

LAWS=NEW JERSEY
1938

New Jersey State Library

ACTS
OF THE
One Hundred and Sixty-second Legislature
OF THE
STATE OF NEW JERSEY
AND
Ninety-fourth Under the New Constitution

Preceded by Additional Acts of 1937
(Chapters 186 to 193)



MacCrellish & Quigley Co
Printers
Trenton, New Jersey
1938

New Jersey State Library

ADDITIONAL LAWS OF 1937

(Chapters 186 to 193)

The following additional laws, passed by the One Hundred and Sixty-first 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-first Legislature

CHAPTER 186

AN ACT to amend an act entitled "An act concerning trust companies" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

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

Section 3
amended.

3. The certificate of incorporation shall be proved or acknowledged as required for deeds of real estate and recorded in a book to be kept for that purpose in the office of the clerk of the county where the place of business of such trust company in this State is to be established, and after being so recorded shall be filed in the Department of Banking and Insurance; *provided, however*, that before the certificate of incorporation shall be recorded or filed as aforesaid it shall be submitted to the Commissioner of Banking and Insurance together with an affidavit made by each of the incorporators, which affidavit shall set forth:

Certificate of
incorporation
acknowledged
and recorded.

Proviso.

Affidavit
to show:

(1) That no fee or commission has been paid, or has been contracted to be paid, directly or indirectly, by the proposed trust company or by any one in its behalf to any person, association or corporation for securing subscriptions for or selling

No fee or
commission
paid;

No promotion fees;	stock in the proposed trust company; and that no promotion fees or charges whatsoever have been provided for or are in anywise contemplated;
Full disclosure of fees paid;	(2) A complete disclosure of all fees, if any, paid or agreed to be paid in the matter of chartering and organizing the trust company, whether payable in money or required by stock allotments, or any other form of compensation whatsoever, and every agreement or understanding relating thereto;
Incorporators interested;	(3) That the incorporators are the true and only parties in interest. The submission of the certificate of incorporation and affidavit shall constitute the application for a charter under this act.
Hearing on application.	If the Commissioner of Banking and Insurance shall approve the form of said certificate and affidavit, he shall designate a time and place for a hearing upon said application, which time shall be not less than six weeks nor more than eight weeks after the date of such submission. Thereupon the
Notice of application given in newspapers.	incorporators shall cause to be published a notice of such application at least once a week for four weeks previous to the date so fixed for hearing in at least three newspapers published and circulating in the State—one circulating and published in the municipality where such trust company is proposed to be located, or if there be no newspaper published and circulating in such municipality then in one published and circulated in the nearest locality—the other two publications to be made in two other newspapers to be designated by the Commissioner of Banking and Insurance; which notice shall specify the names of the proposed incorporators, the name of the proposed trust company, the location of same, the amount of the capital stock and surplus to be paid in, and the time and place so fixed for hearing as aforesaid. The incorporators shall also cause to be mailed at least three weeks before the date fixed for hearing a copy of said notice of application to every State bank,
What shown in notice.	
Certain banking institutions notified; also, authorities.	

national bank and trust company within two miles of the place where the proposed trust company is proposed to be located, and also upon the Federal Comptroller of the Currency and upon the Federal Reserve Board of the district embracing said location. The commissioner shall conduct a hearing at the time and place so fixed and afford an opportunity to be heard to all those desiring same. Nothing herein contained shall operate in anywise to prevent or relieve the commissioner from making or causing to be made an independent examination and investigation of the application and applicants as heretofore. If, as the result of the hearing and the examination and investigation independently conducted by him, it shall appear to the commissioner that the application should be granted and that the establishment of such trust company will be of public service, he shall endorse upon the certificate of incorporation or annex thereto his approval, and such certificate shall not be recorded or filed without his and such approval endorsed thereupon or annexed thereto; said certificate or a copy thereof, duly certified by the Commissioner of Banking and Insurance, shall be evidence in all courts and places. The commissioner within one month after the date of the aforesaid hearing shall decide either to approve as aforesaid or to decline the application and shall file forthwith a written memorandum stating the reasons for his decision.

Hearing
afforded.

Independent
examination by
commissioner.

Approval
endorsed by
commissioner.

Decision by
commissioner.

Provided, however, that in any case where such application for charter shows that the place where the business is to be carried on is a location then occupied by any main or branch office of any bank, savings bank, trust company or national banking association, in liquidation or in contemplation of liquidation, the commissioner may act immediately thereon without the prior notice, publication and hearing above provided for, and if it shall appear to the commissioner that the establishment of such trust company will tend to continue an established

Proviso.

Continu-
ance of trust
company in
liquidation.

banking business at said location, and that it is in the public interest that such established banking business should be so continued, the commissioner may approve such application, effective upon or after the discontinuance of such established banking business by the corporation theretofore occupying such location; *provided, further*, that, subject to the approval of the Commissioner of Banking and Insurance, any such trust company in liquidation or in contemplation of liquidation (hereinafter termed "liquidating company") may be an incorporator of, and may subscribe to and purchase or otherwise acquire shares of the capital stock of any such new trust company (hereinafter termed "successor company") about to be formed to carry on business at a location then occupied by any main or branch office of such liquidating company, and in the event such liquidating company shall be an incorporator of such successor company, the affidavit required by paragraph (1), (2), and (3) of this section shall be executed on behalf of such liquidating company by its president or vice-president; *and provided further*, that the successor company may accept from the liquidating company, assets of the liquidating company other than money as consideration for the subscription to or purchase of its capital stock, in which event the certificate of incorporation of such successor company shall state the amount or value of the consideration so received by it in lieu of money upon subscription to its shares. It shall be lawful for the successor company to contract with the liquidating company to liquidate the assets of the liquidating company upon such terms and conditions as the Commissioner of Banking and Insurance shall approve; *provided, however*, that nothing herein contained shall be construed as in anywise limiting the power of the liquidating company to dissolve voluntarily as by law provided; *and provided, further*, that nothing herein contained shall be construed as in anywise limiting or

Approval of application.

Proviso.

New company.

Proviso.

Liquidating assets.

Proviso.

Proviso.

restricting the powers of the Commissioner of Banking and Insurance to liquidate trust companies as provided by law.

Approved November 15, 1937.

CHAPTER 187

AN ACT accepting the legacy of Charles Lathrop Pack, deceased, of five thousand dollars (\$5,000.00) bequeathed to the State of New Jersey for the acquisition of, or maintenance of, a forest tree nursery, or for forestry planting and work on State of New Jersey forests; and empowering the director of the Department of Conservation and Development to execute a proper release therefor.

WHEREAS, Charles Lathrop Pack, late of the township of Lakewood, in the county of Ocean and State of New Jersey, in and by the eighth item of his last will and testament did give and bequeath to the State of New Jersey for the acquisition of, or maintenance of, a forest tree nursery, or for forestry planting and work on State of New Jersey forests the sum of five thousand dollars (\$5,000.00); now, therefore,

Preamble.

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

1. The bequest of five thousand dollars (\$5,000.00) to the State of New Jersey, made by Charles Lathrop Pack, deceased, in and by the eighth item of his will, be and the same is hereby accepted by the State of New Jersey; said bequest to be under the management, control and at the disposal of the Department of Conservation and Development of the State of New Jersey, for the acquisition of, or maintenance of, a forest tree nurs-

Bequest to State accepted.

Control.

Objects.

ery, or for forestry planting and work on State of New Jersey forests.

Release.

2. The director of the Department of Conservation and Development is hereby empowered to execute a release in form authorized and required by the laws of the State of New Jersey to the executors of the estate of the aforementioned Charles Lathrop Pack, deceased.

3. This act shall take effect immediately.

Approved November 16, 1937.

CHAPTER 188

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

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

Revision
of laws
adopted.

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

Legal
name.

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

Enactment.

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

AND BE IT FURTHER ENACTED, That
Approved December 20, 1937.

CHAPTER 189

AN ACT to provide for the completion, publication, distribution and sale of the Revised Statutes and of a Table of Statutes, Index and Compilation for use in conjunction therewith, and making an appropriation therefor.

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

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

Provision
for printing
revision
of laws.

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

Distribu-
tion.

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

Index.

Action by
Secretary
of State.

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

Sale of
copies.

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

Delivery.

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

Appropriation.

7. The sum of one hundred fourteen thousand six hundred and fifty dollars (\$114,650.00) is hereby appropriated, out of the State fund, to the Commission on Revision and Consolidation of Public Statutes for the purpose of printing and binding the copies of the Revised Statutes and Table of Statutes, and of preparing, printing and binding the copies of the Index to the Revised Statutes and the Compilation of Acts Saved from Repeal in the Revised Statutes, hereinbefore referred to, as follows:

Printing
and binding.

Printing and binding four thousand two hundred and fifty (4,250) sets of the Revised Statutes and

Table of Statutes and five thousand
(5,000) sets of the Index to the Re-
vised Statutes and the Compilation
of Acts Saved from Repeal in the
Revised Statutes \$80,150.00
Compensation for employees, sta-
tionery, office supplies and rent ... 34,500.00

Clerical help
and rent.

\$114,650.00

8. This act shall take effect immediately.
Approved December 20, 1937.

CHAPTER 190

AN ACT validating proceedings of school districts
authorizing the issuance of bonds.

BE IT ENACTED *by the Senate and General Assem-
bly of the State of New Jersey*:

1. All proceedings heretofore had in any school
district by the voters thereof are hereby ratified,
validated and approved, notwithstanding the finan-
cial statement required by law may not have been
included in the printed or posted notices of the elec-
tion; *provided*, that the said election was carried
by a majority of the voters voting upon the propo-
sition of the issuance of bonds, and that the said
bonding proceedings are in all other respects, reg-
ular.

Validating
procedure in
issuing school
bonds.

Proviso.

2. This act shall take effect immediately.
Approved December 20, 1937.

CHAPTER 191

AN ACT to appropriate money from the treasury of this State to pay expenses incurred in connection with 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
to carry on
certain litigation.

1. To defray the expenses heretofore incurred in defending the interests of the State in litigation arising from the levying of taxes on property in railroad and canal use, the sum of sixty thousand dollars (\$60,000.00), or so much thereof as may be necessary, is hereby appropriated forthwith from the treasury of this State to the Attorney-General's department, to be disbursed and paid by the State Treasurer on vouchers signed and submitted by the Attorney-General.

2. This act shall take effect immediately.
Approved December 20, 1937.

CHAPTER 192

AN ACT relating to the printing of the Revised Statutes in the pamphlet laws.

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

Revision not
printed in
laws.

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

2. This act shall take effect immediately.
Approved December 20, 1937.

CHAPTER 193

AN ACT to validate proceedings of the legal voters of school districts authorizing the issuance of bonds.

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

1. All proceedings heretofore had by any school district authorizing the issuance of bonds are hereby validated, ratified, approved and confirmed notwithstanding the election was called for an hour not provided by law; *provided*, the polls on election day were open for at least two hours; *and provided*, *further*, that the election was carried by a majority of the legal voters voting upon the proposition of the issuance of bonds.

Validating issuance of school bonds.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved December 22, 1937.

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(Chapters 186 to 193)

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LAWS

1938

ACTS

OF THE

One Hundred and Sixty-second Legislature

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The following laws, passed by the One Hundred and Sixty-second 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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OF THE
One Hundred and Sixty-second Legislature
OF NEW JERSEY

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LAWS

ACTS

PASSED BY THE

One Hundred and Sixty-second Legislature

CHAPTER 1

AN ACT concerning municipal and county finances
and supplementing Chapter two of Title forty of
the Revised Statutes.

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

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-eight, 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-eight shall be extended for one month.

Time for
adopting
budgets
extended
one month.

2. In the event that any municipality or any county shall have adopted its budget and/or any resolutions approving the same it shall be lawful for such municipality or county to rescind such action and substitute therefore a new, amended or revised budget with appropriate resolutions, provided that same be finally approved and/or adopted and the resolutions supporting same be passed in accordance with the one month extended time as provided in section one hereof.

Rescinding
and revising
budget.

When
effective.

3. 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 forty of the Revised Statutes.

Approved January 11, 1938.

HAROLD G. HOFFMAN,
Governor.

CHAPTER 2

AN ACT concerning municipal and county finances and supplementing chapter two of title forty of the Revised Statutes by adding a new section 40:2-60.

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

Section
added.

1. Chapter two of title forty of the Revised Statutes be and the same is hereby supplemented by adding a new section 40:2-60 to read as follows:

Altering
budget.

40:2-60. Whenever any county or municipality shall have approved its budget in strict compliance with the provisions of this title and written application shall be made to the State Auditor by the governing body of any such county or municipality within the periods fixed for the adoption of a county or municipal budget, respectively, under the provisions of section 40:2-10 of this title, or any amendments or supplements thereto, which may hereafter be enacted, to change, alter or modify the budget of such county or municipality in order to prevent an excessive increase in the tax levy of such county or municipality, the State Auditor shall review such application, and if in his judgment the interests of the county or municipality or the taxpayers thereof require such

Review by
State Auditor.

change, alteration or modification, he 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 he may prescribe.

2. This act shall take effect immediately.

Approved January 11, 1938.

CHAPTER 3

AN ACT to confirm and validate certain acknowledgments and affidavits heretofore taken outside this State by notaries public of this State, and certain records heretofore made.

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

1. All acknowledgments and proofs of deeds, mortgages on real or on personal property and affidavits thereunto attached, and the certificates thereof, taken or made outside of this State since the second day of January, one thousand nine hundred and thirty, before or by any one of the notaries public of the State of New Jersey, then authorized to act in the State of New Jersey, are hereby confirmed and made valid and legal and effectual to the same extent as though they had been so made and taken before or by said notaries public in this State, and as though the said notaries public had been given full power and lawful authority to take such acknowledgments and proofs of deeds, mortgages on real or on personal property and the affidavits thereunto attached and the certificates thereof, by virtue of an act entitled "An act respecting conveyances" (Revision of 1898), approved June fourteenth, one thousand

Determina-
tion.

Validating
certain
affidavits of
notaries.

eight hundred and ninety-eight, and amendments and supplements thereof and by virtue of Title 46 of the Revised Statutes.

Record
validated.

2. The record of any deed, mortgage on real or on personal property, acknowledged, or certified to, and the record of any affidavit sworn to as mentioned in the next preceding section is hereby made good, valid, legal and effectual in law as of the time such deed, mortgage or affidavit was lodged for record, and the same, or a certified copy thereof, may be used and given in evidence in the same manner and with like effect as if said acknowledgment and affidavit had been made before and certified by an officer then having full power and lawful authority to take the same.

3. This act shall take effect immediately.

Approved January 19, 1938.

A. HARRY MOORE,
Governor.

CHAPTER 4

AN ACT concerning appropriations for free public schools and prescribing the method of apportionment thereof.

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

Disburse-
ment of
moneys for
schools.

1. The moneys appropriated by an act of the Legislature heretofore enacted at the present session entitled "An act concerning free public schools and making appropriations therefor" shall be distributed by the Commissioner of Education in the manner prescribed by law in order that the several school districts of this State may be paid the full amount of the quotas provided by 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 (\$0.03) per day for each day of school attendance in said several school districts. Rate per day.

2. This act shall take effect immediately.

Approved February 2, 1938.

CHAPTER 5

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 seven hundred six thousand eight hundred eleven dollars and forty-four cents (\$1,706,811.44) 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-seven and one thousand nine hundred and thirty-eight 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.
Payments.
Apportionment.

2. This act shall take effect immediately.

Approved February 2, 1938.

CHAPTER 6

AN ACT to amend the title and body of an act entitled "An act concerning municipal and county finances, and supplementing chapter two of Title forty of the Revised Statutes by adding a new section 40:2-60," being chapter two of the laws of one thousand nine hundred and thirty-eight, approved January eleventh, one thousand nine hundred and thirty-eight.

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

Title amended.	1. The title of the act of which this act is amendatory is hereby amended to read as follows:
New title.	An act concerning municipal and county finances, supplementing chapter two of Title forty of the Revised Statutes.
Section 1 amended.	2. Section one of the act of which this act is amendatory is hereby amended to read as follows:
Application to State Auditor to alter budget.	1. If in any year prior to the year one thousand nine hundred and forty-four, any county or municipality shall have approved its budget in strict compliance with provisions of chapter two of Title forty of the Revised Statutes and written application shall be made to the State Auditor by the governing body of such county or municipality within the period fixed for the adoption of such budget under the provisions of R. S. 40:2-10, or any amendments or supplements thereto, which may hereafter be enacted, to change, alter or modify any item in such budget required by virtue of the provisions of said chapter of said title, in order to prevent an excessive increase in the tax levy of such county or municipality, the State Auditor shall review such application, and if in his judgment the interests of the county or municipality or the taxpayers thereof require such
Action by State Auditor.	

change, alteration or modification in such item, he 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 he may prescribe, but no such change, alteration or modification shall be applied for or granted with respect to provisions made or required in such budget 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 in such budget by virtue of any covenant, agreement or promise, express or implied, heretofore or hereafter made pursuant to law by or on behalf of such county or municipality.

Interest on
bonds, etc.,
not to be
affected.

3. This act shall take effect immediately.

Approved February 24, 1938.

CHAPTER 7

AN ACT imposing an excise tax upon persons, co-partnerships, associations or corporations using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission from the State or any municipality thereof, except for the operation of autobuses or autocabs commonly called taxicabs, other than street railway, traction, gas and electric light, heat and power corporations, municipal corporations and corporations taxable under chapters nineteen to twenty-nine, inclusive, of Title fifty-four, of the Revised Statutes, and to repeal sections 54:31-1 to 54:31-15, inclusive, of the Revised Statutes.

WHEREAS, There is great dissatisfaction among the several taxing districts of this State with

Preamble.

respect to the apportionment of the franchise taxes assessed against the several utility corporations because of the great difference in the basis upon which the tax revenues are apportioned to the several taxing districts; and

Preamble. WHEREAS, The franchise taxes assessed against such corporations are, in fact, excise taxes; and

Preamble. WHEREAS, It is desirable that such excise taxes against such corporations should be fairly and equitably apportioned upon a uniform basis to the municipalities entitled thereto; therefore,

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

Excise tax imposed.

1. Every person, copartnership, association or corporation using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission from the State or any municipality thereof, except consent, authority or permission for the operation of autobuses or autocabs commonly called taxicabs, and except street railway, traction, gas and electric light, heat and power corporations, municipal corporations and corporations taxable under chapters nineteen to twenty-nine, inclusive, of Title fifty-four, of the Revised Statutes, shall annually pay for the franchise to use such public streets, highways, roads or other public places in this State an excise tax which shall be in lieu of any and all tax or taxes upon the franchise or franchises of such person, copartnership, association or corporation.

Terms defined:

2. Definitions: As used in this act, unless the context clearly requires otherwise;

Taxpayer;

(a) The term "taxpayer" means any person, copartnership, association or corporation subject to taxation under the provisions of this act.

Gross receipts;

(b) The term "gross receipts" does not include any sum or sums of money received by any person, copartnership, association or corporation taxable

hereunder in payment for such portion of its products as may have been sold and furnished to another public utility which is also subject to the payment of a tax based upon gross receipts, nor receipts from the operation of autobuses.

(c) "Value" or "valuation" means a value or valuation fixed at a figure determined by the State Tax Commissioner for the purpose of providing a unit of measure for a fair and equitable apportionment of the excise taxes imposed by this act, to the end that the apportionment of the taxes imposed by this act shall be fairly and equitably apportioned upon a uniform basis among the municipalities entitled thereto.

Value or valuation;

3. (A) Every taxpayer shall on or before the first day of September in each year return to the State Tax Commissioner a statement in such form and detail as the State Tax Commissioner shall require, showing, as of the first day of July preceding;

Annual statement by taxpayer.

- (1) The property of the taxpayer located in, on or over any public street, highway, road or other public place in this State; and
- (2) The length of the taxpayer's lines or mains in, on, along or over any public street, highway, road or other public place in this State; and
- (3) The whole length of the taxpayer's lines or mains.

Location of property.

Length of lines.

Total.

(B) Every taxpayer shall on or before February first in each year return to the State Tax Commissioner a statement showing the gross receipts as herein defined for the preceding calendar year from the business, over, on, in, through or from the whole of the taxpayer's lines or mains.

Statement of gross receipts.

(C) The statements herein provided for shall be subscribed and sworn to by the president, a vice-president, or chief officer of the corporation mak-

Penalty for failure to file statements.

	ing such return; any taxpayer refusing or neglecting to make the statements herein provided for shall forfeit and pay to the State of New Jersey the sum of one hundred dollars (\$100.00) per day for each day of such refusal or neglect, to be recovered in an action at law in the name of the State and which, when recovered, shall be paid into the State treasury. It shall be the duty of the State Tax Commissioner to certify any such default to the Attorney-General of the State who, thereupon, shall prosecute an action at law for such penalty. Any person who shall knowingly or willfully falsely make any oath required to be made under this act shall be deemed guilty of perjury and on conviction thereof shall be liable to all penalties prescribed by law therefor.
Collection of penalty.	
Perjury.	
Rate of tax.	4. The excise tax imposed on each taxpayer shall be a sum equal to five per centum (5%) of such portion of the taxpayer's gross receipts as herein defined of their business over, on, in, through or from the whole of the taxpayer's lines or mains as the length of the lines or mains of such taxpayer in this State along, in or over any public street, highway, road or other public place bears to the whole length of the taxpayer's lines or mains. In case the gross receipts of any such taxpayer for any calendar year shall not exceed the sum of fifty thousand dollars (\$50,000.00) the tax on such taxpayer for such calendar year shall be computed at the rate of two per centum (2%), instead of at the rate of five per centum (5%), of the gross receipt.
Establishing valuation yearly.	5. For the purpose of securing a fair and equitable apportionment of the excise taxes imposed by this act upon a uniform basis among the several municipalities, the State Tax Commissioner shall annually prior to the first day of January in each year establish a valuation as herein defined as of the preceding July first of the property of each taxpayer located in, on or over any public street, highway, road or other public place in each municipality in this State. Prior to January first in each year the State Tax Commissioner shall certify
Certification to municipal clerks.	

to the governing body of each of the several municipalities addressed to the clerk thereof, entitled to receive a portion of the excise taxes imposed by this act such valuation of such property located in such municipality and his valuation of such property located in each other municipality, to the end that the several municipalities may have a basis for estimating the amount of the tax imposed by this act to be apportioned to each such municipality. The State Board of Tax Appeals shall meet on the first Monday in March in each year to hear the appeal of any municipality aggrieved by any such valuation, after which date no appeal from such valuation shall be taken and the State Board of Tax Appeals shall give precedence thereto over any other appeals before the said board. No such valuation shall be set aside, changed, altered or modified unless it shall be made to appear that such valuation will result in an inequitable and unfair apportionment of the taxes imposed by this act among the several municipalities entitled thereto.

Hearing
appeals.

6. Before making the apportionment of the excise taxes imposed by this act to the several municipalities entitled thereto, the State Tax Commissioner shall deduct from the gross amount of such taxes the expenses of auditing and verifying the statements of each taxpayer and the expense of making the apportionment thereof including the expense of determining the respective valuations as herein defined in each of the several municipalities, apportioning such expenses between the several taxpayers in proportion to the relative expenses incurred in connection with the tax imposed on each of such taxpayers and apportioning any general expenses which cannot be allocated to any one taxpayer in proportion to the amounts of the several taxes payable by the respective taxpayers in order that the final apportionment to the municipalities may be subject to and less by an equitable share of such expenses, and the State Tax Commissioner

Expenses
deducted
from gross
amount.

Apportion-
ment to be
equitable.

shall certify such expenses to the respective taxpayers who shall make payment thereof to the State Tax Commissioner within thirty days after such certification.

Apportionment to various municipalities.

7. The State Tax Commissioner shall annually on or before May first in each year, ascertain and apportion the balance of the excise tax imposed by this act upon each taxpayer, to the various municipalities in the proportion that the value as herein defined as of the preceding July first of the property of such taxpayer located in, on or over any public street, highway, road or other public place in each municipality bears to the total value as herein defined of such property of such taxpayer in this State. One-half of such tax shall be due and payable June first and the second half on December first. Should the State Tax Commissioner delay for any reason in making and delivering a certificate of the apportionment of the taxes hereby imposed on any taxpayer, then the first installment of said tax shall be due and payable thirty days from the date of certification of the apportionment by the State Tax Commissioner. If for any reason the making and delivery of such certificate of apportionment shall be delayed until after December first in any year, then in that case all of the taxes for such year imposed by this act shall become due and payable thirty days after the certification of the apportionment by the State Tax Commissioner.

When payable.

If delay.

Apportionments of excise tax certified to taxing authorities.

8. Within five days after making the apportionments of the excise taxes as hereby imposed as hereinbefore provided, the State Tax Commissioner shall certify to the respective collectors of taxes or officers having like powers and duties to perform in each municipality the amount of such taxes apportioned to such municipality and the collectors of taxes or other officers having like powers and duties to perform in each municipality shall within five days after receipt of such certification deliver or cause to be delivered to each taxpayer named in such certificate a statement in writing showing the amount of such taxes payable to such

Statement to taxpayers.

municipality; and the amount so apportioned to each municipality shall become payable at the place where other taxes are payable in such municipality in the following manner, to wit: One-third thereof within thirty days after the date of the certification of the apportionment by the State Tax Commissioner, and one-third thereof on the first day of September, and one-third thereof on the first day of December next thereafter; *provided*, that in case of an appeal from any valuation or apportionment or any review thereof in any court, the portion of any such tax not paid prior to such appeal or the commencement of any such proceedings for review, shall not become payable until thirty days after final determination of such appeal or review and certification, if required, and the tax shall be and remain a first lien on the property and assets of the corporation liable therefor on and after the date same becomes payable as herein provided until paid with interest thereon, and the same shall be collected in the same manner and subject to the same discounts, interest and penalties as other taxes, and the same proceedings now available for the collection of personal taxes against other corporations or individuals shall be applicable to the collection of the excise taxes hereby imposed and payable to any municipality.

When payable.

Proviso.

Tax a first lien.

Collection.

9. When any taxpayer shall acquire the rights, property and franchises of using and occupying public streets, highways, roads or other public places in this State, other than the right and franchise to operate autobuses, of other persons, co-partnerships, associations or corporations then taxable under this act, and shall retain such rights, property and franchises at the end of the calendar year in which such acquisition occurs, then and in such case on or before the first day of February of the succeeding year, such acquiring person, co-partnership, association or corporation shall return to the State Tax Commissioner in the manner

In case of taking over other rights and franchises.

and form required by this act and in addition to the statements of gross receipts, property and length of lines to be filed under this act, a statement showing the gross receipts from the business over, on, in, through or from the lines and mains of the persons, copartnerships, associations or corporations whose rights, property and franchises were so acquired as aforesaid, from January first of the year in which such property was acquired to the date of such acquisition, together with a statement showing the property and length of lines or mains as of July first of the year in which such acquisition took place, as hereinbefore required, unless such information has previously been supplied and filed with the State Tax Commissioner. The total of the gross receipts as shown in both of said statements to the State Tax Commissioner, or as otherwise ascertained by him, shall be used in ascertaining, fixing and apportioning the excise tax imposed by this act upon such acquiring person, copartnership, association or corporation.

Gross receipts shown.

Determining excise tax upon acquiring person, etc.

Moneys due to be paid.

10. All money now payable by any person, copartnership, association or corporation subject to the provisions of this act to any municipality for his, her or its exclusive use, pursuant to any contract, agreement, resolution or ordinance (except money expended for paving or repairing any street, highway, road or other public place) shall be paid, notwithstanding this act, and when paid shall be considered a payment on account of or in full, as the case may be, for the excise tax apportioned to such municipality, as hereinbefore provided; if the amount so paid is greater than the amount of the excise tax so apportioned, such payment shall be in lieu thereof; and, if less, the difference in amount shall be payable as herein provided.

Deductions.

11. The State Tax Commissioner, in making the apportionment of any taxes imposed upon any taxpayer by this act to any municipality for the year one thousand nine hundred thirty-eight, or in any subsequent year, shall deduct or add to such appor-

tionment for such year the municipality's proper share of any deduction or addition to the extent and in the manner which may have been or may be ordered or decreed by any judgment of the State Board of Tax Appeals or any court by reason of any error or omission in connection with the valuation and/or apportionment for any prior year or years of any tax heretofore imposed upon such taxpayer under the provisions of chapter one hundred ninety-five of the laws of one thousand nine hundred (R. S. 54:31-1 to 15) or which may be imposed by this act.

