 319, s. 18.

R. S. 54:45-7 (added) Service of notice, suppl., 1938, c. 319, s. 19.

Chapter 46. APPEALS.

R. S. 54:46-1 amended 1938, c. 319, s. 20.

R. S. 54:46-2 " 1938, c. 319, s. 21.

Chapter 47. PENALTIES.

R. S. 54:47-7 amended 1938, c. 319, s. 22.

Subtitle 9. STATE TAX UNIFORM PROCEDURE LAW.

Chapter 49. PROCEDURE.

R. S. 54:49-12 amended 1939, c. 175, s. 1.

R. S. 54:49-17 " 1938, c. 137.

Chapter 50. ADMINISTRATION.

R. S. 54:50-8 amended 1939, c. 175, s. 2.

R. S. 54:50-9 " 1939, c. 175, s. 3.

R. S. 54:50-11 " 1938, c. 256.

Chapter 52. CRIMINAL PENALTIES.

Additional Legislation.

False or fraudulent books, records or accounts relating to taxable transactions, suppl., 1938, c. 114.

Title 55. TENEMENT HOUSES AND PUBLIC HOUSING.

Subtitle 1. TENEMENT HOUSES.

Chapter 2. CONVERTED BUILDINGS; ALTERATIONS; TENEMENTS UNDER CONSTRUCTION; TIME FOR COMPLIANCE.

R. S. 55:2-1 amended 1938, c. 193, s. 1.

R. S. 55:2-3 " 1938, c. 193, s. 2.

R. S. 55:2-6 " 1938, c. 193, s. 3.

Chapter 3. PROTECTION FROM FIRE.

R. S. 55:3-1 amended 1938, c. 193, s. 4.

R. S. 55:3-2 " 1938, c. 193, s. 5.

R. S. 55:3-6 " 1938, c. 193, s. 6.

R. S. 55:3-24 " 1938, c. 193, s. 7.

R. S. 55:3-25 " 1938, c. 193, s. 8.

R. S. 55:3-39 " 1938, c. 193, s. 9.

R. S. 55:3-45 " 1938, c. 193, s. 10.

R. S. 55:3-59 " 1938, c. 193, s. 11.

Chapter 4. HEIGHT OF TENEMENTS; LOTS, YARDS, SPACES, AND COURTS.

R. S. 55:4-4 amended 1938, c. 193, s. 12.

Chapter 5. WINDOWS; ROOMS; LIGHT; VENTILATORS AND VENT SHAFTS.

R. S. 55:5-1 amended 1938, c. 193, s. 13.

R. S. 55:5-2 " 1938, c. 193, s. 14.

R. S. 55:5-10 " 1938, c. 193, s. 15.

Chapter 8. WATER-CLOSETS, SINKS, SEWERS, WATER SUPPLY, PLUMBING, AND DRAINAGE.

R. S. 55:8-12 amended 1938, c. 193, s. 16.

Chapter 10. FUNCTIONS AND OPERATIONS OF BOARD IN GENERAL.

R. S. 55:10-8 amended 1938, c. 193, s. 17.

R. S. 55:10-9 " 1938, c. 193, s. 18.

R. S. 55:10-10 " 1938, c. 193, s. 19.

Subtitle 2. PUBLIC HOUSING.

Chapter 14A. (added) LOCAL HOUSING AUTHORITIES LAW.