12. None of the provisions of this act shall be construed as in anywise to alter, impair or repeal any of the provisions of chapters nineteen to twenty-nine, inclusive, of Title fifty-four, of the Revised Statutes, nor shall any corporation taxable under said chapters be taxable under this act; if any provision of this act shall, for any reason, be held to be unconstitutional or invalid it shall not affect any of the other provisions of this act or any of them. Validity.

13. All acts and parts of acts or any chapter or parts of chapters of the Revised Statutes inconsistent herewith are hereby repealed, but nothing in this act shall be construed to alter, modify or repeal chapter four, of Title forty-eight, of the Revised Statutes (R. S. 48:4). Effect of repealers.

14. For the apportionment of the excise taxes hereby imposed, payable in the year one thousand nine hundred and thirty-eight, the State Tax Commissioner shall make his valuation, as herein provided, as of October first, one thousand nine hundred and thirty-seven, and shall certify the same to the several municipalities not later than April first, one thousand nine hundred and thirty-eight. The State Board of Tax Appeals, for the purpose of hearing any municipality aggrieved by any such valuations shall meet on the first Monday in May, one thousand nine hundred and thirty-eight, after which date no appeal from such valuation shall be taken, and the apportionment and certification When to ascertain valuation.

Date for hearing appeals.

of such excise taxes shall be made and certified by the State Tax Commissioner not later than September first, one thousand nine hundred and thirty-eight.

Sections
repealed.

15. Sections 54:31-1 to 54:31-15 inclusive of the Revised Statutes are hereby repealed.

16. This act shall take effect immediately.

Passed February 25, 1938.

CHAPTER 8

AN ACT for the taxation of the property and franchises of street railway, traction, gas and electric light, heat and power corporations using or occupying public streets, highways, roads or other public places in this State, and to repeal sections 54:31-16 to 54:31-28 inclusive and sections 54:32-1 to 54:32-7 inclusive of the Revised Statutes.

Preamble.

WHEREAS, There is great complaint and dissatisfaction among the several taxing districts in this State with respect to the apportionment of the franchise and gross receipts taxes assessed against street railway, traction, gas and electric light, heat and power corporations, because of the great difference in the basis upon which the taxes are apportioned to the several taxing districts; and

Preamble.

WHEREAS, The franchise and gross receipts taxes assessed against such corporations are, in fact, excise taxes imposed by different statutes; and

WHEREAS, It is desirable that such excise taxes against such corporations should be imposed pursuant to a single statute requiring that these taxes be fairly and equitably apportioned to the municipalities entitled thereto upon a uniform basis; therefore

Preamble.

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

1. Street railway, traction, gas and electric light, heat and power corporations using or occupying public streets, highways, roads or other public places and their property and franchises shall be subject to taxation only as in this act provided.

Taxed according to this act.

2. Definitions: As used in this act, unless the context clearly requires otherwise:

Terms defined:

(a) "Taxpayer" means any corporation subject to taxation under the provisions of this act.

Taxpayer;

(b) "Real estate" means lands and buildings, but it does not include railways, tracks, ties, lines, wires, cables, poles, pipes, conduits, bridges, viaducts, machinery, apparatus and equipment, notwithstanding any attachment thereof to lands or buildings.

Real estate:

(c) "Personal property" includes all personal property except electric and gas appliances to be used for the consumption of gas or electricity and held for resale and not for the purpose of production, transmission or distribution of gas or electric energy, and except the by-products of gas manufacture held for resale and not for the purpose of production, transmission or distribution of gas or electric energy, and except intangible personal property; and also includes all the property excluded from the term "real estate" as defined in subsection (b) of this section.

Personal property;

(d) The term "gross receipts" does not include any sum or sums of money received in payment for gas or electrical energy sold and furnished to another public utility which is also subject to the payment of a tax based upon its gross receipts, nor in

Gross receipts;

the case of a street railway or a traction corporation, the receipts from the operation of autobuses or vehicles of the character described in Title forty-eight, chapter fifteen, section forty-one to the end of the chapter, of the Revised Statutes (R. S. 48:15-41 et seq.).

Value or
valuation.

(e) "Value" or "valuation" means a value or valuation fixed at a figure determined by the State Tax Commissioner for the purpose of providing a unit of measure for a fair and equitable apportionment of the excise taxes imposed by this act, to the end that the apportionment of the excise taxes imposed by this act shall be fairly and equitably apportioned upon a uniform basis among the municipalities entitled thereto.

Real estate
and personal
property
assessed and
taxed locally.

3. All real estate as herein defined, and the electric and gas appliances to be used for the consumption of gas or electricity and held for resale and not for the purpose of production, transmission or distribution of gas or electric energy, and by-products of gas manufacture held for resale and not for the purpose of production, transmission or distribution of gas or electric energy, owned or held by any taxpayer shall be assessed and taxed at local rates in the manner provided by law for the taxation of similar property owned by other corporations or individuals, and all proceedings for appeal, review and collection available to municipalities and other corporations or individuals with respect to similar property shall be applicable.

Tax on
autobuses, etc.

4. Any street railway or traction corporation, subject to taxation under the provisions of this act, which operates autobuses or vehicles of the character described in Title forty-eight, chapter fifteen, section forty-one to the end of the chapter, of the Revised Statutes (R. S. 48:15-41 et seq.), (the receipts from which operation are excluded from the term "gross receipts" of such corporation as hereinbefore provided), shall pay the same taxes with respect to its operation of such autobuses and vehicles as other owners or operators of autobuses are required to pay.

5. The franchise and the property of any taxpayer shall not be subject to taxation of any kind or nature except as herein provided, and the shares of stock of any such taxpayer shall not be taxed in the hands of shareholders. The taxes imposed by this act shall be in lieu of all other taxes against any corporation subject to the provisions of this act, its property, franchises or its gross receipts.

Taxation of franchises and property.

In lieu of other taxes.

6. Every street railway, traction, gas and electric light, heat and power corporation using or occupying the public streets, highways, roads or other public places in this State shall annually pay excise taxes for the privilege of exercising its franchises and using the public streets, highways, roads or other public places in this State, as follows:

Excise tax paid for use of franchise:

(a) A tax computed at the rate of five per centum (5%) of such proportion of the gross receipts, as herein defined, of such taxpayer for the preceding calendar year from its business over, on, in, through or from the whole of its lines or mains as the length of the lines or mains in this State, located along, in or over any public street, highway, road or other public place bears to the whole length of its lines or mains. In case the gross receipts of any such taxpayer for any calendar year shall not exceed fifty thousand dollars (\$50,000.00) the tax on such taxpayer for such calendar year shall be computed at the rate of two per centum (2%) instead of at the rate of five per centum (5%) of the gross receipts.

Rate and computing tax on lines using public property;

Two per centum rate to apply.

(b) A tax computed at the same rate as the average rate of taxation in this State as fixed for the current year by the State Tax Commissioner under the provisions of Title fifty-four, chapter twenty-four, of the Revised Statutes (R. S. 54:24-1 et seq.) upon the gross receipts, as herein defined, of such taxpayer for the preceding calendar year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

Computing tax on gross receipts.

7. (A) Every taxpayer shall on or before the first day of September in each year return to the

Annual property statement, contents:

State Tax Commissioner a statement in such form and detail as the State Tax Commissioner shall require, showing, as of the first day of July of such year:

Property;

(1) The property of the taxpayer located in, on or over any public street, highway, road or other public place in each municipality in this State and the property not so located in each municipality in this State;

Length of lines, etc., over public property.

(2) The length of the taxpayer's street railway, gas and electric lines and mains along, in, on or over any public street, highway, road or other public place in this State (but not including in the case of a street railway or traction company the length of the lines operated by autobus or vehicles of the character described in Title forty-eight, chapter fifteen, section forty-one to the end of the chapter, of the Revised Statutes (R. S. 48:15-41 et seq.) and

Whole length of lines:

(3) The whole length of the taxpayer's street railway, gas and electric lines or mains (but not including in the case of a street railway or traction company the length of the lines operated by autobus or vehicles of the character described in Title forty-eight, chapter fifteen, section forty-one to the end of the chapter, of the Revised Statutes (R. S. 48:15-41 et seq.).

Items to be shown separately.

(4) Every taxpayer operating both gas and electric facilities shall supply the information required by this subsection (A) in such manner as the State Tax Commissioner shall require so that its gas and electric property and length of gas and electric lines shall be shown separately.

(B) Every taxpayer shall on or before the first day of February in each year return to the State Tax Commissioner a statement showing:

Annual gross receipts statement, contents:

(1) The gross receipts, as herein defined, for the preceding calendar year from the business over, on, in, through or from the taxpayer's street railway, gas and electric lines or mains in this State, stated separately for each such class of business; and

Gross receipts in State;

(2) The gross receipts, as herein defined, for the preceding calendar year from the business over, on, in, through or from the whole of the taxpayer's lines or mains.

Total receipts for all lines;

(3) Every taxpayer operating both gas and electric facilities shall supply the information required by this subsection (B) in such manner as the State Tax Commissioner shall require, separating its gross receipts from gas operations from its gross receipts from electric operations.

Items shown separately.

(C) The statements herein provided for shall be subscribed and sworn to by the president, a vice-president, or chief officer of the corporation making such return; any taxpayer refusing or neglecting to make the statements herein provided for shall forfeit and pay to the State of New Jersey the sum of one hundred dollars (\$100.00) per day for each day of such refusal or neglect, to be recovered in an action at law in the name of the State and which, when recovered, shall be paid into the State treasury. It shall be the duty of the State Tax Commissioner to certify any such default to the Attorney-General of the State who, thereupon, shall prosecute an action at law for such penalty. Any person who shall knowingly or willfully falsely make any oath required to be made under this act shall be deemed guilty of perjury and on conviction thereof shall be liable to all penalties prescribed by law therefor.

Statements sworn to.

Penalty for failure to make statement.

Collecting penalty.

Commissioner to establish valuation.

Certifying valuation to local authorities.

Appeals.

Deducting and prorating expenses of commissioner.

8. For the purpose of securing a fair and equitable apportionment of the excise taxes imposed by this act upon a uniform basis among the several municipalities entitled thereto, the State Tax Commissioner shall annually, prior to the first day of January in each year, establish a valuation, as herein defined, as of the preceding July first of the personal property, as herein defined, of each taxpayer subject to taxation under this act, located in any municipality of this State, separating the value of such property located in, on or over public streets, highways, roads or other public places, and the value of such property not so located; prior to January first in each year the State Tax Commissioner shall certify to the governing body of each of the several municipalities, addressed to the clerk thereof, entitled to receive a portion of the excise taxes imposed by this act such valuation of such property located in such municipality and his valuation of such property located in each other municipality, to the end that the several municipalities may have a basis for estimating the amount of the tax imposed by this act to be apportioned to each such municipality. The State Board of Tax Appeals shall meet on the first Monday of March in each year to hear the appeal of any municipality aggrieved by any such valuation after which time no appeal from such valuation shall be taken and such appeals shall have precedence over any other appeals before said board. No such valuation shall be set aside, changed, altered or modified unless it shall be made to appear that such valuation will result in an unfair and inequitable apportionment of the taxes imposed by this act among the several municipalities entitled thereto.

9. Before making the apportionment of the excise taxes imposed by this act to the several municipalities entitled thereto, the State Tax Commissioner shall deduct from the gross amount of such taxes the expenses of auditing and verifying the statements of the taxpayers subject to such taxes

and the expense of making the apportionment thereof including the expense of determining the respective valuations as herein defined in each of the several municipalities, apportioning such expenses among the several taxpayers in proportion to the relative expenses incurred in connection with the tax imposed on each of such taxpayers and apportioning any general expenses which cannot be allocated to any one taxpayer in proportion to the amounts of the several taxes payable by the respective taxpayers, in order that the final apportionment to the municipalities may be subject to and less by an equitable share of such expenses, and the State Tax Commissioner shall certify such expenses to the respective taxpayers who shall make payment thereof to the State Tax Commissioner within thirty days after such certification.

10. The State Tax Commissioner shall annually on or before May first in each year ascertain and apportion the balance of the excise tax imposed by section six (a) of this act upon each taxpayer to the various municipalities in the proportion the value as herein defined as of the preceding July first of the personal property as herein defined of such taxpayer located in, on or over any public street, highway, road or other public place in each such municipality bears to the total value of such property of such taxpayer located in, on or over any public street, highway, road or other public place in this State. If for any reason the making and delivering of such certificate of apportionment shall be delayed until after December first of any year, then in that case all the taxes for such year imposed by section six (a) of this act shall become due and payable thirty days after the certification of the apportionment by the State Tax Commissioner.

11. The State Tax Commissioner shall annually on or before June first in each year, or within thirty days after the ascertainment of the average rate of taxation in this State as computed and fixed under the provisions of Title fifty-four, chapter

Apportioning
excise tax
imposed
under six (a).

Action on
delay of
certificate of
apportion-
ment.

Balance of
excise tax
apportioned
to munici-
palities.

Property and length of lines.	sons, copartnerships, associations or corporations whose rights, property and franchises were acquired as aforesaid, from January first of the year in which such property was acquired to the date of such acquisition, together with a statement showing the property and length of lines or mains as of July first of the year in which such acquisition took place, as hereinbefore required, unless such information has previously been supplied and filed with the State Tax Commissioner. The total of the gross receipts as shown in both of said statements to the State Tax Commissioner, or as otherwise ascertained by him, shall be used in ascertaining, fixing and apportioning the excise tax imposed by section six (a) of this act upon such acquiring corporation, and if said rights, property and franchises were acquired from a corporation subject to taxation under this act, then the total of the gross receipts as shown in both of said statements to the State Tax Commissioner, or as otherwise ascertained by him, shall be used in ascertaining, fixing and apportioning the excise tax imposed by section six (b) of this act upon such acquiring corporation.
Total gross receipts basis of ascertaining and apportioning excise tax.	
All moneys payable to be paid.	14. All money now payable by any corporation subject to the provisions of this act to any municipality for its exclusive use, pursuant to any contract, agreement, resolution or ordinance (except money expended for paving or repairing any street, highway, road or other public place) shall be paid, notwithstanding this act, and when paid shall be considered a payment on account of or in full, as the case may be, for the excise tax hereby imposed and apportioned to such municipality, as hereinbefore provided; if the amount so paid is greater than the amount of the excise tax so apportioned, such payment shall be in lieu thereof; and, if less, the difference in amount shall be payable as herein provided.
Add or deduct as is proper.	15. The State Tax Commissioner, in making the apportionment of any taxes imposed on any tax-

payer by this act to any municipality for the year one thousand nine hundred and thirty-eight, or in any subsequent year, shall deduct or add to such apportionment for such year the municipality's proper share of any deduction or addition to the extent and in the manner which may have been or may be ordered or decreed by any judgment of the State Board of Tax Appeals or any court by reason of any error or omission in connection with the valuation and/or apportionment for any prior year or years of any tax heretofore imposed upon such taxpayer under the provisions of this law or any prior law imposing a like tax.

16. All acts and parts of acts or chapters and parts of chapters of the Revised Statutes inconsistent herewith are hereby repealed, but nothing in this act shall be construed to alter, modify or repeal Title forty-eight, chapter fifteen, section thirty-seven, of the Revised Statutes (R. S. 48:15-37), or Title forty-eight, chapter four, of the Revised Statutes (R. S. 48:4-1 et seq.), or Title forty-eight, chapter fifteen, sections forty-one to forty-three point three, inclusive, of the Revised Statutes (R. S. 48:15-41 to 43.3).

Repealers.

17. For the apportionment of the excise taxes hereby imposed, payable in the year one thousand nine hundred and thirty-eight, the State Tax Commissioner shall make his valuations, as herein provided, and shall certify the same to the several municipalities not later than April first, one thousand nine hundred and thirty-eight. The State Board of Tax Appeals, for the purpose of hearing any municipality aggrieved by any such valuations, shall meet on the first Monday in May, one thousand nine hundred and thirty-eight, after which date no appeal from such valuation shall be taken, and the apportionment and certification of such excise taxes shall be made and certified by the State Tax Commissioner not later than September first, one thousand nine hundred and thirty-eight.

Valuations
as basis
of appor-
tionment.

Hearing
appeals.

- Sections repealed. 18. Sections 54:31-16 to 54:31-28 inclusive, and sections 54:32-1 to 54:32-7 inclusive, of the Revised Statutes are hereby repealed.
19. This act shall take effect immediately.
Passed February 25, 1938.

CHAPTER 9

AN ACT concerning public schools and amending section 18:10-18 of the Revised Statutes.

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

Section amended.

1. Section 18:10-18 of the Revised Statutes is hereby amended to read as follows:

Annual appropriation.

18:10-18. State appropriation; apportionment among counties; State school tax; amount; assessment, levy and collection.

Apportionment.

For the purpose of maintaining free public schools there shall be appropriated each year from any moneys in the State treasury not otherwise appropriated such sum, not less than one hundred thousand dollars, as may be determined by the Legislature in the annual appropriation act; which sum shall be apportioned among and paid to the several counties in the proportion that the ratables of each of said counties shall bear to the total ratables of the State as exhibited by the latest abstract of ratables filed in the office of the State Comptroller. In addition to the amount so determined and appropriated, a State school tax shall be annually assessed, levied and collected upon the taxable real and personal property in the State, as exhibited by the latest abstract of ratables of the several counties and filed in the office of the State Comptroller. Said tax shall be such an amount as will make, when added to the amount determined and appropriated as aforesaid, a sum

Assessed tax.

Total tax.

equal to two and nine-tenths mills on each dollar of valuation of the taxable real and personal property in the State as exhibited by the last abstract of ratables of the several counties and filed in the office of the State Comptroller, which tax shall be assessed, levied and collected at the same time and in the same manner as other taxes shall be assessed, levied and collected.

Method to
secure tax.

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

Act effective.

Passed February 25, 1938.

CHAPTER 10

AN ACT authorizing and empowering the State Highway Commissioner to enter into contracts and make commitments necessary to receive the benefit of appropriations made available by the United States Government for the relief of unemployment.

WHEREAS, The United States Government is about to make available an additional two hundred fifty million dollars (\$250,000,000.00) for expenditure by the Works Progress Administration in order to relieve the relief rolls; and

Preamble.

WHEREAS, The United States Government, upon application being made by the State, acting through its State Highway Commissioner, will furnish to the State Highway Commissioner for use upon the roads of this State certain labor, materials, supplies, and services; *provided*, that the State, acting through its said State Highway Commissioner, will act as sponsor for the work to be done and will provide certain other materials, supplies, equipment, engineering and services necessary to complete the work; and

Preamble.

Preamble.

WHEREAS, It is the desire of the State of New Jersey to co-operate with the United States Government to the greatest possible extent to the end that the persons on relief may receive employment and thereby reduce the relief rolls in New Jersey; now, therefore,

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

Application
for Federal
funds by
Highway Com-
missioner.

1. The State Highway Commissioner, with the approval of the State House Commission, is authorized and empowered for and on behalf of the State of New Jersey to make all applications necessary in order for the said State to receive the benefits of any funds to be expended by the Works Progress Administration or of any other funds that may be provided by the United States Government for the employment of those on relief, where such funds are to be spent upon the roads and bridges of the State highway system or upon any county or municipal road.

Contract
with Federal
authorities
to sponsor
certain
projects.

2. The State Highway Commissioner, with the approval of the State House Commission, is further authorized and empowered for and on behalf of the State of New Jersey to enter into contracts with the United States Government, or any authorized official thereof, whereby the State agrees to act as sponsor for the aforementioned road and bridge projects and to furnish any materials, supplies, equipment, engineering or other services required by the United States Government as a condition precedent to the furnishing by the said United States Government of labor, materials, supplies, and services from the aforementioned unemployment relief funds.

Division
of costs of
projects.

3. When a project shall contemplate work to be done upon a State aid county or municipal road or bridge, then the State Highway Commissioner with the consent of the county or municipality shall enter into a contract setting forth the share to be borne by the United States Government, the share to be paid from State aid funds, and the share, if

any, to be borne by the county or municipality from its own funds. If it becomes necessary for a municipality to raise funds for the share to be borne by the said municipality, then the said municipality may raise such funds by resolution setting forth an emergency and all contracts and proceedings hereunder are declared to arise by reason of an emergency, all of which shall be subject to the approval and consent of the State Auditor.

Provision
that municip-
alities may
raise funds.

4. Whenever a project contemplates work to be done upon a road or bridge within the State highway system, then any funds heretofore appropriated to the State Highway Commissioner or which may hereafter be appropriated, may be expended by the State Highway Commissioner in order to carry out the provisions of any contract with the United States Government, or its authorized official; *provided, however*, that funds shall be available within the appropriate budget item as provided in section 52:22-20 of the Revised Statutes. Where there are not sufficient funds available within an appropriate budget item, then the State Highway Commissioner may, with the approval of the State House Commission, transfer funds from one item to another. Where the best interests of the State require that a project, not heretofore included in a program as provided in the afore-mentioned section 52:22-20, shall be substituted for a project within a program, then the State Highway Commissioner is authorized, with the approval of the State House Commission, to make such substitution.

Expenditure
of funds.

Proviso.

Transfer of
funds.

Substitution
of projects.

5. If any section of this act or any provision thereof shall be declared to be unconstitutional, invalid or inoperative in whole or in part, then the section or provision to the extent that it is not unconstitutional, invalid, or inoperative shall be enforced and effectuated and no such determination shall be deemed to invalidate or make ineffectual the remaining sections or provisions of this act.

Validity of
sections.

Appoint-
ments from
relief rolls.

Proviso.

5a. All appointments or assignments to employment on any projects authorized under this act shall be made from the relief rolls of the various municipalities subject to the joint approval of the State Financial Assistance Commission and the Works Progress Administration; *provided, however*, that engineering, supervisory and administrative employees not to exceed ten per centum (10%) of all employees on any such work may be selected by the State Highway Commissioner and the Works Progress Administration.

6. This act shall take effect immediately.

Approved February 25, 1938.

CHAPTER 11

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	\$21,350,000 00
Motor vehicle fees, fines, et cetera.	19,800,000 00
Motor vehicle inspection fees	900,000 00
Bus excise tax	85,000 00
Federal aid	1,662,041 00
Sale of bonds	3,421,000 00
Miscellaneous revenue	200,000 00

Total revenues	\$47,418,041 00
Deficit January 1, 1938	2,796,359 99

Available for Expenditure ...	\$44,621,681 01
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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.

Appropriations from highway fund for various purposes.

DEBT SERVICE

Mandatory Dedications:

1930 *Bond Act*

Principal requirement of highway improvement bonds	\$620,000 00
Interest, highway improvement bonds ..	1,378,025 00
Principal requirement of institution construction bonds ...	170,000 00
Interest, institution construction bonds.	354,112 50
Principal requirement of emergency relief bonds	3,125,000 00
Interest, emergency relief bonds	473,437 50
Principal requirement of educational aid bonds	1,000,000 00
Interest, educational aid bonds	190,000 00

Debt service.

Total debt service on 1930
bond act\$7,310,575 00

Amortization requirement for State highway road and bridge bonds (\$70,000,000.00 issue), pursuant to chapter 9, laws of 1936\$2,883,876 20

CHAPTER 11, LAWS OF 1938

Interest on \$70,000,000.00 issue:	
Interest on road bonds	1,035,000 00
Interest on bridge bonds	340,000 00
Interest on roads, bridges and viaducts bonds	1,225,000 00
	<hr/> \$5,483,876 20
Total debt service	\$12,794,451 20

Construction and Maintenance of
Roads and Bridges

Mandatory Dedications:

State Aid to Counties and Municipalities

State aid.	Construction, reconstruction, maintenance, etc., of county roads	\$6,000,000 00
	Construction, grading, maintenance, etc., 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	<hr/> \$9,570,000 00
	Total Mandatory Deductions.	\$22,364,451 20

State Highway Commissioner

Appropriation:

Administration, engineering, inspection and administration costs of rights-of-way\$2,000,000 00

Allowance to Highway Commissioner.

Construction of State highway system, purchase of rights-of-way, construction of roads, bridges and grade crossings 7,645,265 30

State's share of Works Progress Administration projects pursuant to Senate Bill 166; *provided*, said bill becomes a law 3,300,000 00

Purchase of plant and equipment 215,000 00

Lighting State highway system and operation of bridges.. 850,000 00

Maintenance of State highway system ... 2,900,000 00

Institution roads and approaches 200,000 00

Claim of Hill Construction Co. arising out of contract on Route S-28, sec. 2-A, \$15,233.19 of which \$12,367.31 is available, additional 2,865 88

Total amount appropriated..\$17,113,131 18

BOARD OF COMMERCE AND NAVIGATION

Mandatory Dedication:

Allowance to
Board of
Commerce and
Navigation.

Expenditure for construction, re-
construction, maintenance and
improvement of inland water-
ways, pursuant to chapter 334,
laws of 1927 \$90,000 00

DELAWARE RIVER JOINT TOLL BRIDGE
COMMISSION

Appropriation:

Allowance to
Delaware
River Joint
Toll Bridge
Commission.

Maintenance of free bridges now or
to become State property, includ-
ing improvements 102,000 00

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 appro-
priated 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 reap-
propriated.

Total\$39,669,582 38

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-eight, 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-eight, and for a period of three 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.

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.

Allocation of
Federal funds.

4. This act shall take effect immediately and shall be retroactive as of January first, one thousand nine hundred and thirty-eight, and all expenditures made up to the time of the passage of this act, under the provisions of chapter one hundred and ninety-three of the laws of one thousand nine hundred and thirty-three, shall be charged against the amounts herein appropriated.

Act
retroactive.

Approved February 25, 1938.

CHAPTER 12

A SUPPLEMENT to an act entitled "An act relating to the financing of schools," approved May tenth, one thousand nine hundred and thirty-three, being sections appendix A:4-47 to A:4-52 of the Revised Statutes of New Jersey.

- Preamble. WHEREAS, Heretofore, due to financial conditions of municipalities and their inability to pay in cash the State and county school taxes, it was necessary to devise a method by which payment could be made in some manner other than in cash; and
- Preamble. WHEREAS, On May tenth, one thousand nine hundred and thirty-three, an act entitled "An act relating to the financing of schools" was duly approved; and
- Preamble. WHEREAS, Said act provided that "Whenever any municipality and/or county is authorized by law to issue scrip, the governing body of such municipality shall pay in scrip of suitable denominations, if payment cannot be made in cash, the State and county school taxes which remained unpaid to the county treasurer on February first, one thousand nine hundred and thirty-two, and/or February first, one thousand nine hundred and thirty-three, with the exception of ten per centum (10%) of the State school tax which shall be paid in cash."; and
- Preamble. WHEREAS, Said act contained a further provision that "The county shall be relieved of that part of its obligation to the State for ninety per centum (90%) of the State school tax when the county treasurer shall have filed with the State Treasurer receipts from the custodians of the

several school districts, which receipts shall acknowledge the acceptance of county and/or municipal scrip as payment for amounts due such school districts from the county treasurer;" and

WHEREAS, Said act was amended in the years one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six to provide for the payment in similar manner of the State and county school taxes due on February first of each of those respective years; and Preamble.

WHEREAS, In some instances, although scrip was delivered in payment of ninety per centum (90%) of the State school tax due from various municipalities, there was a failure to pay on the date due the ten per centum (10%) of said State school tax in cash to be retained by the State of New Jersey; and Preamble.

WHEREAS, Ninety per centum (90%) of said State school tax was duly apportioned and distributed on warrants issued by the county superintendent of schools to various school districts entitled to receive the same, and the proper receipts from the custodians of the several school districts, acknowledging receipt of said scrip in payment of said apportionments, under said warrants were duly received by the county treasurer; and Preamble.

WHEREAS, The State Treasurer refused to accept said receipts of the various custodians of the several school districts, when presented to him by the county treasurer, in payment of the county's obligation to the State for the ninety per centum (90%) of said State school tax; and Preamble.

WHEREAS, There has now arisen a question as to whether or not the State of New Jersey shall receive interest on the full one hundred per Preamble.

centum (100%) of said State school tax because of the failure to pay the ten per centum (10%) in cash due to the State; now, therefore,

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

Interest on delinquencies.

1. In any case where municipalities and/or counties in this State have satisfied their State and/or county school taxes by issuing and delivering ninety per centum (90%) thereof in scrip under the provisions of an act entitled "An act relating to the financing of schools," approved May tenth, one thousand nine hundred and thirty-three, and the amendments thereof and supplements thereto, there shall not be charged by any State or county department, or officer thereof, interest on delinquencies except to the extent of interest on the ten per centum (10%) of the State school taxes to be retained by the State Treasurer, under the provisions of the State school law. The acceptance by the receiving school districts of the ninety per centum (90%) of said State school taxes in scrip in lieu of cash shall be considered a waiver of any interest which might be due from the municipality and/or the county on ninety per centum (90%) of said State school taxes so paid in scrip.

Acceptance of scrip considered waiver.

2. This act shall take effect immediately.
Approved February 25, 1938.

CHAPTER 13

AN ACT concerning the State budget system, and amending section 52:22-20 of the Revised Statutes.

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

1. Section 52:22-20 of the Revised Statutes is hereby amended to read as follows:

Section amended.

52:22-20. a. The State Highway Commission shall, on or before the fifteenth of October in each year, submit to the Governor a report of the work and operations and financial condition of the department for the year (projecting the same to December thirty-first), including itemized report of county and township allotments and commitments, in such form and in such detail as the Governor shall require.

Highway Commissioner to report to Governor.

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

Estimated revenues reported.

Ascertaining total resources.

c. On or before the fifteenth of October in each year the State Highway Commission shall submit to the Governor the schedule and program for which they propose to expend or use such funds for the ensuing calendar year, stating the dedi-

Submitting to Governor proposed use of funds.

cated fund items and the general fund items separately, according to purposes, routes and sections of routes. Such program may include projects that may be substituted for other projects included in the program should it be found impossible or impractical to construct or carry on any one or more of the projects in the program.

Action by
Governor.

Recom-
mendations.

Submission to
Legislature.

d. The Governor shall review the schedule of anticipated revenues and program submitted by the State Highway Commission, as provided in subsections "b" and "c" of this section, and shall formulate his budget recommendations thereon and submit such recommendations to the Legislature at the same time that he submits to the Legislature the budget message provided in section 52:22-11 of this Title. Such recommendations, which shall be for the calendar year in which such budget message is submitted, shall be submitted to the Legislature in substantially the following form, and shall include the items designated hereafter as mandatory dedications "d-1", "d-2" and "d-3" for the purpose of statistical information only and not for the purpose of being included in the appropriation act provided for in this section:

Schedule of
anticipated
revenues.

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

Mandatory Dedications:

Dedications:
Debt service;

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

State aid
projects;

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

Roads and
bridges,

First: Six million dollars (\$6,000,000.00) for the construction, reconstruction, maintenance and repair, operation, policing and lighting of county roads and bridges, and for the payment of principal or interest of obligations heretofore incurred

for any of such purposes, and for the extension of the county highway system under the following formula:

Percentage of population of each county to the total population of the State, according to the last Federal census; Formula for distribution,

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

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

Second: Two million six hundred twenty-five thousand dollars (\$2,625,000.00) to be expended pursuant to chapter fifteen of the title Highways (§27:15-1 et seq.). Expenditures.

Third: Seven hundred and thirty-five thousand dollars (\$735,000.00) to be expended pursuant to the provisions of section 27:14-1 of the title Highways.

Fourth: Two hundred and ten thousand dollars (\$210,000.00) to be expended pursuant to sections 27:5-10 to 27:15-13 of the title Highways.

Fifth: Ninety thousand dollars (\$90,000.00) to the Board of Commerce and Navigation for the construction, reconstruction and maintenance and improvement of the inland waterway, as provided by section 54:39-74 of the title Taxation. Inland waterways.

Sixth: The amount required for the State highway sinking fund as provided by L. 1922, c. 262, p. 634, and L. 1927, c. 181, p. 344, for the year to which the budget shall apply. Sinking fund,

d-3. For reimbursement to municipalities or counties due in the budget period for which such budget shall apply, which obligations have been contracted for heretofore. Reimbursements.

Appropriations:

d-4. For the administration and operation of the Department of Motor Vehicles and of the Motor Fuel Tax Division of the State Tax Department; Appropriations:
Motor Vehicle Department;

d-5. For the administration, engineering, inspection and administration costs of right-of-way for the State highway system; Administration, etc.:

Construction;	d-6. For construction of the State highway system;
Plant;	d-7. For purchase of plant and equipment of the State Highway Department;
Purchases;	d-8. For purchase of right-of-ways for the State highway system;
Maintenance;	d-9. For maintenance of the State highway system;
Delaware River Joint Toll Bridge Commission.	d-10. For administration and operation of the Delaware River Joint Toll Bridge Commission, for the maintenance of free bridges, including improvements;
Highway Commission to report to Governor quarterly.	e. The State Highway Commission shall make a report to the Governor quarterly, and at such other times as the Governor may direct, as to the progress of its work in connection with the program as adopted and upon any project carried over from the preceding year, together with the condition of its revenues and finances all in such detail as the Governor may direct.
Notification to freeholders.	f. On or before December tenth of each year the State Highway Commission shall notify the clerk of the board of chosen freeholders of each county as to the amount of county and township and borough aid which has been set up for the county and each municipality within the county applicable to the ensuing calendar year, and it shall be lawful for the several counties and municipalities to include such amount in their respective budgets, and said amounts shall be available to the State Highway Commission for allotment to the said counties and municipalities at the beginning of said ensuing calendar year, and commitments may be made against said amounts by said counties and municipalities, subject to the approval of the State Highway Commission, immediately thereafter, except that for the year nineteen hundred and thirty-eight said allotments shall be available immediately upon the passage of this act.
Amount included in budget.	
Commitments.	

g. The Governor shall submit his recommendations to the Legislature as to the appropriations to be made under subdivisions "d-5," "d-6," "d-7," "d-8," "d-9," and "d-10" of this section, in lump sum for each item, and shall submit to the Legislature a detailed budget request as provided in section 52:22-11 of this Title for the recommendations relating to subdivision "d-4" of this section, above designated, and the Legislature shall, by separate appropriation act which shall take effect on the first of January preceding its enactment in each year, and which shall be known as the State highway fund appropriation act, appropriate such items for the several purposes in lump sums as enumerated in subsection "d" of this section which are required to be appropriated by this section. Prior to the enactment of such an appropriation act, it shall be lawful for the State Highway Commission to expend from such moneys in the State highway fund, as hereinafter defined, as shall be necessary for the maintenance of the State highway system, an amount which shall not exceed the amount expended for such purposes during the whole of the preceding calendar year, and for the administration of the State Highway Department, amounts which may be equal to but not in excess of such amounts as were expended for similar purposes during the same period in the preceding calendar year, and the State Treasurer is hereby authorized to pay on warrant of the Comptroller moneys for such purposes when not in excess of expenditures as herein provided; *provided, however*, that during such period as the appropriation act is not in effect no contracts for new construction shall be entered into by the State Highway Commission.

Governor's
recom-
mendations.

Appro-
priations by
Legislature
for roads.

Maintenance
allowance.

Amount
allowable.

Proviso

h. The necessary expenses for the administration and operation of the Department of Motor Vehicles and the Motor Fuel Tax Division of the State Tax Department shall be included in the appropriations act provided by this section, as provided in subsection "e" of this section. The

Expenses
included
in appro-
priations.

Budget
request by
Commis-
sioner of
Motor
Vehicles and
Tax Com-
missioner.

Prior
expenditures
recognized.

Payments
authorized.

Sources
of State
highway fund.

Commissioner of Motor Vehicles shall annually submit to the Governor his budget request for the calendar year beginning January first next ensuing, and the State Tax Commissioner shall annually submit to the Governor his budget request for the Motor Fuel Tax Division of the State Tax Department for the same period, all as provided in sections 52:22-5 to 52:22-7 of this Title, it being the intent of this subsection to authorize the appropriations to the Department of Motor Vehicles and to the Motor Fuel Tax Division of the State Tax Department, both on a calendar year basis commencing with the calendar year of one thousand nine hundred and thirty-four. Prior to the enactment of the State highway fund appropriation act provided by this section, it shall be lawful for the Commissioner of Motor Vehicles and for the State Tax Commissioner, respectively, to expend from such moneys in the State highway fund, as hereinafter defined, such amounts as may be necessary to continue the administration and operation of the Department of Motor Vehicles, and of the Motor Fuel Tax Division of the State Tax Department on the same basis as was authorized for similar purposes under any act authorizing appropriations for the preceding calendar year, together with any unexpended balances of appropriations for the preceding calendar year for the Delaware River Joint Toll Bridge Commission, which have been reserved for expenditure, but not actually expended or contracted for, and the State Treasurer is hereby authorized to pay on warrant of the Comptroller such moneys for such purposes and the State Commissioner of Finance is authorized to approve work programs on that basis.

i. All moneys now in the treasury of the State or which hereafter shall be received into such treasury from any and every source which are dedicated to highway purposes, which shall include all revenues from the motor fuel taxes and the motor vehicle license fees and fines, shall be set up by the State Treasurer in a separate fund to be

known as the State highway fund, and no money shall be withdrawn from such fund except as shall be included in the State highway fund appropriation act except for the purposes enumerated in subdivisions "d-1," "d-2" and "d-3" of this section, or for further grants of moneys to counties or municipalities for road purposes or for the payment of interest or principal on reimbursement obligations heretofore incurred for road purposes, and provided for in subsections "g" and "h" of this section, and none other, excepting as hereinafter provided for in this subsection, and any unexpended or uncommitted balances of such appropriations shall revert back to the State highway fund. Nothing in this section contained shall be construed to prohibit the withdrawal of any money received for the payment of the principal or interest of any bonded indebtedness of this State or for sinking fund purposes on any bonds heretofore or hereafter issued by the State, or for the amount of money appropriated by the Legislature for the collection of the tax on motor fuels, which moneys shall be withdrawn for such purposes upon certification of the State Treasurer.

Withdrawals.

Subsequent
withdrawals.

Provision
for interest
and principal
of bonded
indebtedness.

j. The Governor shall send to the Legislature his recommendations as provided in subsection "d" of this section, and after the enactment of the appropriations act provided for in this section such appropriations shall control the program of the State Highway Commission for the calendar year, but the Governor shall have the same power over the appropriations to the State Highway Commission as is provided in section 52:22-18 of this Title.

Governor's
recommendations
and
power over ap-
propriations.

k. In order to maintain a reasonable degree of flexibility, the State Highway Commission, the Commissioner of Motor Vehicles, and the State Tax Commissioner, respectively, may, with the approval of the State House Commission, transfer funds from one item to another where such action seems to be in the best interests of the State and will tend to the economical operation of the State

Transfer
of funds.

Highway Department, of the Department of Motor Vehicles, and of the Motor Fuel Tax Division of the State Tax Department respectively; but no item appropriated for any permanent construction improvement shall be transferred to any administrative item.

2. This act shall take effect immediately.

Approved March 2, 1938.

CHAPTER 14

AN ACT relating to public schools, and amending section 18:10-49 of the Revised Statutes.

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

Section
amended.

School
districts
partially
reimbursed
for educating
defective
pupils.

1. Section 18:10-49 of the Revised Statutes is hereby amended to read as follows:

Payment.

Moneys
withheld
for non-
compliance
with act.

18:10-49. Whenever the amount estimated by the board of education as the excess cost above that of educating pupils of normal needs, arising out of the provisions of statutes relating to the cost of educating physically handicapped pupils, as set forth in section 18:14-69 of this title, less amounts provided for in section 18:10-41 of this title, has been approved by the Commissioner of Education, the district shall be entitled to reimbursement for one-half of such excess cost out of any State moneys appropriated for the purpose to the Commissioner of Education. This reimbursement shall be paid by the State Treasurer to the custodian of school moneys of the school district upon the warrant of the Commissioner of Education.

The commissioner shall order State school moneys withheld from any district which fails to comply with the requirements of this section and subparagraphs "b" and "n" of section 18:10-41

of this title and the minimum standard requirements issued from time to time by the commissioner.

2. This act shall take effect immediately.

Approved March 2, 1938.

CHAPTER 15

AN ACT to create a commission for participation by the State of New Jersey in the New York World's Fair to be held in New York city beginning in the year one thousand nine hundred and thirty-nine.

WHEREAS, The occasion of a World's Fair in New York city will afford the State of New Jersey a fine opportunity to publicize to millions of people the outstanding attractions of the State, including its desirable homes, recreation areas, industrial plants and farm products, and due to the proximity of the World's Fair site the State will receive great financial advantage from the many visitors to the fair who will pass through New Jersey and enjoy its highways and hospitality.

Preamble.

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

1. A commission is hereby created to consist of seven (7) members, which shall be known as the "New Jersey World's Fair Commission." Three (3) members of said commission shall be appointed by the Governor, two (2) by the President of the Senate, and two (2) by the Speaker of the House. The Governor shall be an ex-officio member of the commission. The terms of all members of the com-

Commission created.

Appointments.

Expiration of term.

mission shall expire one (1) year after the official close of the New York World's Fair. A majority of its members shall constitute a quorum.

Organization. 2. Said commission shall organize by the selection of a chairman and secretary from its members, and may employ such assistants as may be necessary from the employees of the various departments of the State, whose services shall be loaned to this commission during the period of its existence and may contract for such professional services as may be required.

Assistants.
•
No salary; expenses met. 3. The members of such commission shall serve without compensation; *provided, however*, that their necessary expenses shall be paid. The various departments of the State will co-operate by loaning personnel, material, and assistance to the commission.

State participation. 4. Such commission shall proceed as speedily as practical to arrange for the participation by the State of New Jersey in the New York World's Fair.

Reports. 5. The commission shall make a written report at least annually to the Governor and the Legislature.

Who may serve. 6. Nothing contained in any law shall be deemed or construed to prevent any person whose salary or compensation is paid in whole or part with funds appropriated by the State, any political subdivision thereof, or any municipality, from serving on the commission hereby appointed.

7. This act shall take effect immediately.

Approved March 2, 1938.

CHAPTER 16

AN ACT concerning taxation and supplementing chapter four of Title 54 of the Revised Statutes by adding a new section 54:4-122.

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

1. 54:4-122. May compromise, adjust or cancel cemetery assessments. It shall be lawful for the governing body of any municipality in this State, by resolution, to compromise, adjust or cancel, any past due assessments with the accrued interest thereon, levied against any cemetery owned by a religious society or sect, used for the interment of its own members, where the assessment was levied for the sole reason that the religious society or sect was an unincorporated cemetery association.

Section added.
Past due assessments against cemeteries may be cancelled, adjusted, etc.

2. This act shall take effect immediately.

Approved March 8, 1938.

CHAPTER 17

AN ACT concerning State highway routes, and amending section 27:6-1, subsection Routes Nos. 28 and S-28, 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*:

1. Section 27:6-1, subsection Routes Nos. 28 and S-28, of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows:

Section amended.

Routes Nos. 28 and S-28. Elizabeth to Phillipsburg; beginning at Elizabeth-Howland Hook bridge

Routes Nos. 28 and S-28.

plaza, thence by way of Bayway, South Elmora avenue and Elmora avenue to Westfield avenue, Elizabeth, with a spur beginning at the intersection of Westfield avenue and Cherry street, Elizabeth, at State Route No. 27, and extending westerly along Westfield avenue to the intersection of Westfield avenue and Elmora avenue, thence via Cranford, Westfield, Plainfield, Bound Brook, Somerville, Clinton to Phillipsburg. S-28 beginning in Route 28 where the same is intersected by Raritan avenue in the borough of Middlesex, thence via Raritan avenue in the borough of Middlesex, and the River road in the township of Piscataway to Route No. 27 in the borough of Highland Park, thence via Route No. 27 to New Brunswick, thence to Matawan by way of Weston Mills, Tanners' Corner, Oldbridge and Browntown to Route No. 4 in Matawan.

Line of
alternate
route.

The commissioner may, as soon as he deems it expedient and practicable for the purpose of relieving traffic congestion on Routes No. 29 and No. 28, lay out and improve as part of the State highway system a road, of approximately three thousand feet in length, commencing at the intersection of a highway known as King George road with the southerly side line of present highway No. 29, located in the township of Greenbrook, Somerset county, and thence running southerly over said King George road and Green Brook road, or over said roads for as much of said distance as may be practicable, in said township of Greenbrook, Somerset county, and the borough of Middlesex, Middlesex county, and ending at State highway Route No. 28, in the borough of Middlesex, at a point known as "Mannion's Corner."

Use
existing
highways.

Existing highways may be made use of wherever it is convenient so to do, and the commissioner may acquire rights of way where necessary.

2. This act shall take effect immediately.

Approved March 8, 1938.

CHAPTER 18

AN ACT relating to and providing for the creation of a night police court in cities of the first class and providing the jurisdiction thereof and establishing and regulating the procedure therefor, and supplementing chapter two hundred nineteen, of Title 2, of the Revised Statutes.

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

1. From and after the passage of this act, the governing body of each city of the first class of this State may create, by ordinance, a court which shall be known as a night police court, which shall be presided over by a judge who shall be appointed by resolution of the said governing body for a period concurrent with the term of office for which the said governing body has been elected.

Night police
courts in
certain cities

2. The said court shall sit nightly on such nights as the governing body of such city may in its discretion designate.

Court to
convene.

3. The said night court shall have, possess and exercise all of the powers, authority and jurisdiction possessed and exercised by the criminal courts in cities of the first class, and the said night court shall have concurrent jurisdiction with the said criminal courts in cities of the first class.

Jurisdiction
of court.

4. The judge of the said night court shall have, possess and exercise all of the powers, authority and jurisdiction possessed and exercised by the judges or justices of criminal courts in cities of the first class, and the said judge shall have concurrent jurisdiction with the judges or justices of criminal courts in cities of the first class.

Jurisdiction
of judge.

5. The judge of said night court, as herein provided, shall have power to preside in any other police court in and for the municipality in which he is appointed at such times and in such places as

To preside
over police
court.

the governing body of said municipality shall designate.

Place of
holding court.

6. The night court by this act provided shall sit in such place and for such lengths of time as the governing body of the municipality shall designate.

Court of
record.

7. The court established by this act shall be a court of record and shall have an official seal and all persons shall be amenable to punishment for contempt of said court in the same manner as in other courts of record in this State, having power to punish for contempt of court, and the judge of said court shall make such rules as shall be necessary for the orderly conduct of the business and proceedings of said court, which rules shall be approved by and be subject to the revision by the governing body of the municipality in which such court shall be situated. It shall be lawful for any duly qualified judge of any police court of the municipality in which the said night court is established to preside in said night court, at the request of the judge of said court, and the judge so sitting shall have the same power and authority as judge of said court.

Police judge
may sit.

Clerk to be
acting judge.

8. The clerk of the night court shall also be the acting judge thereof and shall preside in the place and stead of said judge at his request and in his absence and the clerk so sitting shall have the same powers and authority as judge of the said court.

Salary of
judge.

9. The governing body of any city in which said night court is established shall have the power, by resolution, to fix the annual salary of the judge of said court, to be paid in the same manner as other officers of such city are paid.

Assistants.

10. Clerks, deputy clerks and other employees necessary for the proper conduct of the business of the night court may be assigned from other police courts or elsewhere in said municipality or appointed as within the discretion of the governing body is necessary.

Civil service
to govern
appointments.

11. Such clerks, deputy clerks and other employees whose appointment shall be necessary for the proper conduct of the business of this court

shall be made in accordance with the terms of subtitle three of title 11 of the Revised Statutes, known as the civil service law, as supplemented and amended.

12. Any acts or parts of acts inconsistent with the terms hereof are hereby repealed. Repealer.

13. The unconstitutionality of any section of this act shall not invalidate the other sections of this act. Constitutionality.

14. This act shall take effect immediately.

Approved March 8, 1938.

CHAPTER 19

AN ACT relating to the creation of local housing authorities, including the definition of their functions and powers, and to public housing projects undertaken by public bodies, and adding a new chapter to the Revised Statutes, to be known as chapter fourteen A of Title 55.

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

1. That there be added to the Revised Statutes a new chapter to be known as chapter fourteen A of Title 55, Public Housing, as herein provided. Chapter added.

2. 55:14A-1. Short Title. This chapter may be referred to as the "Local Housing Authorities Law." Short title.

3. 55:14A-2. Declaration of necessity of legislation. It is hereby declared: (a) that there exist in the State insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the State there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced Declaration.

to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the State and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; (b) that these areas in the State cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise; (c) that the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations by any public body for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of State concern; (d) that it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment; and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

Terms
defined:

4. 55:14A-3. Definitions. The following terms, wherever used or referred to in this chapter shall have the following respective meanings, unless a different meaning clearly appears from the context.

Authority;

(a) "Authority" or "housing authority" or "authorities" or "housing authorities" shall mean any of the public corporations created by this chapter.

(b) "Municipality" shall mean any city of any class, any town, township, village, borough or any municipal subdivision of this State. "County" shall mean any county in the State. "The municipality" shall mean the particular municipality or municipalities for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created. Municipality;

(c) "Governing body" shall mean in the case of a municipality the common council or the board of commissioners or the body managing its affairs, and in the case of a county the board of chosen freeholders. Governing
body;

(d) "Clerk" shall mean the clerk of the municipality or the clerk of the county, as the case may be, or the officer charged with the duties customarily imposed on such clerk. Clerk;

(e) "Area of operation": (1) in the case of a housing authority of a municipality, shall include the area of such municipality; (2) in the case of a regional housing authority of a group of two or more municipalities, shall include such municipalities; (3) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial limits of a municipality or group of municipalities for which a housing authority has been created; with respect to any municipality which has not created or joined in the creation of an authority, a housing authority of a county shall not include such municipality within its area of operation, unless it has first secured the approval of such action by said municipality (such approval to be evidenced by an ordinance adopted by the governing body of the municipality). Area of
operation;

(f) "Federal Government" shall include the United States of America, the United States Housing Authority or any other agency Federal
Government;

or instrumentality, corporate or otherwise, of the United States of America.

Public body;

(g) "Public body" shall mean the State, or any county, city, town, township, borough, village, school district, authority or any other political subdivision of the State.

Slum;

(h) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.

Housing project;

(i) "Housing project" shall mean any work or undertaking; (1) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; (2) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes; or (3) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith; *provided*, nothing in this chapter shall authorize the construction of any public utility service or facility which would be competitive with any existing public utility as the same is defined by section 48:2-13 of the Title Public Utilities.

Proviso;

(j) "Persons of low income" shall mean persons or families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality to build or furnish an adequate supply of decent, safe and sanitary dwellings so as to enable them, without financial assistance, to live in such dwellings, without overcrowding.

Persons of low income;

(k) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this chapter.

Bonds;

(l) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and indebtedness secured by such liens.

Real property;

(m) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the authority.

Obligee of the authority;

(n) "Director" shall mean the executive officer of the State Housing Authority.

Director.

5. 55:14A-4. Creation of housing authorities. Any governing body may, by resolution in the case of counties, or ordinance in the case of municipalities, create a body corporate and politic to be known as the "Housing Authority of " inserting the name of the municipality or county creating such authority. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. Thereupon the governing body shall appoint five persons as com-

Creation of housing authorities.

Commissioners.

Terms.	missioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of five years, except that all vacancies shall be filled for the unexpired term.
May create joint authority.	The governing body of two or more municipalities may by joint action or ordinances create a public body corporate and politic to be known as "..... Regional Housing Authority," with such additional designation as may be provided in the joint ordinances. Such regional authority shall constitute an agency and instrumentality of the municipalities creating it. Upon the adoption of a joint ordinance as aforesaid, a copy thereof certified by the clerk of each of the municipalities shall be filed with the director. Thereupon the respective clerks shall promptly notify the respective governing bodies of such adoption. Upon receiving such notice, each governing body shall appoint two persons as commissioners of the regional authority for a term of five years except that all vacancies shall be filled for the unexpired term. The governing body of the municipality which has the greatest population of any of the municipalities creating the regional authority shall appoint one additional person as commissioner of the authority for a like term. The clerks of the governing bodies shall file with the director the names of persons appointed as commissioners of an authority. The director may appoint a person as a member ex-officio of each housing authority, who shall receive no compensation or expenses from such local housing authority. Said person shall not be entitled to vote in affairs of the authority, but shall be entitled to all other privileges of membership on such authority. The director may remove such person and designate a new one at any time or may fill the vacancy caused by the death or resignation of such person. No municipality which has created an authority pursuant to this section shall thereafter join in the crea-
Commissioners of joint authority.	
Appointment of ex-officio member by director.	
Removal.	
Restrictions.	

tion of a regional authority. No municipality which has been included (with its consent) within the area of operation of a county housing authority shall thereafter create an authority or join in the creation of a regional authority.

6. 55:14A-5. Proof of existence of authority. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract of an authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption by the governing body of the ordinance aforesaid or by the governing bodies of the joint resolutions or ordinances as aforesaid. A copy of such resolution or ordinance or joint ordinances duly certified by the clerk or clerks respectively shall be admissible in evidence in any suit, action or proceeding.

Proof of
existence of
authority.

7. 55:14A-6. Authority; commissioners; misconduct; removal. No commissioner of any authority may be an officer or employee of the municipality or county for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including traveling expenses incurred in the discharge of his duties. The powers of each authority shall be vested in the commissioners thereof in office from time to time. A majority, excluding the ex-officio member, shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of the majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. The

Qualifications
of commis-
sioners.

Hold over.

Certificate of
appointment
filed.

No salary.

Power
vested in com-
missioners.

Quorum.

Organization.	<p>authority shall select a chairman and a vice-chairman from among its commissioners, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon any chief law officers of the municipality, municipalities or the county, as the case may be, or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers and duties as it may deem proper. No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in the project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in a housing project he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the governing body which made the original appointment, but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.</p>
Assistants.	
Legal service.	
May delegate powers.	
Commissioners not to have interest in project.	
To disclose interest.	
Not to participate in action.	
Removal of commissioner.	

8. 55:14A-7. Powers of authority. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

Authority
empowered:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

Corporate
powers;

(b) Within its area of operation; to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

Prepare and
execute
housing
projects;

(c) To arrange or contract, in the manner now prescribed by law concerning municipalities, except as otherwise provided by the rules or regulations of the United States Housing Authority, for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the Federal Government may have attached to its financial aid of the project.

To contract
for services,
etc.;

Deal in
real property;

(d) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the Federal Government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

Invest funds;

(e) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

Investigate
housing
conditions;

(f) Within its area of operation; to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for per-

sons of low income, and to co-operate with any public body in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(g) To exercise all or any part or combination of powers herein granted. Exercise powers granted.

9. 55:14A-8. Rental policies of authority. It is hereby declared to be the policy of this State that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the municipality or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (a) to pay, as the same become due, the principal and interest on the bonds of the authority; (b) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (c) to create (during not less than the six years immediately succeeding its issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve. In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant selection; (a) it may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such Not to operate for profit.

Fixing rentals.

Rentals and tenant selection.

Of low income.

Number of rooms.	persons of low income; (b) it may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; (c) it shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an aggregate annum income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.
Rented on basis of income.	
Foreclosure.	10. 55:14A-9. Default. Foreclosure. Nothing contained in this or the preceding section shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof or acquire title thereto through foreclosure proceedings, free from all the restrictions imposed by this or the preceding section; <i>provided, however</i> , that in the event of a default by the authority which results in possession or title passing to a private mortgagee, any tax exemption privilege or other special privilege accorded to such housing project because of its public nature, shall cease.
Proviso.	
Right of eminent domain.	11. 55:14A-10. Right of eminent domain. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it or a resolution declaring that the acquisition of

the real property described therein is necessary for such purposes. Property already devoted to a public use may be acquired in like manner provided that no real property belonging to a public body or corporation itself possessing the power of eminent domain may be acquired without its consent.

12. 55:14A-11. Projects subject to local laws. All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long range program for the development of the area in which the housing authority functions.

Subject to
local laws.

Location of
project.

13. 55:14A-12. Bonds: power to issue. An authority shall have the power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable; (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the Federal Government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority.

May issue
bonds.

Type of
bonds.

Additional
security.

14. 55:14A-13. Bonds: liability. Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the

No personal
liability.

Not a State debt.	bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the State or any political subdivision thereof and neither the State nor any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction.
Tax exempt.	Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities, and, together with interest thereon and income therefrom, shall be exempt from taxes.
Issuing details.	15. 55:14A-14. Bonds: provisions. Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide. The bonds may be sold at not less than par at public sale held after notice published once at least five days prior to such sale in a newspaper having a general circulation in the area of operation and in a financial newspaper published in the city of Philadelphia, Pennsylvania, or in the city of New York, New York; <i>provided, however</i> , that such bonds may be sold at not less than par to the Federal Government at private sale without any public advertisement.
Rate.	
Sale.	
Proviso.	