R. S. 55:14A-1 (added) Short title, 1938, c. 19, s. 2.

R. S. 55:14A-2 (added) Declaration of necessity of legislation, 1938, c. 19, s. 3.

R. S. 55:14A-3 (added) Definitions, 1938, c. 19, s. 4.

R. S. 55:14A-4 (added) Creation of housing authorities, 1938, c. 19, s. 5; amended 1938, c. 210.

R. S. 55:14A-5 (added) Proof of existence of authority, 1938, c. 19, s. 6.

R. S. 55:14A-6 (added) Authority; commissioners, misconduct; removal, 1938, c. 19, s. 7.

R. S. 55:14A-7 (added) Powers of authority, 1938, c. 19, s. 8.

R. S. 55:14A-8 (added) Rental policies of authority, 1938, c. 19, s. 9.

R. S. 55:14A-9 (added) Default. Foreclosure, 1938, c. 19, s. 10.

R. S. 55:14A-10 (added) Right of eminent domain, 1938, c. 19, s. 11.

R. S. 55:14A-11 (added) Projects subject to local laws, 1938, c. 19, s. 12.

R. S. 55:14A-12 (added) Bonds: power to issue, 1938, c. 19, s. 13.

R. S. 55:14A-13 (added) Bonds: liability, 1938, c. 19, s. 14.

R. S. 55:14A-14 (added) Bonds: provisions, 1938, c. 19, s. 15.

R. S. 55:14A-15 (added) Bonds: powers of authority, 1938, c. 19, s. 16.

R. S. 55:14A-16 (added) Rights of obligees, 1938, c. 19, s. 17.

R. S. 55:14A-17 (added) Powers of authority after default, 1938, c. 19, s. 18.

R. S. 55:14A-18 (added) Real property exempt from levy, 1938, c. 19, s. 19.

R. S. 55:14A-19 (added) Powers of authority pertaining to Federal Government, 1938, c. 19, s. 20.

R. S. 55:14A-20 (added) Property exempt from taxes, 1938, c. 19, s. 21.

R. S. 55:14A-21 (added) Bonds: legal investment for banks and trustees, 1938, c. 19, s. 22.

R. S. 55:14A-22 (added) Relationship between authority and director, 1938, c. 19, s. 23.

R. S. 55:14A-23 (added) Criticism of project: changes, 1938, c. 19, s. 24.

R. S. 55:14A-24 (added) Reports to director, 1938, c. 19, s. 25.

R. S. 55:14A-25 (added) Validity of chapter, 1938, c. 19, s. 26.

R. S. 55:14A-26 (added) Chapter paramount over inconsistent laws, 1938, c. 19, s. 27.

Chapter 14B. (added) HOUSING CO-OPERATION LAW.

R. S. 55:14B-1 (added) Short title, 1938, c. 20, s. 2.

R. S. 55:14B-2 (added) Declaration of necessity, 1938, c. 20, s. 3.

R. S. 55:14B-3 (added) Definitions, 1938, c. 20, s. 4.

R. S. 55:14B-4 (added) Aid by public bodies, 1938, c. 20, s. 5.

R. S. 55:14B-5 (added) Agreement with regard to taxation, 1938, c. 20, s. 6.

R. S. 55:14B-6 (added) Loans and donations of money, 1938, c. 20, s. 7.

R. S. 55:14B-7 (added) How powers exercised; procedure, 1938, c. 20, s. 8; amended 1938, c. 211.

R. S. 55:14B-8 (added) Validity of chapter, 1938, c. 20, s. 9.

Title 56. TRADE NAMES, TRADE-MARKS AND UNFAIR TRADE PRACTICES.

Chapter 3. LABELS, TRADE NAMES AND TRADE-MARKS; BOTTLES, CANS, CONTAINERS AND OTHER ARTICLES.

Note: For brands, trade-marks, labels, etc., of New Jersey farm products, see 1939, c. 136.

Chapter 4. UNFAIR COMPETITION.

Article 2. Contract for Sale or Resale of Certain Commodities.

Note: For enforcement, fair trade contracts as to alcoholic beverages, by Commissioner of Alcoholic Beverage Control, see 1938, c. 208.

R. S. 56:4-5 amended 1938, c. 165, s. 1.

R. S. 56:4-6 " 1938, c. 165, s. 2.

Article 3. (new) Fair Sales Act.

Advertisements, offer for sale or sale of merchandise at less than cost, prohibited, 1938, c. 394.

Article 4. (new) Motor Fuels.

Retail sale of motor fuels regulated, 1938, c. 163.

Sec. 101 of above amended 1938, c. 401.

Sec. 201 " " " 1939, c. 62, s. 1.