Bonds: validity. In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

Validity.

Negotiable.

Bonds: suit. In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this subtitle.

Suit involving validity of bonds.

16. 55:14A-15. Bonds: powers of authority. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

Additional powers:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

Pledge receipts;

(b) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

Mortgage property;

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then

Make covenants against pledging rents, etc.;

exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

Covenants
relative to
bonds;

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

Covenants
relative to
rents, etc.;

(e) To covenant (subject to the limitations contained in this chapter) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

Amend
contracts
with bond-
holders;

(f) To prescribe the procedure, if any, by which the terms of any contract with 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.

Covenant
as to use of
property;

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the

insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

Covenant
as to rights,
etc., upon
breach of
contracts, etc.;

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenant securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee; to provide for the powers and duties of a trustee or trustees or the holders of bonds or any proportion of them who may enforce any covenant or rights securing or relating to the bonds.

Vest in
trustees the
right to enforce
payment of
bonds, etc.;

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

Sundry
covenants.

Rights of
obligees:

17. 55:14A-16. Rights of obligees. An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee;

Compel
performance
of contracts;

(a) By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this chapter.

Enjoin
action of
authority.

(b) By suit, action or proceedings in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

Powers of
authority
after default:

18. 55:14A-17. Powers of authority after default. An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right (in addition to all rights, that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction;

Project
surrendered
to obligee;

(a) To cause possession of any housing project or any part thereof to be surrendered to any such obligee.

Appointment
of receiver:

(b) To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and operate and maintain same, and collect and receive all fees,

rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

(c) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust. Require accounting.

19. 55:14A-18. Real property exempt from levy. Property exempt from levy.
All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property; *provided, however*, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of any authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues. Proviso.

20. 55:14A-19. Powers of authority pertaining to Federal Government. Federal aid.
In addition to the powers conferred upon any authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions; grants or other financial assistance from the Federal Government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the Federal Government, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or co-operation of the Federal Government in the undertaking, construction, maintenance or operation of any housing project by such authority. Intent.

- Tax exempt.** 21. 55:14A-20. Property exempt from taxes. All housing projects of housing authority, including all property of the public body or bodies or housing authority or authorities comprising such housing projects, are hereby declared to be public property devoted to an essential public and governmental purpose. All such public property devoted to such a public purpose shall be exempt from all taxes and special assessments of the State or any political subdivision thereof as long as such public property remains under exclusive control and jurisdiction of a housing authority or public body which owns or holds such property; *provided, however*, that in lieu of such taxes, the public body which owns or holds such property may agree to make payments to a political subdivision for the services, improvements or facilities furnished by it for the benefit of a housing project, but in no event shall such payments exceed the amount last levied as the annual tax of such political subdivision upon the property included in said project prior to the time of its acquisition by the aforesaid public body.
- Proviso.**
- Bonds legal investments.** 22. 55:14A-21. Bonds: legal investment for banks and trustees. The State and all public officers and public bodies, all banks, bankers, trust companies, saving banks and institutions, 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 executors, administrators, guardians, trustees and other fiduciaries may legally invest funds belonging to them or within their control in any bonds of an authority when they are secured by a pledge of the revenues of a housing project, and when they are additionally secured by a pledge of annual contributions to be paid to an authority by the Federal Government; *provided*, that building and loan associations may only invest in such securities when they are additionally secured by a first mortgage
- Proviso.**

on such project, which mortgage, when made, shall not exceed eighty per centum (80%) of the appraised value of the property. The provisions of this section shall not be construed as limiting the powers granted by the housing co-operation law and the powers granted by any other law, but shall be supplemented thereto; *provided, however, that* nothing contained in this section may be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

Proviso.

23. 55:14A-22. Relationship between authority and director. Upon completion of an application of an authority for the financial assistance of any agency of the Federal Government in connection with a housing project, the authority shall present to the director the said application and supporting data. The application and data shall be transmitted by the director within twenty days from the receipt thereof to the Federal agency in question, with the recommendations of the director. Should the director fail, within the said twenty-day period, to forward said application and documents to the Federal Government, or its appropriate agency, the authority shall be permitted, anything in this chapter to the contrary notwithstanding, to present its application to the Federal Government, or its agency. During the pendency of an application to the Federal Government, or its agency, for its assistance as aforesaid, the authority shall file with the director copies of all correspondence agreements and documents that may be exchanged between the authority and representatives of the Federal Government in connection with the project. The authority, its members and personnel, shall co-operate with the director and its representatives in the performance of the director's functions and in particular in the director's capacity of serving as a central bureau through which statistical and other information, pertaining to slum clearance and low-cost housing, will be dis-

Relationship
between
authority
and director.

seminated. Authorities shall co-operate in the director's duties of co-ordinating all housing agencies in the State of New Jersey and of integrating their activities with the Federal Government and its agencies.

Altering
projects.

24. 55:14A-23. Criticism of project: changes. Any change proposed to be made in an approved project shall be filed with the director by the authority. Should the director at any time submit to an authority its suggestions with reference to any project or change in a project of the authority, said authority shall give consideration to such suggestions at a regular or special meeting of the authority.

Report.

25. 55:14A-24. Reports to director. At least once a year, an authority shall file with the clerk and with the director a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this chapter.

Validity.

26. 55:14A-25. Validity of chapter. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Act
controlling.

27. 55:14A-26. Chapter paramount over inconsistent laws. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling.

28. This act shall take effect immediately.

Approved March 8, 1938.

CHAPTER 20

AN ACT authorizing counties, cities, towns, townships, boroughs, and villages to aid housing projects of housing authorities of the United States of America by furnishing funds, parks, playgrounds and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid, and adding a new chapter to Title 55 of the Revised Statutes to be known as chapter 55:14B.

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

1. That a new chapter be added to the Revised Statutes to be known as chapter 55:14B. Chapter 55:14B added.

2. 55:14B-1. Short title. This chapter may be referred to as the "Housing Co-operation Law." Title.

3. 55:14B-2. Declaration of necessity. It has been found and declared in the local housing authorities law and in the State Housing Authority law that there exist in the State unsafe and unsanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and that the public interest requires the remedying of these conditions. It is hereby found and declared that the assistance herein provided for the remedying of the conditions set forth in the local housing authorities law and in the State Declaration. Unfavorable conditions found. Remedying same with public funds justified.

Housing Authority law constitutes a public use and purpose and an essential governmental function for which public moneys may be spent, and other aid given; that it is a proper public purpose for any public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the public body derives immediate benefits and advantages from such an authority or project; and that the provisions hereinafter enacted are necessary in the public interest.

Definitions: 4. 55:14B-3. Definitions. The following terms, whenever used or referred to in this chapter shall have the following respective meanings, unless a different meaning clearly appears from the context:

Housing authority: (a) "Housing authority" shall mean the State Housing Authority or any housing authority created pursuant to the local housing authorities law.

Housing project; (b) "Housing project" shall mean any work or undertaking of a housing authority pursuant to the local housing authorities law or the State Housing Authority law, or any similar work or undertaking of the Federal Government.

Public body; (c) "Public body" shall mean any city, town, borough, village, township, county, school district, authority, or other political subdivision of the State.

Governing body; (d) "Governing body" shall mean the council, board of commissioners, board of chosen freeholders, trustees, committee, commission or other body having charge of the affairs of the public body.

Federal Government. (e) "Federal Government" shall mean the United States of America, the United States Housing Authority or any other agency or instrumentality, corporate or otherwise, of the United States of America.

5. 55:14B-4. Aid by public bodies. For the purpose of aiding and co-operating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any public body may upon such terms, with or without consideration, as it may determine:

Assistance
by public
bodies.

Determina-
tion:

(a) Dispose of property interest. Dedicate, sell, convey or lease any of its property to a housing authority or the Federal Government;

Sell, lease, etc.

(b) Furnish facilities. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects; *provided*, nothing in this chapter shall authorize the construction of any public utility service or facility which would be competitive with any existing public utility as the same is defined by section 48:2-13 of the Title Public Utilities;

Furnishing
public
facilities;

Proviso.

(c) Furnish additional facilities. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

Additional
facilities;

(d) Zoning. Plan or replan, zone or rezone any part of such public body; make exceptions from building regulations and ordinances and change its map;

Zoning;

(e) Agreements. Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with a housing authority or the Federal Government respecting action to be taken by such public body pursuant to any of the powers granted by this act;

Extent of
agreements;

(f) Take additional steps. Do any and all things necessary or convenient to aid and co-operate in the planning, undertaking, con-

Other
planning;

struction or operation of such housing projects.

Services;

(g) Furnish service. Cause services to be furnished to the housing authority of the character which such public body is otherwise empowered to furnish;

Types of
buildings;

(h) Agreements relative to certain types of dwellings. Enter into agreements with a housing authority respecting the exercise by such public body of its powers, relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings; and

Bonds;

(i) Bonds. Purchase or legally invest in any of the bonds of a housing authority and exercise all of the rights of any holder of such bonds.

Acquired
projects;

(j) Housing project acquired from Federal Government. With respect to any housing project which a housing authority has acquired or taken over from the Federal Government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no public body shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

Incur
expenses.

(k) Incurring expense. In connection with any public improvements made by a public body in exercising the powers herein granted, such public body may incur the entire expense thereof. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.

6. 55:14B-5. Agreement with regard to taxation. In connection with any housing project located wholly or partly within the area in which it is authorized to act, any public body may agree with a housing authority or the Federal Government that a certain sum (in no event to exceed the amount last levied as the annual tax of said public body upon the property included in said project prior to the time of its acquisition by the housing authority), or that no sum, shall be paid by the authority in lieu of taxes for any year or period of years.

Relative
to taxes.

7. 55:14B-6. Loans and donations of money. Any city, town, borough, village, township, or county located in whole or in part within the area of operation of a housing authority organized pursuant to the local housing authorities law shall have the power from time to time to lend or donate money to such authority or to agree to take such action. Such housing authority, when it has money available therefor, shall make reimbursements for all such loans made to it. No municipality having a population of less than fifty thousand (50,000) as of the last Federal census shall, without the express consent in writing of the director of the State Housing Authority, appropriate for, or on behalf of, any local housing authority any sum of money, unless the United States Housing Authority shall previous to such appropriation have ear-marked, loaned, or granted funds to such local housing authority for the development of a housing project. No municipality having a population in excess of fifty thousand (50,000) as of the last Federal census shall, without the express consent in writing of the director of the State Housing Authority, appropriate for, or on behalf of, any local housing authority, a sum of money in excess of twenty-five hundred dollars (\$2,500.00), unless the United States Housing Authority shall previous to such appropriation have ear-marked, loaned, or granted funds to such local housing authority for the development of a housing project.

Financial
loans.

Exceptions.

Exercising
powers.

8. 55:14B-7. How powers exercised; procedure. The exercise by a public body of the powers herein granted may be authorized by ordinance of the governing body of such public body adopted by a majority of the members of its governing body present at a meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

Validity.

9. 55:14B-8. Validity of chapter. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

10. This act shall take effect immediately.
Approved March 8, 1938.

CHAPTER 21

AN ACT concerning eminent domain amending section 20:1-30 of the Revised Statutes, and adding a new section 20:1-36.

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

Section
amended.

1. That section 20:1-30 of the Revised Statutes be amended to read as follows:

Abandoning
condemna-
tion.

20:1-30. Abandonment of condemnation proceedings. Any proceeding to condemn heretofore or hereafter taken under this chapter may be abandoned at any time before the filing of the report of the commissioners, or at any time within twenty days after filing of the report of the com-

When.

missioners, or if the issues shall be tried by jury within twenty days after the rendering of the verdict of the jury, upon payment to the owners and other parties who have appeared before the commissioners or the jury of their reasonable costs, expenses and counsel fees to be determined by a justice of the Supreme Court or judge of the Circuit Court, and upon filing a discharge of the lien of the notice of lis pendens; *provided*, that any proceedings to condemn heretofore or hereafter taken under this act by a housing authority may be abandoned prior but not subsequent to the vesting of title to the property in the housing authority.

Costs.

Proviso.

2. That a new section be added to the Revised Statutes to be known as section 20:1-36.

Section added.

20:1-36. Condemnation by a housing authority. At any time on or after the filing of a petition by a housing authority, and before the entry of final judgment, such housing authority may file with the clerk of the court in which the petition is filed, a declaration of taking signed by the duly authorized officer or agent of the housing authority declaring that all or any part of the property described in the petition is being taken for the use of the housing authority. The said declaration of taking shall be sufficient if it sets forth: (1) a description of the property, sufficient for the identification thereof, to which there may be attached a plan or map thereof; (2) a statement of the estate or interest in said property being taken; (3) a statement of the sum of money estimated by the housing authority to be just compensation for the property taken; which sum shall be not less than the last assessed valuation for tax purposes of the estate or interest in the property to be taken.

Filing declaration of taking.

Requirements.

From the filing of the said declaration of taking and the deposit in court to the use of the persons entitled thereto of the amount of the estimated compensation stated in said declaration, title to the property described as being taken by said declaration shall vest in the housing authority (free from

Vesting title.

the right, title, interest of lien of all persons), and said property shall be deemed to be condemned and taken for the use of the housing authority and the right to just compensation for the same shall vest in the persons entitled thereto. Upon the filing of the declaration of taking, the court shall designate a day (not exceeding twenty days after such filing, except upon good cause shown) on which the persons in possession shall be required to surrender possession to the authority.

The ultimate amount of compensation shall be determined pursuant to the preceding sections of this act. If the amount so fixed shall exceed the amount so deposited in court by the housing authority or otherwise paid to the persons entitled thereto, the court shall enter judgment against the housing authority in the amount of such deficiency, together with interest at the legal rate on such deficiency from the date of the vesting of title to the date of the entry of the final judgment (subject, however, to abatement for use, income, rents or profits derived from such property by the owner thereof subsequent to the vesting of title in the housing authority), and the court shall order the authority to deposit the amount of such deficiency in court. The money deposited into court by an authority shall be secured in such manner as may be directed by the court and shall be disbursed by the court to the persons found to be entitled thereto by the final award or judgment of the court. In case the amount deposited in court by the authority as the estimated compensation for the property shall exceed the amount of the final award or judgment, such excess shall be returned to the authority.

Except as hereinabove provided with reference to the declaration of taking, the eminent domain proceedings applicable to a housing authority shall not be altered by this section.

3. This act shall take effect immediately.

Approved March 8, 1938.

CHAPTER 22

AN ACT respecting the time of hearing and determining complaints filed with the State Board of Tax Appeals in nineteen hundred and thirty-seven against assessments and taxation for that year of property used for railroad or canal purposes and the certification of any determinations thereon to the State Tax Commissioner and to the State Comptroller.

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

1. In the consideration of any complaint heretofore filed by any railroad or canal company with respect to the assessment and the taxation of the property of such railroad or canal property for the year nineteen hundred and thirty-seven, the State Board of Tax Appeals may hold any hearing or hearings after the fifteenth day of October in the year nineteen hundred and thirty-seven and may make its final determination and certify the same to the State Tax Commissioner after November fifth following. Upon receipt of any such determination, the State Tax Commissioner shall forthwith certify to the State Comptroller all changes and corrections in the assessment and tax.

Hearings on
assessment.

Determina-
tion.

Changes and
corrections.

2. This act shall take effect immediately.

Approved March 8, 1938.

CHAPTER 23

AN ACT concerning municipal and county finances,
and amending section 40:2-23 of the Revised
Statutes.

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

Section
amended.

1. Section 40:2-23 of the Revised Statutes is hereby amended to read as follows:

Annual
fiscal budget:

40:2-23. Until the county or municipality shall be on a full cash basis, as hereinafter provided, the following appropriations shall be made in the budget of each fiscal year:

Amount to
meet portion
of deficit;

a. An appropriation of the amount required to meet such portion of any deficit caused by canceling or remitting or charging off as uncollectible any taxes levied in previous fiscal years as was not provided for by deductions from the unexpended balances of appropriations transferred to the surplus revenue account;

Meeting
current
obligations;

b. In the budget for any fiscal year beginning with the fiscal year one thousand nine hundred and thirty-nine, an appropriation of the amount required to pay all unpaid obligations or liabilities incurred in any fiscal year (other than tax anticipation or tax revenue notes or bonds) including any amounts unpaid and owing by any municipality or its collector for school, county, State and local district taxes, other than the two immediately preceding fiscal years;

Failure to
meet certain
deficits;

c. An appropriation of the amount required to meet any deficit caused by the failure to collect miscellaneous revenues or dedicated revenues in the amount estimated in the budget of the preceding fiscal year;

d. An appropriation of the amount required to meet any anticipated deficit in expenditures to which dedicated revenues are lawfully applicable, as stated in the budget.

Meeting
anticipated
deficit.

2. This act shall take effect immediately.

Approved March 8, 1938.

CHAPTER 24

AN ACT concerning public health, and amending
section 24:18-2 of the Revised Statutes.

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

1. The Department of Health of the State of New Jersey is hereby authorized to purchase and to distribute free, anti-pneumococcic serum for the treatment of persons affected with pneumonia and for determining the type of pneumococci from persons suspected or known to have the disease.

Certain
serum
distributed.

2. Anti-pneumococcic serum may be supplied free by the said department to a physician licensed to practice in the State of New Jersey only after he has signed an application which shall contain a statement that the person to be treated is affected with pneumonia and is financially unable to purchase the serum, and such other facts as the State Department of Health may require, including the name and address of the patient, the type of pneumococci present, the duration of the disease and the amount of serum requested.

Physician's
statement.

The said department may review any such application for serum and if it finds a false or misleading statement as to the ability of the person to pay for the serum, a bill therefor shall be presented to said person.

Application
reviewable.

Appropriation.

3. The sum of twenty-five thousand dollars (\$25,000.00) 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-eight, to be expended by the State Department of Health for the purposes set forth in this act.

Rules and regulations.

4. The State Department of Health shall be and is hereby empowered to make necessary rules and regulations for the purpose of administering this act.

5. This act shall take effect immediately.

Approved March 10, 1938.

CHAPTER 25

AN ACT concerning sinking funds and sinking fund commissions of counties, municipalities and school districts.

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

Use of cash surplus in sinking fund.

1. Whenever the sinking funds to the credit of the several issues of term bonds of a county, municipality or school district equal the principal of such issues and there is a cash surplus in the sinking fund such surplus may, upon written application by the sinking fund commission and the approval of the Commissioner of Municipal Accounts, be used, in whole or in part, as an anticipated miscellaneous revenue in the budget of such county, municipality or school district, as the case may be.

2. This act shall take effect immediately.

Approved March 16, 1938.

CHAPTER 26

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 State Auditor; *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 now under the jurisdiction of receivers or trustees appointed by any 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.

Adjusting
municipal
obligations.

Proviso.

Proviso.

2. Whenever any trustee in bankruptcy of 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 bankruptcy 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

Rental by
trustee or
receiver as
part of
expense of
operating.

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 receivership or bankruptcy 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.

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 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 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.

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 re-

Receipts
applied to
municipal
charges.

Collector
to receive
certain sum
in satisfaction
of taxes.

Receipt.

Reduced
tax, etc.,
payable in
ninety days.

duced, 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.

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 thirty-nine. When act
operative.

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 March 16, 1938.

CHAPTER 27

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-eight, and regulating the disbursement thereof," approved June seventh, one thousand nine hundred and thirty-seven, 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*:

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 Indemnity
for cattle
reacting
to test.

fund, for the purpose of paying indemnities to the owners of cattle reacting to the tuberculin test, the sum of twelve thousand dollars (\$12,000.00).

2. This act shall take effect immediately.

Approved March 16, 1938.

CHAPTER 28

AN ACT concerning the legal settlement of any person in this State.

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

Legal
settlement.

1. For the period of present economic emergency, the time or period beginning January thirty-first, one thousand nine hundred and thirty-five, during which any person, resident of this State, shall receive or shall have received dependency or poor relief from any of the poor or emergency relief agencies of this State, or of the several municipalities thereof, shall not be counted in computing the residence or domiciliary period necessary for any such person to either gain or lose a place of legal settlement under any law of this State, to the end that the place of legal settlement of any person receiving dependency or poor relief shall be and remain the same during this emergency.

When act
ceases.

2. This act shall take effect immediately, but shall become inoperative on and after January thirty-first, one thousand nine hundred and forty.

Approved March 16, 1938.

CHAPTER 29

AN ACT to permit executors and administrators to have an action for any trespass done to the person of their testator or intestate and to amend section 2:26-9 of the Revised Statutes.

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

1. Section 2:26-9 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:26-9. Executors and administrators may have an action for any trespass done to the person or property, real or personal, of their testator or intestate against the trespasser, and recover their damages as their testator or intestate would have had if he was living. Action for trespass against testator or intestate.

2. This act shall take effect immediately.

Approved March 16, 1938.

CHAPTER 30

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: A licenses classified:

Plenary brewery license. 1a. 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 Plenary brewery licenses;

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.

Fee.

Limited
brewery
license;

Limited brewery license. 1b. 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-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.

Graduated
fees.

Plenary
winery
license;

Plenary winery license. 2a. 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. The fee for this license shall be five hundred dollars.

Fee.

Limited
winery
license;

Limited winery license. 2b. The holder of this license shall be entitled, subject to rules and regu-

lations, 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. 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.

Graduated
fees.

Plenary distillery license. 3a. 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. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture, to bottle and to sell any alcoholic beverages distilled from fruit juices and rectify, blend, treat and mix, and to distribute 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 warehouse these products. The fee for this license shall be one thousand dollars.

Limited
distillery
license;

Fee.

Supple-
mentary
limited
distillery
license;

Graduated
fees.

Rectifier
and blender
license;

Fee.

Bonded
warehouse
bottling
license.

Fee.

When issued.

Supplementary limited distillery license. 3c. 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.

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.

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.

2. This act shall take effect immediately.

Approved March 16, 1938.

CHAPTER 31

AN ACT concerning building and loan associations, and amending section 17:12-39 of the Revised Statutes.

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

1. Section 17:12-39 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

17:12-39. Every association shall furnish to each member a pass book, in which every payment made by the member shall be entered, and shall mail or deliver to each member a printed copy of its constitution and by-laws and of all additions to and amendments thereof, and shall also annually mail or deliver to the member a full printed report of its financial condition. The report shall include a statement of assets and liabilities, a statement of operations and a statement of the undivided profits account.

Pass book
and information
furnished.

2. This act shall take effect immediately.

Approved March 16, 1938.

CHAPTER 32

AN ACT concerning building and loan associations,
and amending section 17:12-17 of the Revised
Statutes.

BE IT ENACTED *by the Senate and General Assem-
bly of the State of New Jersey*:

Section
amended.

1. Section 17:12-17 of the Revised Statutes is
hereby amended to read as follows:

Total
expenses.

17:12-17. The expenses of an association in any
fiscal year for salaries of officers, directors' fees
and rent of association office, or net carrying
charge on investment in land and buildings owned
by the association and used as its office, as defined
in paragraph b section 17:12-41 of this Title shall
not exceed the total receipts from admission or
membership fees and one per cent of the average
amount of loans outstanding during the year on
mortgages, shares and other securities and invest-
ments in securities of the character authorized by
this chapter and the equity in real estate owned or
sold under contract. This section shall not apply
to an association whose assets are less than one
hundred thousand dollars.

Exception.

2. This act shall take effect immediately.

Approved March 16, 1938.

CHAPTER 33

AN ACT relating to summer camps for children in populous counties, and amending section 40:23-6.1 of the Revised Statutes.

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

1. Section 40:23-6.1 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:23-6.1. Summer camps for children in populous counties. The provisions of this section 40:23-6.1 of this Title shall apply to counties which have or may hereafter have a population, as ascertained by the most recent State or Federal census, of more than two hundred thousand inhabitants. Act applies to counties of 200,000.

In any such county, the board of chosen freeholders shall have the power, whenever in its judgment the public need requires it, to use land now or hereafter in its possession, to acquire land and buildings, by purchase, condemnation, gift or otherwise, anywhere in the county, and to erect thereon suitable structures and buildings, and to furnish, operate and maintain the same, for the purpose of establishing and operating a summer camp for under-nourished and under-privileged children of the county, and children of the county whose health may be benefited by it and advancing public recreation and the public health and welfare. Physical equipment.

In any such county, the board of chosen freeholders shall have the power, whenever in its judgment the public need requires it, to conduct and operate a summer camp for under-nourished and under-privileged children of the county, and children of the county whose health may be benefited by it, and to establish rules and regulations for admission to the same. Operation of camp.

2. This act shall take effect immediately.

Approved March 23, 1938.

CHAPTER 34

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.

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

Commission
continued.

1. The commission known as the State of New Jersey Delaware and Raritan Canal Commission is hereby continued in office and charged with carrying into effect the provisions of the act to which this act is a supplement.

Appropriation.

2. For the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of ten thousand dollars (\$10,000.00).

3. This act shall take effect immediately.

Approved March 23, 1938.

CHAPTER 35

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.

1. There is hereby appropriated fifty-nine thousand, eight hundred sixty-nine dollars and ninety-three cents (\$59,869.93) 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-seven, in accordance with the provisions of Revised Statutes sections 18:10-41 and 18:10-49. 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.

2. This act shall take effect immediately.

Approved March 28, 1938.

CHAPTER 36

AN ACT concerning workmen's compensation, and amending 34:15-13 (i) of the Revised Statutes.

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

1. Section 34:15-13(i) of the Revised Statutes is hereby amended to read as follows:

34:15-13(i). If death results from the accident, whether there be dependents or not, expenses of the last sickness of the deceased employee shall be paid in accordance with the provisions for medical and hospital service as set forth in section 34:15-15 of this title. Also the cost of burial, not to exceed one hundred and fifty dollars (\$150.00), shall be paid to the dependent or other person having paid said costs of burial. In the event that the said dependent or other person has paid less than one hundred and fifty dollars (\$150.00) the said dependent or other person shall be reimbursed in the amount paid and, if the costs of burial exceed the amount so paid, the difference between the said amount and one hundred and fifty dollars (\$150.00)

Payment.

Section amended.

Expenses of last sickness to be paid.

Cost of burial paid.

Reimbursement.

Limits cost
of burial.

or so much thereof as may be necessary to pay the costs of burial, shall be paid to the undertaker or embalmer. In the event that no part of the costs of burial has been paid, the amount of such cost of burial, not to exceed one hundred and fifty dollars (\$150.00), shall be paid to the undertaker or embalmer.

2. This act shall take effect immediately.

Approved March 28, 1938.

CHAPTER 37

AN ACT concerning guardians for minors, and amending 3:7-29 of the Revised Statutes.

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

Section
amended.

1. Section 3:7-29 of the Revised Statutes is hereby amended to read as follows:

Guardian not
necessary
in certain
instances.

3:7-29. In all cases where the value of the real estate of any minor, shall not exceed one hundred dollars and the value of the personal estate of any minor shall not exceed five hundred dollars, either parent of such minor or a person standing in loco parentis to such minor, shall be entitled to receive the same for the use and benefit of such minor without being appointed guardian, and any bank, building and loan association, or other corporation or any person or society who shall have possession of any assets of such minor and shall pay or deliver the same to his parent or person standing in loco parentis, upon the making and execution of an affidavit before the ordinary, orphans' court or surrogate, setting up that affiant is the parent of such a minor or a person standing in loco parentis to such minor and that the value of such minor's real estate will not exceed one hundred dollars and that

Oath.

the said minor's personal estate shall not exceed five hundred dollars, and specifying in detail said assets shall be forever discharged from all claims by any guardian who may thereafter be appointed or by any other person, for the assets so paid or delivered.

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

3. This act shall take effect immediately.

Approved March 28, 1938.

CHAPTER 38

AN ACT concerning the employment and promotion in the public service, of certain soldiers, sailors, marines or nurses, and to amend section 11:27-11.1 of the Revised Statutes.

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

1. Section 11:27-11.1 of the Revised Statutes is hereby amended to read as follows: Section amended.

11:27-11.1. Any soldier, sailor, marine or nurse, who has served in the army, navy, or marine corps of the United States of America, and who has been awarded the Congressional Medal of Honor, the Distinguished Service Cross, or Navy Cross, while a resident of this State, shall be employed or promoted without complying with any of the rules or regulations of the Civil Service Commission. The head or person in charge of any department or subdivision of this State and the various counties and municipalities thereof, to whom such soldier, sailor, marine or nurse as above provided shall apply for employment or promotion, shall within his discretion employ or promote such person, as in his judgment shall deem proper and necessary for the good Civil Service rules, etc., not to apply.

Employment or promotion.

Rules to
apply.

of his department. Upon said promotion, appointment or employment, the said person shall then become subject to and under the direct supervision, rules and regulations governing such employment by the Civil Service Commission.

2. This act shall take effect immediately.
Approved March 28, 1938.

CHAPTER 39

AN ACT for the protection of quail, and amending section 23:4-7 of the Revised Statutes.

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

Section
amended.

1. Section 23:4-7 of the Revised Statutes is hereby amended to read as follows:

Closed season
on quail.

23:4-7. No person shall, until June twenty-sixth, one thousand nine hundred and thirty-eight, hunt for, pursue, capture, kill, injure or destroy any quail in the counties of Warren, Sussex, Morris, Somerset or Hunterdon, and no person shall within five years from the passage of this act hunt for, pursue, capture, kill, injure or destroy any quail in the counties of Bergen, Essex, Hudson, Passaic and Union, under a penalty of twenty dollars for each quail hunted for, pursued, captured, killed, injured or destroyed.

Exceptions.

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 such licensee to shoot quail on the lands described in the license.

2. This act shall take effect immediately.
Approved March 28, 1938.

CHAPTER 40

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. The following sums, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State Fund: Supplementary appropriation.

STATE TAX DEPARTMENT

Additional for compensation of witnesses and disbursements in the conduct of railroad tax litigation to the end of the fiscal year	\$10,000.00	Railroad tax litigation.
Additional for stationery, supplies and other expenses	5,000.00	
Additional for the employment of Railroad Accountants	15,000.00	
Additional for the employment of other temporary employees in the Railroad Tax Division	6,300.00	
Additional employees in the Inheritance Tax Division	10,200.00	
Additional employees in the Beverage Tax Division	11,720.00	
Additional for consultant services in the Utility Tax Division	5,000.00	
Additional for salary adjustments in the Utility Tax Division	1,300.00	

New Jersey State Library

Additional for traveling expenses in the Utility Tax Division	500.00
Additional for the employment of In- vestigators in the Corporation tax Di- vision	5,000.00
	<hr/>
	\$70,020.00
2. This act shall take effect immediately. Approved March 29, 1938.	

CHAPTER 41

AN ACT to prevent congenital syphilis.

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

Blood test
for syphilis
during
pregnancy.

1. Every physician attending pregnant women in the State for conditions relating to their pregnancy during the period of gestation and/or at delivery shall, in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination, and shall submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend pregnant women in the State, but not permitted by law to take blood samples, shall cause a sample of blood of such pregnant women to be taken by a physician duly licensed to practice medicine and surgery and have such sample submitted to an approved laboratory for a standard serological test for syphilis.

Tests required.

2. For the purpose of this act a standard serological test shall be a test for syphilis approved by the Director of Health of New Jersey, and shall be made at a laboratory approved to make such tests by the Director of Health of New Jersey. Such laboratory tests as are required by this act shall be made on request without charge at the Department of Health of the State of New Jersey.

3. In reporting every birth and stillbirth, physicians and others required to make such reports shall state on the certificate whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate date when the specimen was taken. Certificate required.

4. The sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary, is hereby appropriated to the State Department of Health to cover the additional clerical, printing and other expenses in carrying out the provisions of this act. Appropriation to cover expenses.

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

Approved March 30, 1938.

CHAPTER 42

AN ACT to validate municipal budgets adopted by municipalities for the fiscal years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven.

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

1. Any budget heretofore adopted by any municipality for either of the fiscal years one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-seven is hereby validated, ratified and confirmed, notwithstanding any defect, omission or irregularity in the acts done or proceedings taken for the adoption of said budget; *provided*, such budget substantially complies with the provisions of the act entitled "An act concerning municipal and county finances," now constituting Title 40, chapter 2, of the Revised Statutes; Budgets previously adopted validated.

Proviso.

Proviso.

and provided, that validity of such budget or of the proceedings taken for the adoption of such budget shall not have been questioned in any action or proceeding heretofore instituted in any court.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 43

AN ACT to add Route 54 to the State Highway System.

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

Additional
road.

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, lay out and construct as an addition to the present State highway system the following-described route:

Route No. 54.

Route No. 54. Starting at the intersection of the White Horse Pike and Route No. 39 from thence into Buena Vista, and following Lincoln avenue in Buena Vista township, Atlantic county, into Landis township, Cumberland county, and thence across Landis avenue to a point where Lincoln avenue intersects Main road, Landis township, Cumberland county.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 44

AN ACT regulating the sale and delivery of solid fuel, and amending sections 51:8-5 and 51:8-12 of the Revised Statutes.

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

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

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 fraction thereof, a license plate for each vehicle so owned and used by the ap-

Section amended.

Dealers in solid fuel licensed.

Proviso.

Proviso.

Form of application.

Fee.

Marker.

Must exhibit certificate.	plicant, 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.
License and marker displayed.	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.
Owner. Proviso.	No license plate shall be issued to any person for any vehicle not owned by him; <i>provided, however</i> , 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; <i>and provided, further</i> , 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.
Proviso.	
Additional plates issued.	
Limitation.	
Expiration of license and marker.	Every license and license plate issued under the provisions of this section shall expire, and the certificates thereof become void on the thirty-first 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. 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.

Issuing
agents.

Fees sent in.

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.

Ownership
displayed.

Penalty.

2. Section 51:8-12 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

51:8-12. It shall be unlawful for any person to make or issue a weight certificate for solid fuel unless certified as a weighmaster by the superintendent of the department under the provisions of sections 51:1-73 to 51:1-80 of this title, and duly designated by said superintendent to weigh solid fuel in accordance with the provisions of this chapter, and a public weigher shall not be permitted to weigh solid fuel unless designated to do so under the provisions of this chapter.

Weight
certified.

Application for a certificate of designation shall be made upon a form prescribed by the superintendent; the applicant shall furnish satisfactory evidence of good moral character and of ability to weigh accurately, and to make correct weight certificates, and shall indicate the place where the ap-

Form for
applying for
certificate.

plicant shall perform his function as a weighmaster designated to weigh solid fuel and the type and capacity of the scale or scales to be used by the applicant.

Weighing.

When the applicant is an equipped dealer or an employee of an equipped dealer having two or more yards, he may be designated to weigh upon any or all of the scales in the said yard or yards. No certificate of designation shall be issued to any applicant unless he is the owner or lessee of the scales at the place designated in his application, or a bona fide employee of the owner or lessee of such scales; *provided, however*, that not more than three certificates of designation shall be issued for the same scale, unless the superintendent in his discretion deems it advisable that more than three persons shall be designated to weigh solid fuel on said scale.

Period of certificate.

The period of the certificate of designation to weigh solid fuel shall run concurrently with the term of the applicant as weighmaster and shall expire on the date of the expiration of said term. Each certificate of designation shall be kept at the place where the weighmaster is engaged in weighing solid fuel and shall be open to inspection, and shall state the type, capacity and location of the scale or scales upon which he is designated to weigh solid fuel.

Certificate of designation visible.

Revocation.

Upon notice to a weighmaster, his certificate of designation may be revoked by the superintendent of the department, after hearing, for dishonesty, incompetency, inaccuracy or for any violation of the provisions of this chapter, or for any misrepresentation in his application for the said certificate; and the said certificate shall become invalid when for any reason he is no longer employed at the place of weighing for which the certificate was issued.

Causes for.

Substituted weighmaster.

In any case where a certificate of designation has been revoked any person shall be authorized to substitute, at the place for which said revocation was made, another weighmaster in his employ and duly

designated as such under the provisions of this chapter, pending disposition by the superintendent of the department of a new application for designation of a new applicant as weighmaster to weigh solid fuel at the place for which the certificate of designation has been revoked; *provided*, that the said new application must be forwarded to the superintendent of the department within five days of the substitution of another weighmaster designated to weigh solid fuel. Proviso.

In case of the death, absence or inability to act of a weighmaster designated to weigh solid fuel, any person may substitute for such deceased or absent weighmaster another weighmaster in his employ and duly designated as such under the provisions of this chapter; *provided*, that immediate notice of such substitution be reported by said person to the superintendent of the department and that any such substitution shall not be authorized to continue as weighmaster at the place of substitution for a period in excess of thirty days unless with the written consent of the superintendent of the department. Other substitutions.

3. This act shall take effect immediately. Proviso.

Approved March 30, 1938.

CHAPTER 45

AN ACT to vest in the borough of Franklin, in the county of Sussex, title to lands herein described, which title escheated to the State of New Jersey.

WHEREAS, one Patrick Fitzgerald died intestate, a resident of the borough of Franklin, Sussex county, New Jersey, seized of certain real estate located in the said borough of Franklin; and Preamble.

WHEREAS, the said Patrick Fitzgerald left no known next of kin or relatives capable of taking said real estate; and Preamble.

Preamble. WHEREAS, by reason thereof title to the said real estate escheated to the State of New Jersey; and

Preamble. WHEREAS, the borough of Franklin is desirous of obtaining title and possession to the said real estate for the purpose of establishing a war memorial; therefore,

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

Certain land transferred to borough of Franklin.

1. There is hereby conveyed, set over, transferred and assigned to and vested in the borough of Franklin, in the county of Sussex, all right, title and interest of the State of New Jersey in and to certain lands bounded and described as follows:

Boundaries of property in question.

Beginning one hundred and sixty-five feet from a stake in the new road in front of a survey of several lots, and the beginning of the several lots is in the middle of the road leading from Franklin Furnace to Hamburg and in a course south eighty degrees west seventy-two links from a large rock on the south side of Hamburg road and marked thus +, and from thence (1) north forty-two degrees and thirty minutes west three chains and ten links to a stake, and thence (2) north fifty-five degrees and forty-five minutes west, three chains and nineteen links to the said stake in the road in front of J. Dennis's Hotel one hundred and sixty-five feet from which is the beginning corner of the lot herein described, and from thence (1) south twenty-five degrees west, five chains and eighty links to Fowler line (2) north twenty-four degrees west, one chain and five links and from thence (3) north twenty-five degrees east, five chains to the middle of the road and from thence (4) south eighty-three degrees and forty-five minutes east, one chain to the place of beginning, containing fifty-four hundredths of an acre.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 46

AN ACT concerning financial assistance to certain needy persons, and amending section 44:8-30 of the Revised Statutes.

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

1. Section 44:8-30 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:8-30. Nothing herein contained shall be construed to repeal, alter, or modify the provisions of chapter one of this Title (section 44:1-1 et seq.), or chapter four of this Title (section 44:4-1 et seq.), except to the extent herein otherwise expressly provided. Nothing herein contained shall be construed to repeal, alter, amend or modify the provisions of chapter seven of this Title (section 44:7-1 et seq.), or of chapter five of Title 30, Institutions and Agencies (section 30:5-1 et seq.).

Construing
meaning of
certain
chapters.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 47

AN ACT to add Route 6A 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:

Additional
road.

Route No. 6A. Route No. 6A. Beginning at a point on Route No. 6 in Dover, Morris county, thence passing through the vicinity of Berkshire Valley, Hurd-town, Woodport and Sparta, connecting with Route No. S31 at Ross' Corner at Lafayette.

2. This act shall take effect immediately.
Approved March 30, 1938.

CHAPTER 48

AN ACT to regulate aeronautics over and within this State.

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

Purposes
of act.

1. Purpose. The purpose of this act is to provide in the interest of public safety and of aeronautic progress for the regulation of aeronautics in and over this State; to require that aircraft, airports, airport managements, landing fields, landing strips, and other avigational facilities, airmen, ground personnel and all persons engaged in aeronautics within or over this State, shall conform to standards of safety and sound practice as prescribed by the laws of this State and any rules or regulations thereunder, and for uniformity in certain regards with the laws, rules and regulations of the United States Government.

Definitions:

Aeronautics;

2. Definitions. When used in this act:

(a) "Aeronautics" means avigation of or transportation by aircraft; air instruction; the operation, repair or maintenance of aircraft, aircraft power plants and accessories; and the design, construction, repair, maintenance, operation or management of airports, landing fields, landing strips and other avigational facilities.

(b) "Avigation" means the operating, steering, directing or managing of aircraft in or through the air and on the ground or water. Avigation;

(c) "Aircraft" means any contrivance now known or hereafter invented, used or designed for avigation or flight in the air. Aircraft;

(d) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the Government of the United States, of the District of Columbia, and of any State, territory or insular possession of the United States, but not including any government owned aircraft engaged in carrying for hire persons or goods. Public aircraft;

(e) "Civil aircraft" means any aircraft other than a public aircraft. Civil aircraft;

(f) "Airport" means any area of land, water or both, which is used or made available for the landing and take-off, and which provides facilities for the shelter, supply and repair of aircraft, and which, as to size, design, surface, marking, maintenance, repair and management, meets the minimum requirements for the various classes of airports established from time to time by the New Jersey State Aviation Commission. Airport;

(g) "Landing field" means any area of land, water or both, which is used or is made available for the landing and take-off of aircraft, and which does not provide facilities for the shelter, supply and repair of aircraft, and which, as to size, design, surface, marking, equipment, maintenance, repair and management, meets the minimum requirements for the various classes of landing fields established from time to time by the New Jersey State Aviation Commission. Landing field;

(h) "Landing strip" means any area of land, water or both, other than an airport or landing field, which is used or is made available for the landing and take-off of aircraft. Landing strip;

(i) "Air instruction" means instruction in aeronautics or in the art or science of avigation or flight of aircraft. Air instruction;

- Air school; (j) "Air school" means any person engaged in giving, offering to give, advertising, representing or holding himself out as giving, to the public, with or without compensation or other reward, air instruction.
- Person; (k) "Person" means any individual, corporation, copartnership or other association of individuals.
- Commission; (l) "Commission" means the State Aviation Commission.
- Director; (m) "Director" means the State Director of Aviation.
- Number and gender. (n) The singular shall include the plural and any gender shall include every other gender.
- Certain acts continued. 3. Department, commission and director of aviation continued. The State Department of Aviation, the State Aviation Commission and the office of State Director of Aviation, created and established by the act entitled "An act to establish a department of aviation, to provide for the appointment of a State Aviation Commission, and a State Director of Aviation, the licensing of aircraft and airmen and the supervision and regulation of aircraft and air traffic in and over the State," approved April twenty-first, one thousand nine hundred and thirty-one and continued by Title 6, chapter one, section three, of the Revised Statutes of one thousand nine hundred and thirty-seven are continued.
- Office. 4. Office quarters. The Department of Aviation shall be provided with suitable quarters by the State House Commission in the city of Trenton and at such other places as the commission may designate. The commission may incur the necessary expenses for automobiles, airplanes, the operation and hire thereof and necessary traveling expenses, office furniture, stationery, printing and such incidentals as may be necessary for effecting the purposes of this act, within the appropriation provided.
- Necessary expenses authorized.
- Commission. 5. Aviation commission; appointment and qualifications of members; term; removal. The State

Aviation Commission shall consist of five members who shall be appointed by the Governor by and with the advice and consent of the Senate. They shall be citizens and bona fide residents of the State and at least three of them shall be actively engaged in the aviation industry. The members of the present commission shall continue in office for the expiration of their present terms and thereafter all appointments shall be for a term of five years. In case of a vacancy in the commission when the Senate is not in session, an ad interim appointment may be made by the Governor. Any appointment to fill a vacancy shall be for the unexpired term only.

Number.

Citizens.

Term.

Vacancy.

The Governor may remove any member of the commission for inefficiency, neglect of duty or misconduct in office, having first given to the offending member a written statement of the charges against him and the opportunity of being publicly heard in person or by counsel in his own defense upon not less than ten days' notice of the time and place of the hearing.

Removal of
commis-
sioners.

6. Director of aviation; appointment, tenure and removal in accordance with civil service laws; qualifications. The State Director of Aviation shall be appointed, removed or discharged in accordance with the provisions of the civil service laws, and the preference acts relating to war veterans, applying to the State classified service. The director in office on December seventh, one thousand nine hundred and thirty-three, shall continue in office and in the performance of the duties attaching thereto, in accordance with the provisions of the civil service laws applying to the State classified service, and shall not be removed, demoted, discharged or dismissed except as provided therein and as provided in any law or laws relating to the tenure of war veterans in the public service of the State. Any vacancy occurring in such office hereafter shall be filled as other positions in the State classified service are filled. The director shall be a person holding or having held a valid

Director.

Appointment.

Continuance.

Removal.

Vacancy.

Qualifica-
tions.

transport license or its equivalent, issued by the United States Government for the piloting of aircraft, with at least ten years' experience in the aeronautical industry, and with at least three thousand (3,000) certified flying hours as pilot.

Salary. 7. Compensation of director. The director shall receive an annual salary not in excess of seven thousand five hundred dollars (\$7,500.00) and shall be paid in semimonthly payments by the State Treasurer on the warrant of the comptroller, out of the funds appropriated for that purpose.

Expenses of commissioners met. 8. Compensation of commission. The members of the commission shall serve without compensation but they shall be reimbursed for their actual expenses incurred in the performance of their official duties, which expenses shall be paid to them in the same manner as other such expenses are now paid.

Seal. 9. Commission; seal; organization. The commission shall adopt a seal and make such rules and regulations as it may deem expedient for the administration of the commission, and may from time to time amend such rules and regulations.

Officers. The commission shall elect annually from among its members a chairman, a vice-chairman and a secretary, each of whom shall serve until his successor is elected and qualified. At least twelve meetings shall be held in each calendar year and such special meetings as may be deemed advisable.

Meetings.

Quorum. Three members shall constitute a quorum, and no action shall be taken by less than a majority of the commission. Special meetings may be called as provided by rules adopted by the commission. The chairman shall preside at meetings of the commission and he or his appointee shall represent it upon official and ceremonial occasions.

Chairman.

Powers and duties of commission. 10. Powers and duties of the commission: adoption of rules, regulations and orders. Except as otherwise specifically provided by law, the commission shall promote progress and education in and shall have supervision over aeronautics within this State, including, but not by way of limitation,

the avigation, flight and operation of aircraft, the establishment, location, maintenance, operation, size, design, repair, management and use of airports, landing fields, landing strips, air markings and other avigational facilities, and the establishment, operation, management and equipment of air schools and other persons giving air instruction. The commission may adopt and promulgate reasonable rules, regulations and orders regulating air traffic and establishing minimum standards for aircraft, pilots, air schools, airports, landing fields, landing strips, air markings and all avigational facilities within the State and establishing minimum altitudes of flight commensurate with the needs of the public safety, the safety of persons operating or using aircraft and the safety of persons and property on the ground, and to develop and promote aeronautics within this State. The commission shall have power to promulgate and adopt any reasonable rules and regulations that may be necessary to effectuate the purposes of this act in the interest of public safety and the development of aeronautics in this State.

Miscellaneous
duties.

Rules and
regulations.

The rules, regulations and orders of the commission shall be kept in conformity as nearly as may be with the laws, rules and regulations of the United States Government concerning aeronautics. The members of the commission and the director shall be peace officers and have authority to make arrests for violations of the provisions of this act, or any acts amendatory hereof or supplementary hereto, or of any rules and regulations established thereunder. The commission may employ such expert assistance as it shall deem necessary to perform its duties under this act.

Rules to
comply with
United States
regulations.

Peace officers.

Assistance.

11. Powers and duties of director. The director shall be the executive officer of the department and, under the supervision of the commission, shall administer and enforce the provisions of this chapter and the rules, regulations and orders established thereunder, and all the laws of the State of New Jersey with reference to aeronautics. He shall,

Varied duties
of directors.

Assistants.	subject to the approval of the commission, appoint, pursuant to the provisions of civil service, such clerks and other assistants as may be required and authorized for the proper discharge of the functions of the department and for whose services funds have been appropriated. He shall be in charge of the offices of the department and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to the aviation industry. He shall approve all bills for the disbursement of moneys under any of the provisions of this act, which bills, when properly approved by the commission and signed by the chairman, or in his absence by the vice-chairman, shall be paid by the State Treasurer on a warrant of the Comptroller out of any appropriations made therefore. At the direction of the commission the director shall, together with the chairman of the commission, execute all contracts entered into by the department which are legally authorized and for which funds are specifically provided in any appropriation act. The director shall attend, but not vote, at all regular or special meetings.
Office duties.	
Bills.	
Contracts.	
Duties of commission.	

12. Commission : hearings ; information ; records ; reports. It shall be the duty of the commission to hold public hearings on matters affecting aeronautics ; to conduct investigations, inquiries and hearings concerning matters covered by the provisions of this chapter ; to advise the Legislature upon all aeronautical legislation and to recommend and suggest legislation for the improvement of aeronautical safety and the promotion of aeronautical progress ; to co-operate with the Federal authorities and the authorities of other States ; to collect and disseminate information relative to and concerning aeronautics and the safeguarding of the interests of the general public and of those engaged in all phases of aeronautics ; to advise communities and groups in preparing and prosecuting projects for the development of flying, airways, airports and all other facilities for the promotion of aero-

nautics within this State; to advise with all law enforcement agencies in the enforcement of aeronautical laws and regulations; to investigate accidents or injuries arising out of the operation of aircraft within this State; to keep a record of its proceedings and its official acts; to make annual reports to the Governor reviewing the operation of the commission.

Advisory
capacity.

13. Commission: safety devices and facilities; markings; hazards to aviation. The commission may, in order to protect the public safety and the safety of those participating in aeronautical activities adopt reasonable rules, regulations and orders requiring the installation in and carriage by, aircraft, and the installation in airports, landing fields and landing strips, of safety devices and other aviation facilities consistent with the development of the art; and require obstructions which may be hazardous to aviation to be suitably marked by lights, signs or otherwise as the commission may provide. The commission shall have the right and is hereby empowered to proceed by appropriate legal or equitable action to cause any obstruction to flight in and about any airport or landing field to be abated and such obstructions are hereby declared to be hazards to human life and property, and the commission may cause the same to be removed by such orders and decrees as the court may issue in any legal or equitable proceedings instituted by the commission for that purpose.

Promotion
of safety.

Obstructions.

14. Police and departmental co-operation. It shall be the duty of all departmental and political subdivisions of this State, all peace officers, and every county and municipal officer charged with the enforcement of State and municipal laws to enforce and assist in the enforcement of the provisions of this act and the rules, regulations and orders issued and promulgated pursuant thereto and all laws of the State of New Jersey with reference to aeronautics. Airport regulations adopted by any local subdivisions operating an airport shall be inopera-

Law
enforcement.

Inconsistent
regulations
void.

tive in so far as such regulations are inconsistent with the provisions of this act or with the rules, regulations and orders issued and promulgated pursuant thereto.

Aircraft
licensed.

15. Licenses: aircraft; requirement for. It shall be unlawful, except as hereinafter provided, to operate, pilot or avigate, or cause to be operated, piloted or avigated, any aircraft on or over the land or waters or through the air space of this State unless it shall be licensed as provided in this chapter.

Licensing
civil aircraft.

16. Licenses: aircraft; provisions for. The commission shall provide for the licensing of all civil aircraft by reasonable rules, regulations and orders adequate to protect the public safety and the safety of those participating in aeronautics and to insure the satisfactory and safe performance of all aircraft in accordance with their design and contemplated use.

Proviso.

Any class of aircraft shall be deemed to be licensed under the provisions of section sixteen of this article; *provided*, such aircraft shall be validly and effectively licensed and registered under the provisions of the laws, rules and regulations of the United States Government.

Temporary
license.

17. Licenses: temporary emergency. The commission may provide for the issuance of a temporary license for civil aircraft whose license has been invalidated for any cause, said temporary license to be for a period not to exceed twenty-four (24) hours; *provided*, such aircraft has been inspected and approved by the commission or its authorized representative.

Proviso.

License
number
displayed.

18. Identification of aircraft. It shall be unlawful to operate, pilot or avigate any aircraft on or over the land or waters or through the air space of this State unless such aircraft shall display its license number.

Operators
must be
licensed.

19. Licenses: pilots, requirement for. It shall be unlawful, except as hereinafter provided, for any person to operate, pilot or avigate any aircraft on or over the land or waters or through the air space of this State unless he shall be licensed as provided in this chapter.

20. Licenses: pilots; provisions for. The commission shall provide for the licensing of all pilots for a limited or unlimited operation of aircraft by rules, regulations and orders adequate to protect the public safety and the safety of those participating in aeronautics. Such rules, regulations and orders may provide for periodic physical and mental examinations and periodic examinations of pilots' flying ability.

Regulations
as to licensing
pilots.

Periodic
examinations.

Any class of pilots shall be deemed to be licensed under the provisions of this section of this article; *provided*, that such pilots shall hold valid and effective licenses issued under the provisions of the laws, rules and regulations of the United States Government for the particular class of operations.

Pilots
licensed.

Proviso.

21. Licenses: possession; inspection. Any pilot licensed under this chapter shall at all times have his license and the license of the aircraft operated by him or under his control available for inspection by any officer charged with the enforcement of this chapter.

Licenses in
possession.

22. Licenses: nonresident pilots and aircraft. The commission may, by general rule or order, provide that nonresident pilots and aircraft, which have complied with the licensing provisions of the law of the State of their residence, shall not be subject to the licensing provisions of this chapter for a reasonable period of time not exceeding thirty (30) consecutive days; *provided, however*, that no such pilot or aircraft shall operate or be employed to carry passengers or property for hire or reward or be used in the pursuit of a business or for exhibition purposes within this State; *and provided, further*, that the State of residence allows reciprocal privileges to pilots and aircraft of this State and the commission shall determine that the standards maintained by such State are at least as rigid as the standards established by this chapter and the rules, regulations and orders issued pursuant thereto; *and provided, further*, that this section shall not apply to pilots or aircraft engaged exclusively in scheduled interstate commerce.

Nonresident
pilots.

Proviso.

Proviso.

Proviso.

Exhibitions,
etc., licensed.

23. Licenses: air meets, exhibitions, et cetera. No air meet, air race or aerial exhibition shall be conducted or operated in this State without a license first obtained from the commission.

Airports, etc.,
licensed.

24. Licenses: airports, airport managements, air schools, aviation facilities, et cetera; requirement for. It shall be unlawful, except as hereinafter provided, to use, operate or cause to be used or operated any airport, landing field, landing strip, or other aviation facility, air school or flying club, unless it, and, in the case of airports, its management, shall be licensed as provided in this chapter; and except in case of emergency no aircraft shall land upon, or take off from, any airport, landing field or landing strip, not so licensed; *provided, however,* that neither the provisions of this chapter, nor the rules, regulations or orders issued pursuant thereto, shall apply to any airport, landing field, landing strip, or other aviation facility, or air school owned and operated by the government of the United States.

In
emergencies.

Proviso.

Provision for
licensing,
regulating, etc.

25. Licenses: airports, airport managements, air schools, aviation facilities, et cetera; provisions for. The commission shall provide for the licensing of airports, airport managements, landing fields, landing strips, other aviation facilities, air schools or flying clubs by rules, regulations and orders adequate to protect the public health and safety and the safety of those participating in aeronautical activities; *provided, however,* that the continued use and operation of airports, landing fields, landing strips and other aviation facilities, air schools, or flying clubs in use and operation on the effective date of this chapter, for which an application for a license shall have been filed within the time fixed by the commission, shall be permitted, pending the granting or rejection of such applications; *and provided, further,* that the application for a license for any airport, landing field, landing strip, other aviation facility, air school or flying club in use and operation on the effective date of this chapter shall be granted, unless the commis-

Proviso.

Proviso.

sion shall find that such airports, landing fields, landing strips, other aviation facilities, air schools or flying clubs are not constructed, equipped and operated in accordance with the standards and requirements fixed by the rules, regulations and orders of the commission. Whenever the commission shall reject any application for a license under the provisions of this section, it shall state in writing the reasons for such rejection.

Rejections.

26. Licenses: modification; suspension; revocation. Any license issued pursuant to the provisions of this chapter may be modified, suspended or revoked when in the interest of public safety or the safety of those participating in aeronautical activities, the commission shall deem such action advisable, after violation of any provision of this chapter or any rule, regulation or order promulgated thereunder. In the event the commission shall exercise the powers granted by sections sixteen, twenty, twenty-two and twenty-five of this article, it shall by rule, regulation or order provide for the modification, suspension or revocation of the privilege granted thereunder, as the public safety or the safety of those participating in aeronautical activities shall require.

Licenses
may be
revoked, etc.

Modification.