Sec. 301 " " " 1939, c. 62, s. 2.

Sec. 509 Suspension or revocation of license, suppl., 1939, (added) c. 63.

Sec. 803 of above amended 1938, c. 204.

Title 58. WATERS AND WATER SUPPLY.

Note: For act to promote interstate co-operation for conservation, etc., of water resources in Delaware River Basin, see 1939, c. 146.

Chapter 11. WATER AND SEWERAGE PLANTS AND SYSTEMS IN GENERAL.

R. S. 58:11-19 to 58:11-20 repealed 1938, c. 398.

R. S. 58:11-21 amended 1938, c. 250.

repealed 1938, c. 398.

R. S. 58:11-22 repealed 1938, c. 398.

Additional Legislation.

Superintendents, operators, etc., of water purification and water and sewerage treatment plants and water supply systems; licensing, suppl., 1938, c. 206.

Chapter 12. SEWERAGE DISTRICTS AND SEWERAGE DISTRICT BOARDS.

R. S. 58:12-2 amended 1938, c. 224.

SCHEDULE 1

TABLE OF ALLOCATION OF 1938 STATUTES IN CUMULATIVE TABLE OF CONTENTS 1938-1939 LAWS

Pamphlet Laws 1938		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
1		*	
2		40	2
3		Val.	
4		*	
5		*	
6		40	2
7	1 to 14	54	30A
	15	54	31
8	1 to 17	54	30A
	18	54	31
	18	54	32
9		18	10
10		*	
11		*	
12		*	
13		52	22
14		18	10
15		*	
16		54	4
17		27	6
18		2	219
19		55	14A
20		55	14B
21		20	1
22		*	
23		40	2
24		26	4
25		40	3
26		*	
27		*	
28		*	
29		2	26
30		33	1
31		17	12
32		17	12
33		40	23
34		*	
35		*	
36		34	15
37		3	7
38		11	27
39		23	4
40		*	
41		26	4
42		Val.	
43		27	6
44		51	8
45		*	
46		44	8
47		27	6
48		6	1
49		39	3
50		27	6
51		27	6
52		17	2
53		43	19
54		30	8
55		17	32
56		54	17
57		5	2
58		43	21
59		43	21
60		17	45
61		8	3
62		Val.	
63		Val.	
64		*	
65		40	146
66		39	3
67		26	12

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1938		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
68		40	54
69		21	2
70		*	
71		2	31
72		2	32
73		4	9
74		4	4
75		39	5
76		11	2A
77		*	
78	1	18	5
	2	18	6
	3	18	7
79		33	1
80		40	11
81		*	
82		4	3
83		27	6
84		27	6
85		27	6
86		52	3
87		40	61
88		*	
89		*	
90		*	
91		*	
92		*	
93		*	
94		*	
95		*	
96		*	
97		2	7
98		34	2
99		Val.	
100		*	
101		*	
102		23	4
103		20	2
104		43	16
105		26	3
106		2	29
107		2	29
108		3	10
109		*	
110		*	
111		43	21
112		17	12
113		17	12
114		54	52
115		36	1
116		43	14
117		Val.	
118		*	
119		*	
120		45	4A
121		45	9
122		54	30A
123		44	8
124		2	180
125		2	176
126		37	1
127		52	24A
128		40	2
129		*	
130		34	15
131		40	47
132		54	15
133		3	21
134		27	6
135		11	20
136		*	
137		54	49
138		2	183
139		*	
140		3	13
141		Val.	
142		43	9
143		27	6
144		18	5
145		18	5
146		13	4
147		33	1
148		Val.	
149		40	46
150		9	13
151		54	3
152		54	4
153		*	
154		*	
155		18	8