27. Examination and inspection; pilots and aircraft. Any member of the commission, the director, any inspector or other authorized agent of the commission may examine and inspect any pilot, aircraft, airport, landing field, landing strip, other aviation facility, air school or flying club, and upon finding a violation of any of the provisions of this chapter or of any of the rules, regulations or orders issued pursuant thereto, may prevent aviation or operation thereof by any such pilot or other person until such violation is removed. Within twenty-four hours after the taking of such action the inspector or other authorized agent must file with the commission a written report setting forth the reasons therefor. Any person aggrieved by such action may demand a hearing before the commission or its duly authorized agent. The

Inspection
of craft,
equipment, etc.

Aviation
suspended.

Suspension
reported.

Hearing.

Proviso.	commission shall provide by rule, regulation or order for such hearing and the conduct thereof; <i>provided, however</i> , that any such hearing shall be held within five days from the receipt of a demand therefor.
Burden of proof.	28. Licenses: burden of proof. In any proceeding, investigation or hearing, criminal or otherwise, under any of the provisions of this chapter, any person who relies upon a license of any kind shall have the burden of proving that he is the holder of a valid and effective license.
Periodical inspections.	29. Periodical inspection: aircraft, airports, aviation facilities, et cetera. The commission may adopt rules, regulations and orders providing for the periodical inspection and examination of aircraft, airports, landing fields, landing strips, other aviation facilities, aircraft power plants, accessories and other equipment, air schools or flying clubs, which rules, regulations or orders may require full particulars concerning the design and calculations upon which the design is based and of the materials and methods used in the construction and operation of such aircraft, airports, landing fields, landing strips, other aviation facilities, aircraft power plants, accessories and other equipment, air schools or flying clubs.
Details furnished.	
Tampering.	30. Malicious interference with aviation facilities. No person shall willfully and maliciously interfere or tamper with any aircraft, airport, landing field, landing strip, or any other aviation facility, or the equipment thereof.

ARTICLE IV

Rules, regulations posted.	31. Rules, regulations and orders; posting; service; filing. General rules and orders of the commission shall be posted for public inspection in all offices of the commission at least fifteen days before they shall become effective, and every rule, regulation and order of the commission shall be posted in the main office of the commission and shall be distributed to all licensed airports for posting, and shall be given such further publicity by advertise-
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ment in newspapers or otherwise as the commission shall deem advisable. Every order applying only to a particular person or persons named therein shall be mailed to, or served upon, such person. Every rule, regulation and order, general or otherwise, adopted by the commission shall be filed with the Secretary of State.

Service
of orders.

Rules, orders
filed with
Secretary
of State.

32. Investigations: hearings; attendance of witnesses; production of documents. The commission shall have the power to conduct investigations, inquiries and hearings concerning matters covered by the provisions of this act and accidents or injuries incident to the operation of aircraft occurring within this State, and for this purpose the commission or its authorized representatives may take possession of any wreckage or aircraft damaged in such accidents and hold same until it releases such possession or unless any properly authorized paramount Federal agency requests possession. In all investigations, inquiries and hearings the chairman, or in his absence, the vice-chairman, shall have the power to administer oaths and affirmations, certify to official acts, issue subpoenas, compel the attendance and testimony of witnesses and the production of papers, books, and documents. If any person shall fail to comply with any subpoena or order issued under authority of this chapter, the chairman, or in his absence, the vice-chairman, may invoke the aid of any court of common pleas of this State. The court may thereupon order any such person to comply with the requirements of the subpoena or order, or to give evidence upon the matter in question. Any failure to obey the order of the court shall be punishable by the court as for a contempt thereof.

Investiga-
tions.

Procedure.

Subpoenas.

Failure
to comply.

Contempt.

33. Depositions: records; findings, witness fees and expenses; testimony of commissioners or director. The commission or director or any party, in any investigation, may cause to be taken the deposition of witnesses residing within or without the State in the manner prescribed by law for like depositions in civil actions in the courts of record

Depositions.

Records kept. in this State. A full and complete record shall be kept of all proceedings had before the commission, or any hearings had, and all testimony shall be taken down by a stenographer appointed by the commission. Every order of the commission shall contain findings in sufficient detail to enable a court to determine the controverted questions presented by the proceeding, and whether proper weight was given to the evidence. Each witness who shall appear before the commission shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record of this State, which shall be audited and paid by the State in the same manner as other expenses are audited and paid, upon presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the commission, or, in his absence, by the vice-chairman.

Details of findings.

Witness fees.

ARTICLE V

REVIEW OF ORDERS OF COMMISSION

Orders reviewable. 34. Certiorari: application; notice. Any order made by the commission may be reviewed upon certiorari by the Supreme Court. No certiorari shall be allowed unless application therefor be made within thirty (30) days from the date upon which the order becomes effective, nor unless notice in writing of the application shall have been given to the commission with a copy of the affidavits or proofs upon which the application is based. The notice shall be served upon the chairman of the commission either personally or by leaving it at the office of the commission in Trenton. The evidence presented to the commission, together with the findings and the order issued thereon, shall be certified by the commission to the Supreme Court with its writ.

Certiorari.

Service of notice.

Evidence certified.

As to stay. 35. Stay of orders in general. The allowance of a writ of certiorari to review any order of the commission shall not supersede or stay the order of the commission unless the Supreme Court or a justice

thereof shall so direct. The prosecutor in certiorari may be required by the Supreme Court or a justice thereof to give bond in such form and amount as the Supreme Court or the justice thereof allowing the stay shall require.

Bond may
be required.

36. Stay of orders; effect of. No stay of any order of the commission shall be granted unless the prosecutor shall apply to the Supreme Court or a justice thereof for a review of the order within ten days of the service thereof. Written notice of the application for a review and a stay in such case shall be given to the commission within five (5) days after the service of the commission's order; except that if the day following service of the order falls on Sunday or a legal holiday, the prosecutor shall have five (5) days following such day to serve the notice. The notice shall be served upon the chairman of the commission either personally or by leaving the same at the office of the commission in Trenton.

Procedure in
stay of
orders.

37. Setting aside orders. The Supreme Court is hereby given jurisdiction to review any order of the commission and to set aside such order in whole or in part when it clearly appears that there was no evidence before the commission to support the same reasonably, or that the same was without jurisdiction of the commission.

Order may
be set aside
by Supreme
Court.

No order shall be set aside in whole or in part for any irregularity or informality in the proceedings of the commission unless the irregularity or informality tends to defeat or impair substantial right or interest of the prosecutor in certiorari.

Irregularities
disregarded.

38. Ordering rehearing by commission. If, with respect to any order brought under review by certiorari, it shall appear equitable and just that a rehearing should be had before the commission, the Supreme Court may order that a rehearing be had before the commission upon such terms and conditions as are reasonable. The commission shall thereupon proceed to a rehearing of the evidence upon which the order under review was based, and upon such additional evidence, if any, as may be produced.

Rehearing
before
commission.

Result.	As a result of the rehearing the commission may readopt the order or alter, amend, modify or extend it.
Rehearing upon certiorari.	The Court of Errors and Appeals on appeal from a judgment of the Supreme Court upon certiorari to review an order of the commission, may, whenever it shall deem it equitable and just that a rehearing should be had before the commission, remit the record and proceedings before it to the Supreme Court to the end that said court may order and such rehearing may be had before the commission upon such terms and conditions as are reasonable, as hereinbefore provided.
Preference before court.	39. Commission proceedings to have preference. Any proceedings in any court of this State directly affecting an order of the commission or to which the commission is a party, shall have preference over all other civil proceedings pending in such court.
Penalties.	40. Penalties. Any person willfully violating any of the provisions of this chapter, or the rules, regulations or orders issued pursuant thereto, except provisions, rules or regulations or orders pertaining to the organization or operation of the commission, shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety days, or both.
Constitutionality of act.	41. Constitutionality. If any provision of this chapter or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of this chapter, which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are declared to be severable.
Repealer.	42. Repealer. All acts or parts of acts inconsistent with the provisions of this chapter are hereby repealed.
Act effective.	43. When to take effect. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 49

AN ACT concerning the operation of motor vehicles,
and amending section 39:3-10.1 of the Revised
Statutes.

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

1. Section 39:3-10.1 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

39:3-10.1. On and after January first, one thousand nine hundred and thirty-eight, no person under twenty-one years of age shall drive any motor vehicle or trackless trolley with a capacity of more than six passengers and used for the transportation of passengers for hire, except taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce; *provided*, that the limitations in regard to age shall not apply to any person under the age of twenty-one who now holds a special bus drivers license. On and after January first, one thousand nine hundred and thirty-eight, no person of the age of twenty-one years or over shall thereafter drive any motor vehicle or trackless trolley with a capacity of more than six passengers and used for the transportation of passengers for hire, except taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce, unless specially licensed so to do by the commissioner. Such license shall not be granted until the applicant therefor has passed a satisfactory examination in ascertainment of his driving ability and familiarity with the mechanism of said vehicle and has presented evidence, satisfactory to the commissioner of his previous experience, good character and physical fitness. Said license shall expire on the thirty-first day of December of each year. No person shall be granted said license

Age of
drivers of
certain
vehicles.

Proviso.

Drivers
licensed.

Examination
required.

Expiration
of license.

unless he is also the holder of a license as provided for in section 39:3-10 of this Title.

Requirements
on renewal.

Upon application for a renewal of such license the commissioner shall require evidence of physical fitness and may require evidence of continuing good character.

Revocation
of license.

The commissioner may suspend or revoke a license granted under authority of this section for a violation of any of the provisions of this subtitle, or on other reasonable grounds, or where, in his opinion, the licensee is either physically or morally unfit to retain the same.

Regulations.

The commissioner may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 50

AN ACT to add Routes 100 and S-100 to the State highway system.

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

Additional
roads.

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 routes:

Routes Nos.
100 and S-100.

Routes No. 100 and S-100. Beginning at the George Washington bridge and from thence to Route No. 1 in Bayonne and thence across the Newark bay and passing in the vicinity of Elizabeth, Linden and Woodbridge to the Raritan river, that portion of the said route between Elizabeth

and Woodbridge to be located between Route No. 25 and Arthur Kill. S-100. Beginning at a point in Route No. 100 in or near Elizabeth and connecting with Route No. 25 in or near Elizabeth.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 51

AN ACT to extend Route 38 by adding Route 38 Ext. 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:

Additional
road.

Route No. 38 Ext. Beginning at the eastern terminus of Route No. 38 in the vicinity of Mount Holly and from thence to Route No. 4N in Wall township, passing in the vicinity of Camp Dix.

Route No. 38.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 52

AN ACT concerning legal investments generally,
and to amend sections 17:2-6 and 17:2-6.1 of the
Revised Statutes.

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

Section
amended.

1. Section 17:2-6 of the Revised Statutes is hereby amended to read as follows:

Authorized
investments
by banking,
etc., institu-
tions:

17:2-6. Savings banks, banks, banking institutions, trust companies, building and loan associations, mortgage companies and insurance companies organized under any general or special law of this State, all boards, commissions and departments of the State Government and of the various counties and municipalities thereof, and executors, administrators, trustees, guardians and other fiduciaries are authorized:

Mortgage
notes or
bonds;

a. To make such real estate mortgage loans as the Federal Housing Administrator insures or makes a commitment to insure and to invest in, purchase or otherwise acquire, own or hold, mortgage notes or bonds so insured;

Mortgage
securities
insured;

b. To cause such mortgage securities to be and be kept insured by the Federal Housing Administrator and to pay for and receive the benefits of such insurance;

Invest or
acquire notes,
bonds, etc.

c. To invest in, purchase or otherwise acquire, own and hold notes, bonds, debentures, capital stock or other such obligations of any national mortgage association; *provided*, the issuance of such notes, bonds, debentures, capital stock or other such obligations has been approved by the Federal Housing Administrator. Nothing in sections 17:2-5 to 17:2-8 of this Title contained shall be construed to empower any fiduciary to make any investment or commitment in capital stock pursuant to paragraph "c" of this section.

Proviso.

Excepting
capital stock.

2. Section 17:2-6.1 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:2-6.1. Wherever, by statute of this State, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund, is required to be maintained consisting of designated securities, mortgage loans and bonds insured by the Federal Housing Administrator and obligations of national mortgage associations shall be eligible for such purposes. Eligibility of collateral.

3. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 53

AN ACT concerning pensions and retirement and relief associations, and amending section 43:19-9 of the Revised Statutes.

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

1. Section 43:19-9 of the Revised Statutes is hereby amended to read as follows: Section amended.

43:19-9. Payments from fund. Pensions shall be paid from the fund as follows: Paying pensions:

a. In any city of the first class in which this chapter becomes operative, all members of the pension corporation formed from the employees of the board of street and water commissioners, or its successor, who shall have served in the employ of the city in the aggregate for twenty years, and attained the age of sixty years, shall, upon application to the board of street and water commissioners, or its successor, in the city, be retired by By age and service;

Amount.	the board, or its successor, and shall thereafter receive from the pension fund created under this chapter an amount equal to one-half of his salary at the time of his retirement.
By disability;	b. If any employee of the board of street and water commissioners, or its successor, who is a member of the pension corporation, shall become incapacitated either mentally or physically, for the performance of his duties, whenever such incapacity is the result of injury received or illness incurred in the discharge of his duties as an employee of the board of street and water commissioners, or its successor, he may be retired by the board, or its successor, and thereupon shall receive from the pension fund, during the term of his incapacity or injury, an amount at the rate of one-half of his annual salary at the time of his retirement.
Amount.	
Service and incapacity;	c. Any employee of the board of street and water commissioners, or its successor, who is a member of the pension corporation, shall have served the city twenty years in the aggregate and shall become incapacitated, either mentally or physically, from illness or injury incurred in the performance of his duty as such employee, or who by reason of advanced age is found unfit by the board of street and water commissioners, or its successor, for the performance of his duties, shall be retired by the board, or its successor, and shall be entitled to receive from the pension fund an amount equal to one-half of his annual salary at the time of his retirement. In case of the retirement of any member of the pension corporation, who became a member thereof prior to March eighteenth, one thousand nine hundred and twenty-one, the city shall pay into the pension fund such portion of the pension of one-half the annual salary of the pensioner at the time of his retirement, which shall be in excess of the amount of pension provided for the pensioner in this chapter.
City's contribution to pension fund.	
Five years to elapse;	d. No pension shall be paid out of the fund created under this chapter until five years after the

creation of the pension corporation provided for hereunder, and all pensions herein provided for shall be paid in the manner which may be determined by the board of trustees of the pension fund.

e. Any employee of the board of street and water commissioners, or its successor, who is a member of the pension corporation who shall hereafter become incapacitated, either mentally or physically, for duty, may be retired by such board, or its successor, for the term of such incapacity; *provided*, he or she shall have at the time of such incapacity been a member of such corporation for at least five years and had paid in during such time the full amount of his or her annual assessments or contributions, on a pension equal to twenty-five per centum of one-half of his or her annual salary received by said member at the time of his or her retirement, and for every year of active membership in addition to five years, such member shall receive an additional pension equal to five per centum of one-half of the annual salary received by said member at the time of his or her retirement; *provided, however*, that in no case the annual pension so paid shall exceed one-half of the annual salary received by any member at the time of his or her retirement; *and provided, further*, that if such incapacity occurs during the first twenty years of active membership in the said pension corporation, the pension payable as aforesaid shall not exceed the sum of two thousand dollars (\$2,000.00) annually.

Incapacitated.

Proviso.

Amount.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 54

AN ACT fixing the compensation of guards, keepers and industrial officers in the county jails, houses of detention and penitentiaries in counties of the first class in this State.

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

Salaries of penal employees.	1. In all counties of the first class in this State the guards, keepers and industrial officers employed in the jails, houses of detention and penitentiaries shall receive the minimum compensation of two thousand dollars (\$2,000.00) per annum and the maximum compensation of three thousand dollars (\$3,000.00) per annum. The salaries of such employees hereafter appointed shall commence at said minimum and shall be increased two hundred dollars (\$200.00) per annum for each year of service thereafter, not to exceed the maximum herein established. All such employees now in service shall on July first following the passage of this act be entitled to receive an increase of two hundred dollars (\$200.00) over his or her present salary and on July first in each year thereafter shall be entitled to a further increase of two hundred dollars (\$200.00), not to exceed the maximum herein established.
Increment of increase.	
Annual increase.	

Repealer.	2. All acts or parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect immediately.
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Approved March 30, 1938.

CHAPTER 55

AN ACT to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State, and amending section 17:32-7 of the Revised Statutes.

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

1. Section 17:32-7 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

17:32-7. Every insurance company, other than life, of another State or foreign country, transacting business in this State, shall, on or before March first of each year, make to the commissioner a report, signed and sworn to by an officer of the company, or by its United States manager, if a company of a foreign country, stating:

Annual report:

a. The gross amount of premiums and premium deposits and assessments received by the company, and by each agent thereof, on all business of the company in this State, except reinsurance, for the preceding calendar year:

Gross
business;

b. The amount of premiums and premium deposits and assessments returned to the insured during the year on policies cancelled, except reinsurance, and

Return to
insured;

c. The amount of premiums and premium deposits and assessments and so-called dividends or unused or unabsorbed portion of all premiums and premium deposits and assessments returned or credited to policyholders during the year for which the tax is determined, as provided in sections 54:17-1 to 54:17-3 of the title Taxation.

Premiums,
dividends, etc.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 56

AN ACT to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State, and amending section 54:17-1 of the Revised Statutes.

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

Section
amended.

1. Section 54:17-1 of the Revised Statutes is hereby amended to read as follows:

Tax payable
to State
Tax Com-
missioner.

54:17-1. Every insurance company, other than life, of another State or foreign country, transacting business in this State, shall pay to the State Tax Commissioner, on or before the first day of June, a tax of two per centum upon the gross amount of premiums, premium deposits and assessments received on all business of the company in this State, except reinsurance, for the preceding calendar year, less the amount of premiums and premium deposits and assessments returned to the insured during the year on policies cancelled, except reinsurance, and less the premiums, premium deposits and assessments and so-called dividends or unused or unabsorbed portion of all premiums, premium deposits and assessments returned or credited to policyholders during the year for which the tax is determined.

Marine
insurance
excepted.

This section shall not apply to premiums received for marine insurance, as described by chapter sixteen of this Title (§54:16-1 et seq.), when reported for purposes of taxation thereunder.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 57

AN ACT concerning boxing and wrestling exhibitions, and amending section 5:2-12 of the Revised Statutes.

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

1. Section 5:2-12 of the Revised Statutes is hereby amended to read as follows: Section amended.

5:2-12. Every person who shall hold any boxing, wrestling or sparring exhibition or performance shall, within twenty-four hours after the conclusion thereof, furnish to the commissioner at such place as he may prescribe, a duly verified written report of the exact amount of tickets sold for such exhibition or performance, the amount of the gross proceeds thereof, and such other matters as the commissioner may prescribe, and shall also, within the said time, pay to the commissioner, at such place as he may prescribe, a tax of ten per centum of the total gross receipts from the sale of tickets of admission to such exhibition or performance; *provided, however*, that when a boxing or wrestling performance is held, at which a championship title is at stake, the commissioner, at his discretion, may reduce the aforementioned tax of ten per centum of the total gross receipts from the sale of tickets of admission to such exhibition or performance to five per centum of the total gross receipts. The commissioner shall forthwith pay the tax into the State treasury. Report of gross receipts made to commissioner.

The total amount of gross receipts from any such exhibition or performance and the total amount of tax due hereunder shall be determined by the commissioner, and for this purpose the commissioner may examine, or cause to be examined, the books and records of any person and hold hearings as provided by section 5:2-6 of this Title. The finding Tax payable. Proviso.

Determining total due.

Correctness of findings.

and determination of the commissioner as to the amount of such tax shall be deemed *prima facie* to be correct in all matters and proceedings in which the same may be called into question.

Action in
failure
to pay.

Should any person being liable for the tax hereby imposed, fail to pay the same, an action therefor may be maintained in any court of competent jurisdiction, in the name of the commissioner, to be prosecuted by the Attorney-General, in addition to any remedies given by the bond filed in accordance with section 5:2-9 of this Title, which actions and remedies may be pursued simultaneously or in any other order which the commissioner may see fit.

2. This act shall take effect immediately.

Approved March 30, 1938.

CHAPTER 58

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 43:21-7 of the Revised Statutes.

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

Section
amended.

1. Section 43:21-7 of the Revised Statutes is hereby amended to read as follows:

43:21-7. (a) Payment.

Contributions
to accrue.

(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 subsec-

tion (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.

Not to be deducted from pay of employee.

(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:

Rates of contribution:

(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

December, 1936;

Proviso;

- calendar year one thousand nine hundred and thirty-six and the total of his contributions at such ten and eight-tenths per centum ($10 \frac{8}{10}\%$) 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 ($\frac{9}{10}$ 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 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.
- Proviso;
- Proviso;
- Year 1937;
- Years 1938, 1939, 1940, 1941;
- After 1941;
- (2) One and eight-tenths per centum ($1 \frac{8}{10}\%$) with respect to employment during the calendar year one thousand nine hundred and thirty-seven;
- (3) Two and seven-tenths per centum ($2 \frac{7}{10}\%$) 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
- (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.

(c) Future rates based on benefit experience:

Future rates;

(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 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.

Construing;

Benefits charged;

Rules to regulate benefits;

(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.

Rules to govern joint accounts;

Employers'
rates.

(3) Each employer's rate shall be two and seven-tenths per centum ($2\frac{7}{10}\%$), except as otherwise provided in the following provisions.

No employer's rate shall be less than two and seven-tenths per centum ($2\frac{7}{10}\%$) 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 ($1\frac{8}{10}\%$), if such excess equals or exceeds seven and one-half per centum ($7\frac{1}{2}\%$), 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 ($\frac{9}{10}$ 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 ($3\frac{6}{10}\%$).

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 ($2\frac{7}{10}\%$), 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 ($1\frac{8}{10}\%$) 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.

(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, notwithstanding 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 other-

Workers'
contributions.

Failure of
employer to
deduct con-
tribution.

Wages and
contributions
defined.

wise, 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.

Where individual does not receive pay from employing unit.

(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 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.

Employer to post notice.

(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.

(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 to be subject to attachment.

2. This act shall take effect immediately.
Approved April 1, 1938.

CHAPTER 59

AN ACT to provide for 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*:

1. Section 43:21-14 of the Revised Statutes is hereby amended to read as follows:

Section amended.

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, re-

Report and payment of contributions.

Penalty for failure to file report.

quired 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 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.

Penalty for failure to make contributions.

Proviso.

Tax a lien.

(b) Tax 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 lien on all the property of the debtor except as against an innocent purchaser for value in the usual course of business and without notice thereof, and shall have preference in any distribution of the assets of the employer, whether in bankruptcy, insolvency or otherwise.

(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.

Arbitrary
assessment.

(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.

Deficiency
assessment.

(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

Certificate
of debt by
commission.

Judgment
docketed.

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 to
have priority.

(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).

Refunds.

(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 adjust-

ment 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.

(h) All interest and penalties collected pursuant to this section shall be paid into the unemployment compensation fund. Penalties, etc., paid into fund.

2. This act shall take effect immediately.

Approved April 1, 1938.

CHAPTER 60

AN ACT concerning mutual benefit associations, and supplementing chapter forty-five of Title 17 of the Revised Statutes.

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

1. The provisions of chapter forty-five of Title 17 of the Revised Statutes shall not apply to any mutual benefit association incorporated under the laws of this State, which admits to membership only persons living in this State, which limits death benefits to two hundred and fifty dollars (\$250.00), which has and maintains assets of a market value in an amount equal to the reserve required by the standard industrial table of mortality, with interest at the rate of three and one-half per centum ($3\frac{1}{2}\%$) per annum, calculated according to the modified preliminary term method for valuation of industrial life insurance policies, on all certificates in force contracting to pay death benefits, and which association shall have additional assets of a market value equal to the total amount of disability Act not to apply.

Proviso.

Proviso.

benefits paid to members during the last preceding calendar year; *provided*, that every such association shall have assets of a market value, in the opinion of the Commissioner of Banking and Insurance of this State, of not less than two hundred and fifty thousand dollars (\$250,000.00); *provided, further*, that every such association shall annually, on or before the first day of March, file with the Department of Banking and Insurance of this State, a statement, subscribed and sworn to by its president and secretary, showing the market value of its assets and the amount of disability benefits paid to its members during the last preceding calendar year, together with a certified statement by a competent actuary of reserve required by the standard industrial table of mortality, computed as above set forth.

2. This act shall take effect immediately.

Approved April 1, 1938.

CHAPTER 61

AN ACT concerning control, regulation and protection of cemeteries, supplementing chapter three of Title 8 of the Revised Statutes.

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

Permits
cemeteries
to use
adjoining
land.

1. Any cemetery association now duly organized and existing and owning lands located in any township in any county not of the first or second class in this State and which lands border on, adjoin or are contiguous to lands now lawfully used for cemetery purposes by such association, may use and it shall be lawful for such association to use such bordering, adjoining or contiguous lands or any part thereof for cemetery purposes the same

as the lands now so used for cemetery purposes by such association, without other or further permit, consent or approval; *provided, however*, that the total area of said lands now so used by such cemetery association together with the lands so bordering, adjoining or contiguous thereto which it is proposed and intended to so use, shall not exceed an aggregate of one hundred and twenty-five acres; *and provided, further*, that it shall not be lawful to so use such bordering, adjoining or contiguous lands for such cemetery purposes until the president and the secretary or other duly authorized officers of such cemetery association shall make a written certificate that it is proposed and intended by such cemetery association to so use such bordering, adjoining or contiguous lands as is herein provided, sign their names and affix the seal of such association thereto and duly acknowledge the same before an officer authorized by law to take proof and acknowledgment of conveyances, which certificate shall state the corporate name of the association and the date of the taking of such action, which certificate shall be accompanied by or be annexed to a descriptive map of the whole of said lands now so used and the land proposed and intended to be so used, and cause said certificate and such descriptive map to be filed in the office of the clerk of the township wherein such lands are situate, a copy of which certificate and map shall also be filed in the office of the State Board of Health.

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

3. This act shall take effect immediately.

Approved April 1, 1938.

CHAPTER 62

AN Act validating the sale 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
title to
land, etc.,
that has been
foreclosed.

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 this State or any execution or other process issued thereon shall be invalid by reason of the omission or failure of any complainant or complainants, in prosecuting any suit to foreclose a mortgage or mortgages, to join as a 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 mortgaged premises by a trustee or trustees for the benefit of said cestui que trust or cestuis que trustent, or by reason of any other irregularity or defect in said foreclosure proceeding resulting from a nonjoinder of any cestui que trust or cestuis que trustent as a party or parties defendant; and the purchaser or purchasers of said lands, tenements, hereditaments or other real estate, having paid the price therefor and having received his, her, its or their deed therefor, and his, her, its, or their heirs, successors or assigns shall be deemed to have as good and complete title thereto as if all parties owning, as cestuis que trustent, any interest, right, claim or title in, on or to the mortgaged premises have been joined as parties defendant and duly served with process to answer in said foreclosure proceedings; *provided*, that no proceeding shall have heretofore been instituted in any court

of law or equity to set aside said sale or the deed or any proceedings in connection therewith.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 63

AN ACT to validate sales and/or exchanges of land 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 and/or exchanges heretofore made of lands and premises by any municipality, whether such sales and/or exchanges of land and premises by such municipality shall 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 as aforesaid heretofore sold and/or exchanged by such municipality to the purchaser or purchasers thereof heretofore or hereafter made in pursuance of any such sale, shall be construed in all 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; *provided*, such sales and/or exchanges shall have been or shall be confirmed by resolution of the governing body of such municipality; *and further provided*, that such sale and/or exchange shall have taken place five years or more before the passage of this act.

Validates
exchange of
lands by mu-
nicipalities.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 64

AN ACT to authorize the dredging and deepening of Wills Hole Thorofare, in the county of Ocean, and making an appropriation therefor, a supplement to section 12:6-8 of the Revised Statutes.

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

Empowered
to dredge
Wills Hole
Thorofare.

1. In addition to the powers conferred by the provisions of the act to which this act is a further supplement, the Board of Commerce and Navigation is authorized and empowered to provide for the dredging and deepening, for commercial fishermen's use and/or such other use as the same may be put to or suitable, of Wills Hole Thorofare, a branch of the Manasquan river at Point Pleasant, in the county of Ocean and State of New Jersey, from the channel on the east to and including Block 174 of Edgewater on the west, and to do all things necessary in connection therewith for effectuating this act.

Appropriation.