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1938		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
156		24	18
157		23	12
158		52	24A
159	1 to 28	52	24A
	29	52	24
160		30	5
161		30	5
162		17	6
163		56	4
164	1	39	4
	2	39	5
165		56	4
166		54	39
167		40	25
168		27	6
169		52	27
170		46	14
171		Val.	
172		22	2
173		52	18
174		26	8
175		2	47
176		*	
177		27	6
178		14	15
179		4	16
180		14	15
181		*	
182		51	1
183		27	6
184		30	6A
185		17	4
186		54	13
187		2	50
188		2	50
189		2	27
190		2	80
191		2	50
192		11	2
193	1 to 3	55	2
	4 to 11	55	3
	12	55	4
	13 to 15	55	5
	16	55	8
	17 to 19	55	10

Pamphlet Laws 1938		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
194		44	4
195		24	10
196		3	16
197		45	4
198		34	15
199		Val.	
200		2	24
201		8	3
202		52	27
203		40	61
204		56	4
205		2	8
206		58	11
207		38	25A
208		33	1
209		33	1
210		55	14A
211		55	14B
212		*	
213		44	8
214		*	
215		43	14
216		27	6
217		*	
218		17	4
219		17	6
220		*	
221		43	1A
222		17	2
223		Val.	
224		58	12
225		51	3
226		17	4
227		45	15
228		Val.	
229		40	56
230		43	14
231		4	11
232		17	35
233		2	27
234		2	50
235		2	50
236		40	1
237		Val.	
238		27	6

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1938		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
239		30	4
240		23	9
241		Val.	
242		51	7
243		52	27
244		52	18
245		54	4
246		*	
247		18	5
248		2	85
249		40	48
250		58	11
251		Val.	
252		43	16
253		40	62
254		17	34
255		17	34
256		54	50
257		40	47
258		*	
259		17	27
260		40	47
261		18	20
262		18	14
263		Val.	
264		54	5
265		4	5
266		2	145
267		2	145
268		40	21
269		27	6
270		Val.	
271		2	182
272		*	
273	1	2	85
	2 to 4	2	192
274		9	4
275	1	30	2
	2	30	9
276		40	47
277	1, 2	45	3
	3	45	6
	4	45	7
	5, 6	45	9
	7, 8	45	12
	9	45	16
278		54	35
279		54	1
280		19	8
281		19	8
282		*	
283		54	39
284		*	
285		33	3
286		*	
287		40	75
288		18	13
289	1 to 5	17	17
	6 to 8	17	18
	9	17	24
	10	17	32
290		14	13
291		*	
292		Val.	
293		17	13
294		46	35
295		10	3
296		33	1
297		33	1
298		40	47
299		27	6
300		40	60
301		Val.	
302		40	109
303		14	13
304		23	4
305		14	12
306		12	7
307		18	15
308		19	3
309		2	60
310		43	12
311		18	5
312		43	21
313		*	
314		43	21
315		2	65
316		*	
317		*	
318		23	5

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1938		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
319	1	54	41
	2 to 5	54	42
	6 to 8A	54	43
	9 to 14	54	44
	15 to 19	54	45
	20, 21	54	46
	22	54	47
320		Val.	
321		17	16
322		17	16A
323		51	9
324		40	171
325		Val.	
326		9	20
327		43	18
328		35	1
329		47	3
330		43	10
331		*	
332		39	3
333		2	26
334		*	
335		18	5
336		40	11
337		2	149
338		*	
339		*	
340		*	
341		27	6
342		45	8
343		2	202
344		40	146
345		27	6
346		*	
347		3	17
348		2	164
349		30	6
350		33	1
351		Val.	
352		39	3
353		2	181
354		*	
355		9	3
356		*	
357		*	
358		2	182
359		17	24
360		39	5
361		44	7
362		27	15
363		*	
364		*	
365		*	
366		17	48
367		27	6
368		17	24
369		48	12
370		46	3
371		*	
372		*	
373		2	27
374		27	6
375		*	
376		*	
377		40	62
378		Val.	
379		32	13A
380		30	4
381		11	27
382		44	7
383		40	1
384		54	4
385		40	47
386		40	46
387		3	42
388		2	8
389		52	20
390		54	4
391		54	42
392		2	220
393		*	
394		56	4
395		2	6
396		43	21
397		43	10
398		58	11
399		19	19
400		30	5
401		56	4
402		*	

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1938		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
403		27	15
404		40	1
405		Val.	
406		9	13
407		27	12
408		*	
409		*	
410		40	174
411		Val.	
412		Val.	
413		*	
414		*	
415		Val.	
416		Val.	
417		*	
418		12	3
419		34	15
420		*	
421		*	
422		*	
423		*	
424		9	13
425		30	9
426		32	13B
427		27	15
428		*	
429		33	1
430		*	
431		17	4

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

SCHEDULE 2

TABLE OF ALLOCATION OF 1939 STATUTES IN CUMULATIVE TABLE OF CONTENTS 1938-1939 LAWS

Pamphlet Laws 1939		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
1		40	2
2		18	5
3		18	5
4		40	1
5		2	181
6		4	16
7		40	2
8		*	
9		*	
10		27	1
11		*	
12		*	
13		*	
14		*	
15		*	
16		*	
17		*	
18		*	
19		2	6
20		2	88
21		*	
22		*	
23		40	2
24		38	17
25		17	6
26		17	6
27		17	6
28		40	2
29		52	18
30		*	
31		*	
32		40	2
33		40	2
34		2	181
35		32	2
36		40	2
37		*	
38		40	62
39		*	
40		4	1
41		51	8
42		23	4
43		*	
44		40	37
45		*	
46		40	43
47		52	27
48		Val.	
49		48	12
50		43	14
51		23	3
52		3	16
53		2	68A
54		Val.	
55		45	22
56		52	27
57		*	
58		18	8
59		2	8
60		*	
61		33	1
62		56	4
63		56	4
64		*	
65		2	130
66		40	60
67		Val.	
68		34	15
69		23	4
70		Val.	

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1939		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
71		*	
72		*	
73		4	1
74		17	28
75		27	1
76		45	4A
77		52	20
78		53	1
79		39	3
80		48	2
81		19	6
82		*	
83		*	
84		32	13A
85		45	14
86		18	14
87		33	1
88		*	
89		18	6
90		Val.	
91	1 to 6	1	11
	7	1	9
	8	*	
92		*	
93		54	5
94		43	21
95	1 to 6	38	3
	7	38	12
	8	38	13
	9	38	3
96		Val.	
97		*	
98		2	157B
99		43	14
100		23	3
101		11	4
102		*	
103		45	15
104		4	6
105		27	6
106		23	10
107		2	89
108		45	6
109		8	2
110		40	60
111		11	4
112		Val.	
113		18	8
114		9	20
115	1 to 32	45	9
	33	45	13
	34, 35	45	9
116		24	11A
117		34	18
118		Val.	
119		*	
120		23	4
121		3	7
122		54	35
123		17	16
124		2	26
125		3	10
126		17	12
127		17	12
128		*	
129		17	12
130		17	12
131		17	12
132		17	12
133		40	37
134		3	11
135		38	25A
136		4	10
137	1 to 7	54	13
	8	54	14
138		48	13
139		3	2
140		2	20
141		*	
142		43	14
143		43	15
144		43	14
145		*	
146		32	20
147		47	3
148		41	2
149		43	14
150		40	17
151		54	5
152		48	12

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1939		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
153		48	12
154		Val.	
155		Val.	
156		43	6
157		*	
158		32	13A
159		Val.	
160		30	6
161		2	88
162		2	6
163		Val.	
164		3	17
165		Val.	
166		46	14
167		40	146
168		23	4
169		Val.	
170		46	16
171		33	1
172		23	4
173		33	1
174		2	32
175	1	54	49
	2, 3	54	50
176		40	1
177		33	1
178		Val.	
179		Val.	
180		*	
181		40	101
182		40	97
183		2	32
184		22	2
185		24	10
186		43	10
187		Val.	
188		17	40
189		32	2
190		*	
191	1 to 29	32	14
	30 to 33	32	15
	34 to 40	32	16
192		13	8
193		12	3
194		Val.	
195		13	14
196		*	
197		*	
198		27	6
199		Val.	
200		27	6
201		26	4
202		17	6
203		*	
204		*	
205		17	8
206		43	10
207		2	42
208		17	12
209		54	39
210		2	157B
211		39	4
212		*	
213		30	5
214		Val.	
215		Val.	
216		39	5
217		54	3
218		43	12
219		11	4
220		43	3
221		2	99
222		52	19
223		2	7
		40	38
224		40	21
225		33	1
226		43	12
227		37	1
228		33	1
229		*	
230		44	5
231		16	19
232		11	24A
233		11	14
234		33	1
235		33	1
236		40	190
237		2	8
238		*	