2. The sum of forty-five hundred dollars (\$4,500.00) is hereby appropriated from the general funds of the State of New Jersey, to cover the cost of said work, or as much thereof as shall be necessary to be expended by the said Board of Commerce and Navigation, in accordance with the laws of this State.

3. This act is to take effect immediately.

Approved April 4, 1938.

CHAPTER 65

AN ACT concerning townships.

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

1. Every township committee when duly elected, appointed and qualified shall have power and authority to elect one of their number as chairman of said committee, who shall preside at all of the meetings thereof. A majority of the committee shall constitute a quorum. They shall hold an annual meeting on January first of each year at twelve o'clock noon, or during the first week of January in any year.

Appoint
chairman.

Quorum.

Annual
meeting.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 66

AN ACT concerning the registration and licensing of motor vehicles and drivers thereof, and amending sections 39:3-4, 39:3-9, 39:3-10, 39:3-10.1, 39:3-15, 39:3-22, 39:3-24 and 39:3-26 of the Revised Statutes.

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

1. Section 39:3-4 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

39:3-4. Except as hereinafter provided, every resident of this State and every nonresident whose automobile or motorcycle shall be driven in this State shall, before using such vehicle on the public

Motor
vehicle to
be registered.

	highways, register the same, and no motor vehicle or motorcycle shall be driven unless so registered.
Manner and form of registration.	Such registration shall be made in the following manner: A statement in writing shall be made to the commissioner or his lawful agent, containing the name and address of the owner, together with a description of the character of the automobile or motorcycle, including the name of the maker and the manufacturer's number and the motor number. The statement shall be submitted on forms prepared by the commissioner and shall be sworn to by the applicant before anyone authorized to take acknowledgments. Thereupon the commissioner shall have power to grant a registration certificate to the owner of any motor vehicle, application for the registration having been properly made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this subtitle. The registration certificate to be issued by the commissioner shall be properly numbered and shall state that the motor vehicle or motorcycle is registered in accordance with the law. The commissioner shall cause the name of the owner, with his address and the number of his certificate and description of the motor vehicle or motorcycle, to be entered on the records of his department in alphabetical and numerical order.
Registration certificates numbered.	Every registration shall expire and the certificate thereof become void on March thirty-first of each year, terminating the period for which such certificate is issued.
Record kept.	The commissioner shall issue registrations and licenses for the following yearly period, on and after February first of each year, but the registration or license so issued shall not be used until March fifteenth of the yearly period preceding the period for which it is issued.
Expiration of registration.	Any person violating the provisions of this section shall be subject to a fine not exceeding one hundred dollars (\$100.00).
Issuing and use of new registrations.	2. Section 39:3-9 of the Revised Statutes is hereby amended to read as follows:
Penalty for violation.	
Section amended.	

39:3-9. For registration purposes the horsepower of an automobile shall be computed by the formula adopted by the commissioner on February first of each year, which rating shall govern in determining the class to which the automobile belongs. The commissioner, on February first of each year, may compel all dealers, manufacturers, or other persons holding automobiles to provide with each sale a certificate which will indicate the various elements which are comprised in the formula adopted by the commissioner under the provisions of this subtitle. The commissioner shall adopt no formula which is not in general use by the standard trade associations of the United States as a basis of catalogue rating.

Horsepower
basis of
registration.

Choice of
formula.

3. Section 39:3-10 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under seventeen years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicants knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

Operators to
be licensed.

Test for
applicants.

The commissioner, upon payment of the lawful fee and after he or an inspector of his has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered automobile or motorcycle and shall expire on March thirty-first of each year, terminating the period for which such license is issued. The annual license fee shall be three dollars (\$3.00) for drivers of automobiles and one dollar (\$1.00) for operators

Operator's
license.

Expiration.

Fee.

of motorcycles. The driver's license shall have the name of the licensee endorsed thereon in his own handwriting.

License
refused.

The commissioner in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no physical defect of the applicant shall debar him from receiving a license unless it can be shown by common experience that the defect incapacitates him from safely operating a motor vehicle.

Penalty for
violation.

A person violating this section shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for not more than sixty days.

Section
amended.

4. Section 39:3-10.1 of the Revised Statutes is hereby amended to read as follows:

Requirement
for operators
of vehicles
for hire.

39:3-10.1. On and after January first, one thousand nine hundred and thirty-eight, no person under twenty-one years of age shall drive any motor vehicle or trackless trolley with a capacity of more than six passengers and used for the transportation of passengers for hire, except taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce; *provided*, that the limitations in regard to age shall not apply to any person under the age of twenty-one who now holds a special bus drivers license. On and after January first, one thousand nine hundred and thirty-eight, no person of the age of twenty-one years or over shall thereafter drive any motor vehicle or trackless trolley with a capacity of more than six passengers and used for the transportation of passengers for hire, except taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce, unless specially licensed so to do by the commissioner. Such license shall not be granted until the applicant therefor has passed a satisfactory examination in ascertainment of his driving ability and familiarity with the mechanism of said vehicle and has presented evidence, satisfac-

Exceptions.

Proviso.

Special
license.

Examination.

tory to the commissioner of his previous experience, good character and physical fitness. Said license shall expire on the thirty-first day of March of each year. No person shall be granted said license unless he is also the holder of a license as provided for in section 39:3-10 of this Title.

Expiration.

Upon application for a renewal of such license the commissioner shall require evidence of physical fitness and may require evidence of continuing good character.

Renewal.

The commissioner may suspend or revoke a license granted under authority of this section for a violation of any of the provisions of this subtitle, or on other reasonable grounds, or where, in his opinion, the licensee is either physically or morally unfit to retain the same.

Revoke or suspend licenses.

The commissioner may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

Rules and regulations.

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

Section amended.

39:3-15. Any passenger type motor car, omnibus, motor vehicle used for the transportation of goods, wares and merchandise, motorcycle, 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 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 yearly period 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 of the nonresident.

Reciprocity granted.

Section
amended.

6. Section 39:3-22 of the Revised Statutes is hereby amended to read as follows:

Half registra-
tion after
October first.

39:3-22. If application is made for the registration of a motor vehicle, commercial motor vehicle, trailer, semitrailer, tractor or omnibus on or after October first in any year, the applicant shall pay only one-half of the registration fee provided for in the class to which such vehicle belongs.

Section
amended.

7. Section 39:3-24 of the Revised Statutes is hereby amended to read as follows:

License farm
machinery
using public
roads.

39:3-24. The commissioner shall license farm tractors and traction equipment used for farm operation equipped with or without rubber tires to travel upon the public highways at a speed not exceeding four miles per hour, in cases where coverings of wood or other substances are attached to the wheels in such manner as to present a smooth surface to the highways and in accordance with the regulations the commissioner adopts. The fee for the license shall be three dollars (\$3.00) per annum, whether the license is issued for the yearly period or only a portion thereof. The commissioner may, in his discretion, allow such traction engines or farm tractors to draw agricultural machinery and implements while in transit from one farm to another without additional license therefor.

Fee.

Section
amended.

8. Section 39:3-26 of the Revised Statutes is hereby amended to read as follows:

License
well-drilling
machinery.

39:3-26. In addition to the motor vehicle licenses authorized to be issued pursuant to the provisions of this chapter, the commissioner is authorized and empowered to license traction or tractor well-drill machines or well-drilling equipment, however mounted, whether or not such vehicles be equipped with rubber tires, which license shall permit such vehicles to travel upon the public highways of this State in accordance with the provisions of this chapter. The fee for such license shall be three dollars (\$3.00) per annum, whether such license shall be issued for the yearly period or only for a portion thereof.

Fee.

Act effective.

9. This act shall take effect on October one, one thousand nine hundred and thirty-eight.

Approved April 4, 1938.

CHAPTER 67

AN ACT concerning associations to furnish public health services.

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

1. The term "municipality," when used in this act, shall mean any township or incorporated municipality in New Jersey. The term "board of health," when used in this act shall mean the board of health in any municipality or township organized under the provisions of Title 26, chapter three, article one, Revised Statutes or other body having the powers of a board of health.

Terms defined.

2. Boards of health of two or more municipalities are hereby authorized to form an association to furnish such boards with public health services. Any board of health which desires to participate in such an association shall express its intention so to do by resolution. An association formed under the provisions of this act shall be known as a "Regional Health Commission."

Formation of "Regional Health Commission."

3. A regional health commission shall consist of two members from each board of health participating therein except that when more than seven boards of health participate, the commission shall consist of one member from each board.

Members.

4. A regional health commission shall arrange annually with each board of health participating therein as to the nature and amount of public health services, approved by the Director of Health of New Jersey, to be furnished by the said commission to such board of health and the sum to be paid by the board of health to the commission for such services. It shall report annually to each board of health participating therein, and to the State Department of Health, regarding its activities for the year.

Arrangement for public health service.

Annual report.

Authorized
to receive
funds.

Treasurer
bonded.

Payments
by municipi-
palities.

Assistants
and salaries.

Appointment
of employees.

Not to act
without
appointment.

Construing.

5. A regional health commission shall have authority to receive funds from any source and expend such funds to furnish public health services to each board of health participating therein. The treasurer of a regional health commission shall be required to furnish bond in such amount and in such form as shall be approved by said commission. Said treasurer is authorized to pay from funds received by him for the use of the regional health commission bills approved by such commission. The treasurer of any municipality, the board of health of which participates in a regional health commission, is authorized to pay to the treasurer of the regional health commission such sum available for the use of the local board of health as may be approved by such board.

6. A regional health commission may employ a health officer, as hereinafter provided, to serve in part or all of the area in which it is rendering service who shall devote his full time to the duties of his office, and such inspectors, nurses, clerks and other employees, as may be necessary to perform the services it is authorized and has agreed to render. It shall fix the terms of office and the salaries of its employees.

7. A regional health commission shall be subject to the same restrictions in the appointment of employees as apply to a local board of health under the provisions of section 26:3-20 of the Revised Statutes.

8. Before any person employed by a regional health commission shall act as an agent of a local board of health in any municipality, he shall be so appointed by such board.

9. Nothing in this act shall be construed to prohibit a board of health participating in a regional health commission from retaining persons already in its employ, but the work of such persons, insofar as it relates to matters over which the health officer furnished by the regional health commission has

supervision in the municipality, shall thereafter be directed by such health officer.

10. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 68

AN ACT authorizing the governing body of any municipality to appropriate money in the aid of free public libraries and reading rooms, and amending section 40:54-35 of the Revised Statutes.

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

1. Section 40:54-35 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

40:54-35. The governing body of any municipality may appropriate and raise such sum of money, not exceeding six thousand dollars annually, as in its judgment may be deemed necessary to aid libraries and reading rooms in serving any such municipality, whether such libraries or reading rooms be located in such municipality or in an adjoining municipality; *provided*, the person or corporation owning or controlling any library and reading room receiving and accepting such aid shall keep the same open free to the use of the public at all reasonable hours except Sundays and holidays.

May make
appropriation
for libraries.

Proviso.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 69

AN ACT to extend the exceptions to the provisions of the fireworks regulation law so they shall include the manufacture of signals and the manufacture and use of fusees necessary for the safe operation of railroads, steamboats, or aircraft, and amending section 21:2-4 of the Revised Statutes.

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

Section
amended.

1. Section 21:2-4 of the Revised Statutes of New Jersey is amended to read as follows:

Construing
application
of act.

21:2-4. Nothing in this chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, to the military or naval forces of the United States, to the duly authorized militia of the State, or to the use and manufacture of signals and fusees necessary for the safe operation of railroads, steamboats or aircraft.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 70

AN Act to amend an act entitled "An act to repeal an act entitled 'An act providing for the assessment and taxation of lands owned by or held in trust for the State for park purposes,' approved December seventh, one thousand nine hundred and thirty-three, and providing for the refund or credit towards future taxes to municipalities making payments under said law," approved June third, one thousand nine hundred and thirty-seven, being App. A:4-12.2 to App. A:4-12.3 of the Revised Statutes.

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

1. Section two of the act entitled as above, being App. A:4-12.2 of the Revised Statutes, is amended to read as follows:

Section
amended.

Wherever any municipality has made payment of State, State school and county taxes based on ratables created by the act repealed by this act and when said municipality has failed to receive from the State of New Jersey any appropriation as provided for in the act of which this act is a repealer, said municipality shall be permitted to receive a refund from the State of New Jersey or be permitted to credit payments made under said act towards future State, State school and county taxes. Whenever any county has credited to any municipality or municipalities, payments of State, State school and county taxes, it shall be lawful for said county to withhold the amount of the State tax and the State school tax so credited from any future payment due from said county to the State of New Jersey for State and State school taxes due from said county.

May have
refund or
credit future
payments.

May withhold
future taxes.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 71

AN ACT concerning appeals from the orphans' court to the prerogative court, and amending section 2:31-94 of the Revised Statutes.

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

1. Section 2:31-94 of the Revised Statutes is hereby amended to read as follows:

Appeal to be
taken in
thirty days.

2:31-94. An appeal to the prerogative court, authorized by section 2:31-93 of this Title, from an order or decree of the orphans' court of whatever nature shall be taken within thirty days after the making of the order or decree, unless otherwise specially provided.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 72

AN ACT concerning practice in the division of small claims of district courts, and amending section 2:32-351 of the Revised Statutes.

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

Section
amended.

1. Section 2:32-351 of the Revised Statutes is hereby amended to read as follows:

Definitions.

2:32-351. As used in this article, "clerk" includes an assistant clerk and "attorney" includes an attorney-at-law, one of a number of partners or joint plaintiffs acting for all, or an officer, manager or local manager of a corporation or partner-

ship acting for it except, however, that in a contested case an officer, manager, or local manager of a corporation shall appear only by an attorney-at-law.

Approved April 4, 1938.

CHAPTER 73

AN ACT concerning the regulation of the sale of fertilizers and other preparations for soils and amending sections 4:9-6, 4:9-8, 4:9-9 and 4:9-13 of the Revised Statutes.

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

1. Section 4:9-6 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

4:9-6. If it is discovered after a commercial fertilizer is registered in this State that the registration is in violation of any provisions of this article, or if the State Chemist is not permitted to verify the statement of tonnage sold, the State Chemist may cancel such registration.

May cancel
registration.

2. Section 4:9-8 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

4:9-8. For the purpose of defraying the expenses connected with the inspection of commercial fertilizer sold or offered for sale in this State and experiments relative to the value thereof, all persons engaged in the manufacture or sale of commercial fertilizer shall, on April first and November first of each year, make a statement under oath in due form of law, which shall be prescribed by and filed with the State Chemist or his deputy, and which shall set forth the number of net tons of fertilizer or fertilizer materials, sold since the preceding report; and upon such statement shall pay

Report and
tax on net
tonnage sold.

to the New Jersey State agricultural experiment station the sum of fifteen cents per net ton of two thousand pounds.

Construing.

Nothing contained in this section shall apply to fertilizers passing through the State in transit; or to the delivery of fertilizer materials to fertilizer factories for manufacturing purposes.

Section amended.

3. Section 4:9-9 of the Revised Statutes is hereby amended to read as follows:

Certain fees refunded.

4:9-9. The registration fees paid for brands that are not accepted for registration shall be returned to the party making the application for registration. All other fees received by the experiment station shall be forwarded to the treasurer of the State and, after appropriation according to law, shall be expended under the authority of the director of the experiment station in defraying the expenses of inspecting and analyzing commercial fertilizers, and in the printing of bulletins containing the results of the inspections. If there is a surplus it shall be used by the experiment station, under the authority of the director, for experiments and research relative to soils, fertilizers and manures and for the publication of the results obtained.

Fees paid into State.

Use of surplus.

Section amended.

4. Section 4:9-13 of the Revised Statutes is hereby amended to read as follows:

Person:

4:9-13. A person who:

Sells fertilizer under standard;

a. Shall sell fertilizer found by analysis made by the State Chemist, not to contain substantially the guaranteed percentage of any one of the ingredients mentioned in the guaranteed analysis in accordance with section 4:9-2 of this Title;

False guarantee;

b. Shall label any fertilizer with a false or inaccurate guarantee;

Opposes officials;

c. Shall oppose the entrance of the State Chemist or his deputy to any building, or in any way interfere with the discharge of his duty; or

Sale;

d. Having sold any quantity of a commercial fertilizer;

Required statement;

1. Shall fail to make the required statement of tonnage sold or to pay the fees thereon;

2. Shall render a false statement; Falsifies;
 3. Shall pay fees in accordance with a false statement; or False fees;
 4. Shall fail to allow the State Chemist to verify the statement of tonnage sold; Verifying;
 - e. Shall violate any of the provisions of this article— Violations.
- Shall be liable to a penalty of one hundred dollars for the first offense and not less than one hundred nor more than one thousand dollars for each subsequent offense, to be sued for and recovered by and in the name of the director of the experiment station in the manner provided in article one of chapter twenty-three of this Title (§4:23-1 et seq.). Penalties.
- If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period not exceeding one hundred days. Imprisonment on failure to pay charges.
- In case a defendant shall after conviction of any violation of this article be again convicted and shall fail to pay forthwith the amount of the penalty imposed, the court shall commit him to jail in the manner above set forth for any number of days not exceeding two hundred. Imprisonment after conviction.
5. This act shall take effect immediately.
- Approved April 4, 1938.

CHAPTER 74

AN ACT concerning the regulation of the sale of feeding stuffs for livestock and poultry, and amending sections 4:4-3, 4:4-9, 4:4-11 and 4:4-17 of the Revised Statutes.

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

Section
amended.

1. Section 4:4-3 of the Revised Statutes is hereby amended to read as follows:

Certain duties
in connection
with sale of
feeding stuff:

4:4-3. A manufacturer, importer, jobber or other person desiring to sell, offer or expose for sale or distribute any commercial feeding stuff in this State shall on January first of each year file:

Information;

a. A certified statement on blanks furnished by the State Chemist giving the information required in section 4:4-2 of this Title, with the exception of the net weight of the package:

Agents;

b. A list of the principal agents or dealers throughout the State with their addresses; and

Permit to
examine books.

c. A permit allowing the State Chemist or his deputy to examine the books of the person registering the brand to verify if necessary the reports of the person as to tonnage sold.

Sample
supplied.

The certified statement shall be accompanied, when requested by the State Chemist, by a sealed package containing at least one pound of the commercial feeding stuff to be sold, offered or exposed for sale or distributed in this State, and the person furnishing the sample shall thereupon make affidavit that the sample is representative of the commercial feeding stuff offered for registration.

Fee.

Each application for registration shall be accompanied by a registration fee of fifty cents for each brand enumerated.

2. Section 4:4-9 of the Revised Statutes is hereby amended to read as follows:

Section amended.

4:4-9. To defray the expenses connected with the inspection of commercial feeding stuffs sold or offered for sale in this State and experiments relative to the value thereof, all persons engaged in the manufacture or sale of commercial feeding stuffs shall pay to the State Chemist the sum of eight cents per net ton of two thousand pounds of such feeding stuffs sold.

Expense charges paid to State Chemist.

Every such person shall, on July first and January first of each year, file with the State Chemist a statement, under oath and in the form prescribed by the State Chemist, setting forth the number of net tons of such feeding stuffs sold during the preceding six months. Payment shall be made upon such statement.

Semiannual statement.

This section shall not apply to commercial feeding stuffs in transit through the State.

Exception.

3. Section 4:4-11 of the Revised Statutes is hereby amended to read as follows:

Section amended.

4:4-11. The registration fees paid for brands that are not accepted for registration shall be returned to the party making the application for registration. All other fees collected by the State Agricultural Experiment Station shall be paid to the State Treasurer, and after being appropriated as provided by law shall be expended under the authority of the director of the State Agricultural Experiment Station in defraying the expenses of the inspection, chemical and other examination of commercial feeding stuffs, in the printing of bulletins giving the results of the inspection, for experiments and other agricultural activities as may seem to be to the greatest advantage, and in the publication of bulletins giving the results of these activities.

As to fees.

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

Section amended.

4:4-17. Any manufacturer, importer, jobber or other person who shall:

Persons:

Failing to make statement;	a. Fail, after having sold, offered or exposed for sale or distributed in this State any commercial feeding stuff, to make the required statement of tonnage sold and pay the fees thereon;
Falsifying;	b. Render a false statement and pay fees in accordance therewith;
Preventing duties;	c. Impede, obstruct, hinder or otherwise prevent or attempt to prevent the State Chemist or his authorized agent in the performance of their respective duties in connection with the provisions of this article;
Not complying with requirements;	d. Sell, offer or expose for sale or distribute in this State any commercial feeding stuff as defined in section 4:4-1 of this Title, without complying with the requirements of this article;
Selling feeding stuff not standard;	e. Sell, offer or expose for sale or distribute in this State any commercial feeding stuff which contains a smaller per centum of crude protein or crude fat or a larger per centum of crude fiber than has been certified to be contained therein;
Fail to state ingredients;	f. Fail to state properly the specific name of each and every ingredient used in its manufacture; or
Adulteration.	g. Mix or adulterate any feeding stuff with any substance or substances injurious to the health of livestock or poultry;
Penalty.	shall be guilty of a violation of the provisions of this article, and upon conviction thereof shall pay a penalty of not less than twenty-five nor more than one hundred dollars for the first offense, and not less than one hundred nor more than two hundred dollars for each subsequent offense.

5. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 75

AN ACT concerning the disposition of moneys received from the payment of fines, penalties and forfeitures imposed and collected by any municipality in connection with the operation of motor vehicles, and amending sections 39:5-40 and 39:5-41 of the Revised Statutes.

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

1. Section 39:5-40 is hereby amended to read as follows:

Section
amended.

39:5-40. Except as otherwise provided by this subtitle, or by any other law, all moneys received in accordance with the provisions of chapter three of this Title (39:3-1 et seq.) and of sections 39:4-48 to 39:4-54, 39:4-63, 39:4-73 and 39:4-75 of this Title, whether from fines, penalties, registration fees, license fees, or otherwise, shall be accounted for and forwarded to the commissioner, who shall pay the same over to the State Treasurer, to be credited to the State highway fund and used for the purposes of such fund as provided by section 52:22-20 of the Title State Government, Department and Officers.

All receipts
paid into
State
Treasury.

Credited to
highway fund.

All fines, penalties and forfeitures imposed and collected under authority of law by a municipality for any violations of said chapter three and of said sections 39:4-48 to 39:4-54, 39:4-63, 39:4-73 and 39:4-75 shall be forwarded by the magistrate to whom the same have been paid to the proper financial officer of the county wherein the same were collected to be used by such county for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of right-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. This para-

Receipts by
municipality
paid into
county fund.

Use.

Exception.	graph shall not apply to any fines, penalties or forfeitures imposed and collected as the result of a complaint instituted by the commissioner or a member of his staff or the department of State Police.
Section amended.	2. Section 39:5-41 is hereby amended to read as follows:
Receipts accounted for by magistrate.	39:5-41. Except as otherwise provided therein, moneys received under chapter four of this Title (39:4-1 et seq.), except sections 39:4-48 to 39:4-54, 39:4-63, 39:4-73 and 39:4-75, shall be by the magistrate accounted for and forwarded to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of right-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. All moneys received as a result of a complaint instituted by the commissioner, or a member of his staff or of the State Police, shall, however, be by the magistrate accounted for and forwarded to the commissioner and by him paid over to the State Treasurer, to be credited to the State highway fund and used for the purposes of such fund as provided by section 52:22-20 of the Title State Government, Departments and Officers.
Use.	
Credit.	
	3. This act shall take effect immediately.
	Approved April 4, 1938.

CHAPTER 76

AN ACT concerning civil service employees of this State, counties, municipalities and school districts and supplementing Title 11 of the Revised Statutes.

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

1. No employee shall be suspended, fined or demoted for a period of greater than thirty days in the aggregate in any one year without the same right of appeal to the commission, which shall have the same power of revoking or modifying the action of such authority, as in the case of removal as provided in sections 11:15-2 to 11:15-6 of the Revised Statutes. No such employee shall be suspended, fined or demoted for a period greater than five days at one time without the same right of appeal, with the same authority in the commission as aforesaid. Right of appeal.

2. All acts or parts of acts inconsistent herewith are hereby repealed and this act shall take effect immediately. Repealer.

Approved April 4, 1938.

CHAPTER 77

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-eight.

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

Average
rate of
taxation.

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-eight, is hereby extended to June thirtieth, one thousand nine hundred and thirty-eight, 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 April 4, 1938.

CHAPTER 78

AN ACT concerning education, providing tenure for persons holding secretarial and clerical positions under any board of education or in the school system of this State, and amending sections 18:5-51, 18:6-27 and 18:7-56 of the Revised Statutes.

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

1. Section 18:5-51 of the Revised Statutes be and the same is hereby amended so that it shall read as follows: Section amended.

18:5-51. No secretary, district clerk, assistant secretary, or business manager of any board of education in any municipality having a population in excess of twenty-five thousand, devoting his full time to the duties of his office, after three years' service, shall be discharged, dismissed, or suspended from office, nor shall his compensation be decreased, except upon a sworn complaint for cause and upon a hearing had before the board. Permanency of clerk, secretary.

Upon the filing of the complaint, a copy thereof, certified by the clerk as a true copy, shall be served upon such respondent at least five days before the hearing and he shall have the right to be represented by counsel at such hearing. Service of complaint.

If, upon the hearing, it shall appear that the person charged is guilty of neglect, misbehavior, or other offense set forth in the complaint, then the board may discharge, dismiss, or suspend him or reduce his compensation, but not otherwise. Action on hearing.

All persons holding any secretarial or clerical position under any board of education, or under any officer thereof, in the school system in this State, shall enjoy tenure of office or position during good behavior and efficiency, after the expira- Tenure.

	tion of a period of employment of three consecutive calendar years in that district, unless a shorter period be fixed by the employing board, body or person; or after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year; <i>provided, however</i> , that the time any such full time
Proviso.	employee has served in the district in which he or she is employed at the time this act shall become operative shall be counted in determining such period of employment. An academic year shall be interpreted to mean the period between the time school opens in the district after the general summer vacation and the next succeeding summer vacation. No such employee shall be dismissed or subjected to reduction in salary except for inefficiency, incapacity, unbecoming conduct or other just cause, and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the secretary or clerk of the board of education, and after the charge shall have been examined into and found to be true in fact by such board of education, upon reasonable notice to the person charged, who may be represented by counsel at the hearing.
Academic year.	
Dismissal or reduction.	
Section amended.	2. Section 18:6-27 of the Revised Statutes be and the same is hereby amended so that it shall read as follows:
Officers of school board.	18:6-27. The board shall appoint a person to be its secretary, and may appoint a superintendent of schools, a business manager, and other officers, agents, and employees as may be needed, and may fix their compensation and terms of employment, but no such appointee, officer, agent, or employee, other than the secretary, shall be a member of the board.
Compensation.	
Tenure.	All persons holding any secretarial or clerical position under any board of education, or under any officer thereof, in the school system in this State, shall enjoy tenure of office or position during good behavior and efficiency, after the expiration

of a period of employment of three consecutive calendar years in that district, unless a shorter period be fixed by the employing board, body or person; or after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year; *provided, however*, that the time any such full time employee has served in the district in which he or she is employed at the time this act shall become operative shall be counted in determining such period of employment. An academic year shall be interpreted to mean the period between the time school opens in the district after the general summer vacation and the next succeeding summer vacation. No such employee shall be dismissed or subjected to reduction in salary except for inefficiency, incapacity, unbecoming conduct or other just cause, and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the secretary or clerk of the board of education, and after the charge shall have been examined into and found to be true in fact by such board of education, upon reasonable notice to the person charged, who may be represented by counsel at the hearing.

Proviso.

Academic
year.Dismissal
or reduction.

Charges.

Hearing.

3. Section 18:7-56 of the Revised Statutes be and the same is hereby amended so that it shall read as follows:

Section
amended.

18:7-56. The board may make, amend and repeal rules, regulations and by-laws, not inconsistent with this Title or with the rules and regulations of the State Board of Education, for its own government, the transaction of business, the government and management of the public schools and the public school property in the district, and for the employment and discharge of principals and teachers.

Rules, regu-
lations, etc.