* Omitted from Table as not being general or permanent legislatior
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1939		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
239		45	3
240		15	2
241		14	14
242		50	2
243		27	6
244		*	
245		30	5
246		13	9
247		2	65
248		26	2
249		14	2
250		2	206
251		3	17
252		23	4
253		40	62
254		29	4
255		17	12
256		3	5
257		3	21
258		40	52
259		30	4
260		Val.	
261		26	2
262		*	
263		44	4
264		27	6
265		52	24A
266		*	
267		*	
268		*	
269		2	6
270		39	10
271		2	182
272		*	
273		*	
274		39	4
275		2	202
276		41	2
277		9	6
278		23	4
279		2	188
280		26	2
281		33	1
282		*	
283		2	192
284		2	199
285		40	87
286		40	46
287		34	15
288		*	
289		43	21
290		*	
291		34	15
292		43	14
293		23	4
294		18	14
295		18	5
296		18	14
297		43	14
298		Val.	
299		18	14
300		*	
301		30	4
302		45	8
303		54	34
304		40	62
305	1 to 7	17	38
	8	17	18
306		40	87
307		2	181
308		*	
309		43	21
310		40	1
311		44	7
312		*	
313		2	26
314		*	
315		4	22
316		2	60
317		27	6
318		40	47
319		8	2
320	1 to 3	24	1
	4	24	2
	5 to 9	24	3
	10 to 14	24	4
	15 to 30	24	5
	31 to 33	24	6
	34	24	17
	35	24	6A

* Omitted from Table as not being general or permanent registration.
Val. Indicates validating act listed in Schedule 4 following.

Pamphlet Laws 1939		Allocation in Table of Contents	
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321		2	176
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357		54	45
358		40	171
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365		*	
366		*	
367		*	
368		45	19
369		45	19
370		46	18
371		Val.	
372		Val.	
373		40	1
374		*	
375		Val.	
376		45	4A
377		30	5
378		26	2
379		1	3
380		27	23
381		*	
382		*	
383		*	
384		40	1
385		52	27
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390		51	1
391		*	
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393		52	9C
394		43	10
395		*	
396		40	2
397		*	
398		22	2

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 4 following.

SCHEDULE 3

TABLE OF NUMBERED SECTIONS ADDED TO REVISED STATUTES (1937) 1938-1939

Title 2.

Sections added	Act by which added
2:9–1a	1938, c. 270
2:9–1b	1938, c. 270
2:149–7	1938, c. 337
2:181–11	1939, c. 34

Title 15.

15:2–5	1939, c. 240
15:2–6	1939, c. 240
15:2–7	1939, c. 240
15:2–8	1939, c. 240
15:2–9	1939, c. 240

Title 17.

17:6–58.1	1939, c. 162
17:12–87.1	1939, c. 130
17:12–109.1	1939, c. 132
17:16–3.1	1939, c. 123
17:16–3.2	1939, c. 123
17:27–5A	1938, c. 259

Title 20.

20:1–36	1938, c. 21

Title 24.

24:1–4	1939, c. 320
24:4–12	1939, c. 320
24:5–11.1	1939, c. 320
24:5–18.1	1939, c. 320
24:5–18.2	1939, c. 320
24:6A–1	1939, c. 320

Title 26.

Sections added	Act by which added
26:2–62	1939, c. 261
26:2–63	1939, c. 261
26:2–64	1939, c. 261
26:2–65	1939, c. 261
26:2–66	1939, c. 261
26:2–67	1939, c. 261
26:2–68	1939, c. 261
26:2–69	1939, c. 261
26:2–70	1939, c. 261
26:2–71	1939, c. 261
26:2–72	1939, c. 261
26:2–73	1939, c. 261
26:2–74	1939, c. 261
26:2–75	1939, c. 261
26:2–76	1939, c. 261
26:2–77	1939, c. 261
26:2–78	1939, c. 261
26:2–79	1939, c. 261
26:2–80	1939, c. 261

Title 40.

40:37–156A	1939, c. 44
40:37–201.1	1939, c. 360
40:171–106A	1938, c. 358
40:174–147A	1938, c. 410

Title 43.

43:16–13	1938, c. 252

Title 45.

Sections added	Act by which added
45:4A–26.1	1939, c. 76
45:9–5.1	1939, c. 115
45:9–14.3	1939, c. 115
45:9–14.4	1939, c. 115
45:9–14.5	1939, c. 115
45:9–14.6	1939, c. 115
45:9–14.7	1939, c. 115
45:9–14.8	1939, c. 115
45:9–14.9	1939, c. 115
45:9–14.10	1939, c. 115
45:9–27.1	1939, c. 115

Title 54.

54:4–122	1938, c. 16
54:44–2.1	1938, c. 319
54:45–7	1938, c. 319

Title 55.

55:14A–1	1938, c. 19
55:14A–2	1938, c. 19
55:14A–3	1938, c. 19
55:14A–4	1938, c. 19
	1938, c. 210
55:14A–5	1938, c. 19
55:14A–6	1938, c. 19
55:14A–7	1938, c. 19
55:14A–8	1938, c. 19

Title 55 (cont'd)

Sections added	Act by which added
55:14A–9	1938, c. 19
55:14A–10	1938, c. 19
55:14A–11	1938, c. 19
55:14A–12	1938, c. 19
55:14A–13	1938, c. 19
55:14A–14	1938, c. 19
55:14A–15	1938, c. 19
55:14A–16	1938, c. 19
55:14A–17	1938, c. 19
55:14A–18	1938, c. 19
55:14A–19	1938, c. 19
55:14A–20	1938, c. 19
55:14A–21	1938, c. 19
55:14A–22	1938, c. 19
55:14A–23	1938, c. 19
55:14A–24	1938, c. 19
55:14A–25	1938, c. 19
55:14A–26	1938, c. 19
55:14B–1	1938, c. 20
55:14B–2	1938, c. 20
55:14B–3	1938, c. 20
55:14B–4	1938, c. 20
55:14B–5	1938, c. 20
55:14B–6	1938, c. 20
55:14B–7	1938, c. 20
	1938, c. 211
55:14B–8	1938, c. 20

SCHEDULE 4

TABLE OF PUBLIC VALIDATING ACTS
1938-1939

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Judicial sales in foreclosure, cestue que trust not joined	1938, c. 62
Judicial sales irregular	1938, c. 171
	1939, c. 54
Justices of peace, defective elections	1938, c. 270

Title 3.

Sales of land by fiduciaries	1938, c. 141
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Title 14.

Deeds and other instruments; acknowledgments, etc.	1938, c. 148
	1938, c. 411
	1939, c. 118
	1939, c. 214
Defective organization and incorporation	1939, c. 70

Title 17.

Commissioner of Banking and Insurance, action as to mortgage guaranty companies, etc.	1938, c. 212

Title 18.

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	1938, c. 412
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Title 32.

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Title 40.

Bonds, notes, etc., issued by counties	1938, c. 237
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Title 41.

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Corporate officers, affidavits, acknowledgments, etc., taken by	1939, c. 118
District clerks, boards of education, oaths and affidavits taken by	1939, c. 155
Notaries public, affidavits and acknowledgments, taken by	1939, c. 179

Title 46.

Affidavits, acknowledgments, and proofs of deeds, real and chattel mortgages	1938, c. 3
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Corporations, deeds by and by surviving directors	1938, c. 148
	1939, c. 214
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Title 52.

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