All persons holding any secretarial or clerical position under any board of education, or under any officer thereof, in the school system in this State, shall enjoy tenure of office or position during

Tenure of
clerks or
officers.

	good behavior and efficiency, after the expiration of a period of employment of three consecutive calendar years in that district, unless a shorter period be fixed by the employing board, body or person; or after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year;
Proviso.	<i>provided, however,</i> that the time any such full time employee has served in the district in which he or she is employed at the time this act shall become operative shall be counted in determining such period of employment. An academic year shall be interpreted to mean the period between the time school opens in the district after the general summer vacation and the next succeeding summer vacation. No such employee shall be dismissed or subjected to reduction in salary except for inefficiency, incapacity, unbecoming conduct or other just cause, and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the secretary or clerk of the board of education, and after the charge shall have been examined into and found to be true in fact by such board of education, upon reasonable notice to the person charged, who may be represented by counsel at the hearing.
Academic year.	
Dismissal or reduction.	
Charges.	
Hearing.	
	4. This act shall take effect immediately.
	Approved April 4, 1938.

CHAPTER 79

AN ACT concerning alcoholic beverages, and amending section 33:1-2 of the Revised Statutes.

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

1. Section 33:1-2 of the Revised Statutes is hereby amended to read as follows:

33:1-2. It shall be unlawful to manufacture, sell, possess with intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix, process, bottle or distribute alcoholic beverages in this State, except pursuant to and within the terms of a license, or as otherwise expressly authorized, under this chapter; but any drink actually intended for immediate personal consumption may be mixed by any person; and alcoholic beverages intended in good faith to be used solely for personal consumption may be transported in any vehicle from a point within this State to the extent of, not exceeding one-half barrel, or two cases containing not in excess of twenty-four quarts in all, of beer, ale or porter, and five gallons of wine and twelve quarts of other alcoholic beverages within any consecutive period of twenty-four hours, and from a point outside this State to the extent of, not exceeding one-fourth barrel or one case containing not in excess of twelve quarts in all, of beer, ale or porter, and one gallon of wine and one gallon of other alcoholic beverages within any consecutive period of twenty-four hours. If any person or persons desire to transport alcoholic beverages intended only for personal consumption in quantities in excess of those above-mentioned, an application may be made to the commissioner who may, upon being satisfied of the good faith of the applicant, and upon payment of a fee of five dollars issue a special permit limited by such con-

Section amended.

Acting under terms of license.

Mixing drinks.

Transportation.

Special quantity transported.

Fee.

ditions as the commissioner may impose, authorizing such transportation of alcoholic beverages in quantities in excess of those above-mentioned.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 80

AN ACT concerning municipalities and counties, and amending section 40:11-13 of the Revised Statutes.

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

Section
amended.

1. Section 40:11-13 of the Revised Statutes is hereby amended to read as follows:

Reinstatement
of
certain
officials.

40:11-13. If any officer, employee or member of any such department has been since January first, one thousand nine hundred and thirty-three, demoted or removed solely on the ground of economy and for no other reason, in the case of new appointments to such departments the persons so demoted or removed on the ground of economy shall first be reinstated to such department and to the rank from which he was removed if such rank is retained in such department. Nothing contained herein shall be construed as affecting existing civil service or veterans' preference laws.

As to civil
service.

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

Repealer.

3. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 81

A SUPPLEMENT to an act entitled "An act authorizing and empowering the State Highway Commissioner to enter into contracts and make commitments necessary to receive the benefit of appropriations made available by the United States Government for the relief of unemployment," approved February twenty-fifth, one thousand, nine hundred and thirty-eight.

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

1. In order to expedite the commencement of work on projects to be financed from funds to be expended by the Works Progress Administration and applied for pursuant to the provisions of the act to which this act is a supplement, the State Highway Commissioner may award contracts after advertising for bids for at least one week. Such publication shall be at least once in each of two newspapers printed in the county where the project is located, and at least once in a newspaper in Trenton, and may be inserted in one or more American Engineering Periodicals. The advertisement shall give a brief description of the work and materials required, specify where plans and specifications can be seen, or had, the hour, date and place where the sealed proposals will be received and publicly opened and read, and such other pertinent information as the commissioner may include.

Awarding contracts.

Advertising.

Description.
 2. The provisions of this act shall apply only to projects undertaken pursuant to the provisions of the act to which this act is a supplement.

Application of act.
 3. This act shall take effect immediately.
- Approved April 4, 1938.

CHAPTER 82

AN ACT to regulate the sale of certain poultry commonly known as "baby chicks" and providing penalties for the violation thereof.

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

Permit to
sell baby
chicks.

1. Before any baby chicks are offered for sale at any auction or auction sale barn or community sale, except public sales conducted by farmers selling baby chicks reared on their own premises, a permit shall be secured from the Secretary of Agriculture to offer such baby chicks for sale.

Application
for permit.

2. Any person who desires to offer baby chicks for sale at any auction or auction sale barn or community sale, shall apply for a permit so to do to the Secretary of Agriculture on a form which shall be prescribed and furnished by him. The application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breed of the chicks which are to be offered for sale and the person by whom they were produced, and shall be accompanied by a fee in the sum of five dollars (\$5.00) for each and every day or fraction thereof during or on which it is proposed to sell such baby chicks. The chief of the Bureau of Animal Industry is hereby authorized in his discretion to grant or to deny the permit requested in such application, and, if deemed necessary or advisable, to require the applicant to submit a certificate, in such form as the Secretary of Agriculture may prescribe, certifying that the baby chicks which are to be offered for sale are in a healthy condition and free from

Details of
application.

Fee.

Action on
application.

such diseases as the Secretary of Agriculture may designate.

3. Before any such chicks are offered for sale, or sold, each box, crate, coop or other container shall be plainly labeled with appropriate statements designating the kind and number of chicks in each such container, the date on which such chicks were hatched and by whom hatched, and any other representations made at or prior to the time of sale relative to the purity of the breed, the freedom of such chicks from disease, such as chick bronchitis, coccidiosis and official certification that tests have been made on the parent stock for pul-lorum disease and such flock is certified Pullorum-Clean.

Statements
on crates or
containers.

Freedom
from disease.

4. Within three days after the sale shall have been held, the person who conducted the sale shall send a statement to the Secretary of Agriculture giving a complete list of the number and kind of baby chicks sold at such sale, the name and address of each purchaser, together with a copy of the representations and guarantees made in relation thereto, if any were made by the person who conducted such sale, and the person conducting such sale shall be held to have had full knowledge of the representations and guarantees made at the time of such sale and shall be as fully responsible and liable for any such representations and guarantees as is the person who set forth such representations and guarantees on the containers as provided in section three of this act.

Report of sale.

Respon-
sibility.

5. The term "baby chick" as used in this act means any domestic fowl under the age of six weeks. The term "person" included also firms and corporations.

Definitions.

6. Any person who violates any provision of this act, or the regulations made under this act for carrying out its provisions, or who fails or refuses to comply with or with intent to deceive, or who answers or reports falsely in response to any requirements of this act, or who willfully interferes with the Secretary of Agriculture, his employees

Violation
of act a
misdemeanor.

or agents, in the carrying out of his duties prescribed in this act shall be guilty of a misdemeanor.

Penalty.

7. Any person convicted of violating any of the provisions of this act shall for the first offense be liable to a penalty not exceeding twenty-five dollars (\$25.00) and for any subsequent offense shall be liable to a penalty not exceeding fifty dollars (\$50.00). An action for the recovery of a penalty for the violation of any of the provisions of this act shall be in the nature of an action in debt and the same may be instituted and the penalty recovered either in the district court of any city or judicial district or in the small cause court of any county or before the police magistrate or the recorder of any city, town, township, borough or village. Jurisdiction is hereby conferred upon the district court, and on the small cause court, and on the police court and the recorder's court of any city, town, township, borough or village of this State to hear and determine actions instituted under this act, it being the intent hereof to confer jurisdiction upon the said small cause court, the police court, and the recorder's court in jurisdictions where a district court exists, notwithstanding any law of this State providing that no justice of the peace or small cause court shall have jurisdiction over any case or proceeding cognizable before a district court where the defendant or defendants reside within any city or judicial district where a district court is established and notwithstanding any law of the State prohibiting any justice of the peace resident within the limits of any city or judicial district where a district court is established from exercising any civil jurisdiction.

Recovery
of penalty.

Jurisdiction
of courts.

Regulations.

8. The Secretary of Agriculture is authorized to make and promulgate such regulations as may be necessary to carry out the provisions of this act.

9. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 83

AN ACT to add Route 55 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, so soon as practicable and in accordance with the procedure set forth in article one of chapter seven of Title 27 of the Revised Statutes, lay out and construct as an addition to the present State highway system, the following described route:

Route 55. Beginning at the present easterly terminal of the State Highway Route 48 at the division line between the township of Egg Harbor and the city of Atlantic City at Jonathan's Thorofare and extending in a southeasterly direction along the lines of the present Pleasantville boulevard to the southeasterly end of the bridge, over Inside Thorofare, in Atlantic City, Atlantic county, New Jersey.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 84

AN ACT to add Route 56 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, so soon as practicable and in accordance with the procedure set forth in article one of chapter seven of

Title 27 of the Revised Statutes, lay out and construct as an addition to the present State highway system, the following described route:

Route 56.

Route No. 56. Beginning at the southeasterly terminal of State Route 43 at its junction with the Ocean highway, being the northwesterly terminal of the Absecon boulevard, in Absecon City, Atlantic county, New Jersey, and extending in a southeasterly direction along the lines of the present Absecon boulevard, the several courses thereof, to the southeasterly end of the bridge over Beach Thorofare in Atlantic City, Atlantic county, New Jersey.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 85

AN ACT to add Route 24N to the State highway system.

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

Additional
road.

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, lay out and construct as an addition to the present State highway system the following described route:

Route 24N.

Route No. 24N—Starting at the intersection of Roseberry street and Route 24 at the division line between the town of Phillipsburg and Lopatcong township from thence through the town of Phillipsburg in a generally westerly direction to the Plaza of the Bushkill street bridge of the Delaware River Joint Toll Bridge Commission at the intersection of North Main street and Meadow avenue.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 86

AN ACT concerning the display of the State flag.

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

1. The State flag may be displayed on all occasions and in such manner as it shall be appropriate and lawful to display the flag of the United States.

Display of
State flag.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 87

AN ACT authorizing the sale or leasing of park lands in certain cases.

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

1. Whenever a municipality has reclaimed lands under water fronting or abutting park lands and such reclaimed lands have been bulkheaded and filled and are now used for park purposes, the municipality may sell any part or parts, parcel or parcels of park land not so reclaimed provided that the total area of park lands so sold shall not exceed in area the area of such reclaimed lands.

Sale of
unreclaimed
park land.

2. All such sales shall be by public sale to the highest bidder, after public advertisement thereof in a newspaper circulating in the municipality in which such 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. The governing body of the 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 advertise-

Notice of
proposed sale.

Upset price.

ment 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.

If unsold
land may
be leased.

3. In the event that there shall be no bids or the amount bid at such public sale shall not equal the minimum price fixed by resolution of the governing body, then the municipality in lieu of making sale thereof is authorized to lease said lands for a term not exceeding thirty years, at such rental and upon such conditions, terms and limitations as shall be determined upon by resolution of the governing body of such municipality.

Use of
proceeds.

4. The proceeds of the sale or leasing of any property under this act shall be used for the retiring of any bonds issued for the purchase or improvement of such property or to reduce taxes.

5. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 88

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.

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

Payment
to Teachers'
Pension Fund.

1. There shall be paid to the Teachers' Pension and Annuity Fund the sum of four million eight hundred ninety thousand three hundred and ninety-

eight dollars (\$4,890,398.00) 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 fully paid. 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 four million eight hundred ninety thousand three hundred and ninety-eight dollars (\$4,890,398.00) before payment is made therefrom for any other purpose. The said sum of four million eight hundred ninety thousand three hundred and ninety-eight dollars (\$4,890,398.00) 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-eight, up to and including such date in the year one thousand nine hundred and forty-two as the said sum of four million eight hundred ninety thousand three hundred and ninety-eight dollars (\$4,890,398.00) shall be paid. Said interest shall be paid semiannually out of the General State fund by the Treasurer of this State. When this bill becomes a law no payment shall 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-eight.

Interest.

No payment
in 1938.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 89

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 thirty-nine 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 funds
derived from
tax on motor
fuel.

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 July, one thousand nine hundred and thirty-eight.

Funds not
certified in
1939.

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 thirty-nine 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.

Approved April 4, 1938.

CHAPTER 90

AN ACT authorizing the treasurer of this State to transfer the sum of one million one hundred and thirty thousand dollars (\$1,130,000.00) from the Grade Crossing Elimination Fund to the State Financial Assistance Commission, or its successor or successors in office.

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

1. The treasurer of this State is hereby authorized to transfer from the Grade Crossing Elimination Fund the sum of one million one hundred and thirty thousand dollars (\$1,130,000.00) to the State Financial Assistance Commission, or its successor or successors in office. Such transfer shall be made by draft immediately upon this bill becoming a law.

Transfer
from grade
crossing fund.

2. This act shall take effect immediately.
Approved April 4, 1938.

CHAPTER 91

AN ACT authorizing the treasurer of this State to transfer from the general State fund the sum of one million dollars (\$1,000,000.00) to the State Financial Assistance Commission, or its successor or successors in office.

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

1. The treasurer of this State is hereby authorized to transfer from the general State fund the

State fund
transferred to
Financial
Assistance
Commission.

sum of one million dollars (\$1,000,000.00) 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 July, one thousand nine hundred and thirty-eight.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 92

AN Act for the appointment of a commission to study the problem of unemployment relief and defining the powers and duties of such commission.

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

Unemploy-
ment Relief
Commission.

1. There is hereby created a commission to be known as the New Jersey Unemployment Relief Commission which shall consist of eleven (11) members, five (5) of whom shall be citizens of this State to be appointed by the Governor with the advice and consent of the Senate, three (3) to be members of the Senate to be appointed by the President thereof, and three (3) to be members of the Assembly to be appointed by the Speaker of the House of Assembly. The persons so appointed shall hold their said offices for the term of two (2) years each, and until their successors are appointed and qualified. At the expiration of the terms of office in this act fixed, reappointments shall be made for like terms if there be need to continue the work of the commission upon the expiration of the terms of the members first appointed to serve thereon. Vacancies occurring for any cause shall be filled for the unexpired term only.

Term.

Reappoint-
ment.

Vacancies.

2. The commission shall be charged with the duty of inquiring into the subject of unemployment relief, and it is hereby authorized and empowered to study all problems relating thereto and to make recommendations to the Legislature with respect thereto.

Duties.

3. The commission shall organize by the selection of a chairman and secretary from among its members. It is authorized to hold hearings in any part of the State and to make rules and regulations governing the administration of this act. It shall have power to issue subpoenas signed by the chairman and secretary, to compel the attendance of witnesses and the production of books, papers and records, and any member of the commission may administer oaths to witnesses appearing before it. The majority of the commission shall constitute a quorum to do business. The commission shall annually report to the Legislature and may embody its findings and recommendations in appropriate legislation.

Organization.

Hearings.

Subpoenas and witnesses.

Quorum.

Annual report.

4. 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) or so much thereof as may be necessary.

Appropriation.

5. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 93

AN ACT concerning emergency relief.

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

Budget may
be reopened.

Object.

How ap-
propriation
made.

Copies filed
board of
taxation and
auditor.

1. Power is hereby conferred upon the governing body of any municipality of this State to reopen the budget of the year one thousand nine hundred and thirty-eight for the sole purpose of adding thereto appropriations for emergency relief. Such power is hereby conferred to make such appropriation either in the case where the budget contains no appropriation for such purpose or to increase an appropriation already made for such purpose.

2. Such appropriations shall be made by resolution of the governing body after public notice and hearing thereon. Such notice shall be published at least two days before the time set for the hearing. Certified copies of the resolution shall be filed with the county board of taxation and with the office of the State Auditor within two days after the adoption thereof and shall be effective for the purpose of fixing the tax levy of such municipality for the year one thousand nine hundred and thirty-eight in addition to the amount or amounts heretofore certified.

3. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 94

AN ACT directing the payment out of the treasury of this State to the State Financial Assistance Commission of the sum of four million eight hundred ninety thousand three hundred and ninety-eight dollars (\$4,890,398.00).

WHEREAS, There is now pending in the Legislature 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; and

Preamble.

WHEREAS, It is the intent that a like sum of money shall be taken out of the general fund of this State and utilized in aid of the poor; now, therefore,

Preamble.

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

1. The treasurer of this State is hereby authorized to transfer by draft out of the general State fund to the State Financial Assistance Commission the sum of four million eight hundred ninety thousand three hundred and ninety-eight dollars (\$4,890,398.00), which is the amount certified by the Teachers' Pension and Annuity Fund as being due during the present calendar year, and which amount is by an act now pending in the Legislature, 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

Transfer from
Teachers'
Pension Fund.

Amount.

Repayment.

Contingency.

said sum of four million eight hundred ninety thousand three hundred and ninety-eight dollars (\$4,890,398.00) to said Teachers' Pension and Annuity Fund in the year one thousand nine hundred and forty-two likewise becomes a law.

2. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 95

AN ACT for the creation and establishment of a commission consisting of sixteen members 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.

Preamble. WHEREAS, A well balanced program of sound and equitable taxation is essential to the continuance of our system of State Government; and

Preamble. WHEREAS, The property tax delinquency in our State today is evidenced by statistical data compiled by State tax authorities during the past decade furnishes abundant proof of a basic deficiency in our present system of taxation; and

Preamble. WHEREAS, The future welfare of our people under the circumstances clearly demands a comprehensive and intelligent study of the State's tax needs on a long range basis including a review of existing statute law of the State with a view to a complete revision of said law to meet existing needs; now, therefore,

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

1. There is hereby created a commission which shall consist of the State Auditor, the State Tax Commissioner, the President of the State Board of Tax Appeals, the State Comptroller, the State Treasurer, the Commissioner of Education, one member to be appointed by the executive board of the New Jersey State League of Municipalities to be designated by said board and nine members to be appointed as follows:

New Jersey
Commission
on Tax Law
Revision
created—how
composed.

Three members of the Senate to be appointed by the President thereof;

Three members of the Assembly to be appointed by the Speaker thereof, and

Three members to be appointed by the Governor. All members shall serve without compensation.

2. This commission shall organize as soon as may be after the members' appointment upon the call of the Governor and shall elect a chairman, vice-chairman and secretary from its members.

Organization.

3. The commission shall be charged with the duty of inquiring into the subject of taxation and tax proposals generally and making a complete study of all laws relating to the assessment and collection of taxes within this State (including the tax sale revision of one thousand nine hundred and eighteen found in Title 54 of the Revised Statutes under the caption "Taxation") and of determining in what respects existing tax laws of the State may most effectively be simplified, modified, rearranged, consolidated, restated and revised to insure greater efficiency in the assessment and collection of all taxes with a resulting diminution of the ever-increasing annual accumulations in municipal liens and charges.

Duties.

Determina-
tion.

4. It shall familiarize itself with the functioning of all the laws relating to taxes within this State so that it may be in a better position to determine what changes, if any, may be advantageous to the people.

Familiariza-
tion with
existing laws.

Hearings,
witnesses,
assistants.

Counsel.

Proviso.

Reporting to
Legislature
by bill.

Appropriation.

5. The said commission is authorized to hold hearings, call witnesses and to draft necessary legal and clerical assistance from the offices of the Attorney-General of the State of New Jersey and other State departments as may be required. It shall also have authority to engage such competent counsel and expert advisors on the subject of taxation as it may deem necessary to the proper accomplishment of the purpose of this act; *provided*, that the compensation to be paid such counsel or advisors shall at all times be within the limits of the appropriation hereby made.

6. The commission is directed and authorized to report to any regular or special session of the Legislatures of one thousand nine hundred and thirty-eight or one thousand nine hundred and thirty-nine and to cause to be introduced such bill or bills as in its judgment may be required for the proper carrying out of its objects.

7. For the purpose of carrying into effect this act there is hereby appropriated the sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary.

8. This act shall take effect immediately.

Approved April 4, 1938.

CHAPTER 96

AN ACT authorizing and empowering the State Military Board to convey to the borough of Dumont for municipal purposes the armory property of the State situate in the said borough.

Preamble.

WHEREAS, There is located in the borough of Dumont, in the county of Bergen, a military armory, subject to the jurisdiction of the State Military Board; and

WHEREAS, It is desired to convey said property to the said borough of Dumont for municipal purposes; therefore,

Preamble.

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

1. The State Military Board is hereby authorized and empowered to convey to the borough of Dumont for municipal purposes the armory located in said borough.

Armory
deeded to
Dumont

The transfer shall be made by an appropriate deed conveying the right, title and interest of the State of New Jersey to the said borough, and the transfer shall vest the title of said property in the governing body of the said borough of Dumont.

Authority.

2. This act shall take effect immediately.

Approved April 5, 1938.

CHAPTER 97

AN ACT to authorize the appointment of a special deputy surrogate.

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

1. Special deputy surrogate; appointment and term; oath, powers and duties. The surrogate of each county may appoint under his hand and seal, from among the employees in his office, a competent person to be known as "special deputy surrogate," who shall hold office during the pleasure of the surrogate, but no longer than the term for which the surrogate has or shall have been elected.

Special
deputy
surrogate.

2. Before he enters upon the duties of his office, the special deputy surrogate shall take and subscribe, before a judge of the court of common pleas, an oath of like form and character as that required

Oath.

Filing
appointment
and oath.

to be taken by the surrogate. The appointment, with the certificate of the oath or affirmation indorsed thereupon and attested by the judge, shall be filed in the office of the Secretary of State.

When acting
as surrogate.

3. During the absence or inability of the surrogate and the deputy surrogate, the special deputy surrogate shall have the same powers and perform all the duties conferred by law upon surrogates and deputy surrogates.

Approved April 26, 1938.

CHAPTER 98

AN ACT concerning female labor, and amending section 34:2-28 of the Revised Statutes.

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

Section
amended.

1. Section 34:2-28 of the Revised Statutes is hereby amended to read as follows:

Women
working
at night.

34:2-28. In order to protect the health of females employed in manufacturing establishments, bakeries, and laundries and by providing an adequate period of rest at night, no female shall be employed or permitted to work in any manufacturing establishment, bakery, or laundry in this State before seven o'clock in the morning or after twelve o'clock in the evening of any day; *provided*, that nothing herein contained shall apply to canneries engaged in the packing of perishable products such as fruits and vegetables or to glass manufacturing establishments.

Proviso.

2. This act shall take effect immediately.

Approved April 27, 1938.

CHAPTER 99

AN ACT validating contracts heretofore made by any city for the construction of public swimming pools in such city and providing for the financing of such contracts.

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

1. All contracts heretofore made on behalf of any city by the board of commissioners, city council, or other governing body of such city which provide for the doing of any work or the rendering of any services or for the purchase of any materials or supplies necessary for the construction of public swimming pools in said city are hereby ratified, validated and confirmed notwithstanding that said contracts require the expenditure of money in excess of the amount heretofore appropriated for the construction of such swimming pools.

Validating
contracts in
building
swimming
pools in
cities.

2. Notwithstanding anything contained in section 40:1-59 of the Revised Statutes, any payments required to be made by said city pursuant to such contracts may be financed from the proceeds of bonds heretofore or hereafter authorized to be issued for the construction of such swimming pools pursuant to and within the limitations prescribed by the local bond law.

Payments
financed
by bonds.

3. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 100

AN Act relating to contributions to the cost of laying out or constructing State Highway Route Number Twenty-one required to be made by any city under contracts heretofore made with the State Highway Department.

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

Payment
on contract
not required
in 1938.

1. It shall not be necessary for any city which shall have heretofore made with the State Highway Department any contract which requires the city to contribute to the cost of laying out or constructing the State Highway known as State Highway Route Number Twenty-one, to make any payment pursuant to such contract during the year one thousand nine hundred and thirty-eight, notwithstanding anything contained in such contract, or in any law heretofore enacted.

2. This act shall take effect immediately.
Approved April 28, 1938.

CHAPTER 101

AN Act authorizing and regulating the issuance of bonds by cities for the purpose of reimbursing current funds of the city applicable to some other purpose, for advances heretofore made for the relief of the poor.

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

Bond issue
to reimburse
advanced
funds.

1. The governing body of any city which shall have heretofore financed expenditures made for the relief of the poor of said city by advances from

current funds not lawfully available to meet such expenditures and which shall not have heretofore reimbursed such current funds for such advances, shall have power to issue bonds for the purpose of reimbursing such current funds for such advances. Bonds issued pursuant to this act shall be known as "emergency relief bonds," and shall bear interest at a rate not exceeding six per centum (6%) per annum, payable semiannually. Each issue of such bonds shall be payable in not more than eight annual installments commencing not more than one year from the date of said bonds. No annual installment of bonds shall exceed the amount of the smallest prior annual installment of such issue. All such bonds shall be authorized by an ordinance which shall state the maximum amount of bonds to be issued and the maximum rate of interest to be borne by such bonds. Such bonds shall be sold in the manner and mode of procedure prescribed for the sale of bonds in the local bond law constituting chapter one of Title 40 of the Revised Statutes. Such bonds may be issued notwithstanding any debt or other limitation prescribed by any other law but the amount of such bonds shall be included in computing the net debt in any supplemental or annual debt statement thereafter made or filed in connection with subsequent borrowing for other purposes. All matters not required to be determined by such ordinance may be determined by subsequent resolutions. Such bonds shall be general obligations of such city and tax sufficient in amount to pay the principal of and interest on such bonds shall be levied and collected by such city in the year in which the same shall become due.

2. If the governing body of any such city shall have heretofore adopted an ordinance authorizing the issuance of bonds to finance expenditures for the relief of the poor of such city pursuant to and in accordance with any act then in force, and if such ordinance states the maximum amount of bonds to be issued and the maximum rate of inter-

Title.

Rate.

Maturity.

Amount.

Author-
ization.

Sale.

Included
in debt
statement.Further
action by
resolution.

Obligation.

Payment.

In case bonds
authorized but
not issued.

est to be borne by such bonds, and if no bonds shall have been issued pursuant to said ordinance, the bonds authorized by this act may be issued pursuant to such ordinance and in accordance with this act, and no further ordinance shall be necessary to authorize said bonds.

Use of
proceeds.

3. The proceeds of the sale of bonds shall be credited as a special item of revenue in the budget of the municipality for the year one thousand nine hundred and thirty-eight; *provided*, that such proceeds are available in cash prior to the adoption of said budget.

Period of
effect.

4. This act shall take effect immediately, but shall be null and void and of no effect on June first, one thousand nine hundred and thirty-eight.

Approved April 28, 1938.

CHAPTER 102

AN ACT concerning fish and game, wild birds and animals, and amending section 23:4-12 of the Revised Statutes.

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

Section
amended.

1. Section 23:4-12 of the Revised Statutes is hereby amended to read as follows:

Certain
birds and
game
protected.

23:4-12. No person shall kill, destroy or injure, pursue with intent to kill or injure or in any manner attempt to take or injure, any anatidæ commonly known as swans, geese, brant and river and sea ducks; rallidæ, commonly known as rails, gallinules, coots and mud hens; limicolæ, commonly known as shore birds, surf snipe or bay snipe, among them being yellowlegs, plovers, willets, sandpipers, dowitchers or robin snipe, brown

backs, curlews, turnstones or calico backs, godwits or marlin, tattlers and woodcock; gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails; or any hare, commonly known as rabbit; gray, black or fox squirrels; or any other game bird or game animal, except in the manner usually known as hunting with a gun, the gun being not larger than ten gauge and held at arm's length and fired from the shoulder without rest, and/or by the use of bow and arrow, under a penalty of twenty dollars for each offense.

Use of gun
or bow and
arrow.

Penalty.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 103

AN ACT concerning the acquisition and taking of lands by the State of New Jersey, or any agency thereof, and repealing chapter two of Title 20, of the Revised Statutes.

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

1. Chapter two of Title 20, of the Revised Statutes, is hereby repealed.

Chapter
repealed.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 104

AN ACT concerning pensions for members of fire departments and fire districts, and amending section 43:16-1 of the Revised Statutes.

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

Section
amended.

1. Section 43:16-1 of the Revised Statutes be and the same is hereby amended so that the same shall read as follows:

Retirement
of police and
firemen in
fire districts
of townships.

43:16-1. In all municipalities any policeman or fireman or member of the police or fire department, including members of the fire departments of any fire district located in any township which has or shall adopt the provisions of this act, and including all police officers having supervision or regulation of traffic on county roads, who shall have served honorably in the police or fire department for a period of twenty years and reached the age of fifty years, shall, on his own application, be retired on half pay. Any member of the police or fire department including members of the fire department of any fire district as aforesaid who shall have served honorably for a period of twenty years and reached the age of sixty-five years shall be retired on half pay.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 105

AN ACT concerning the composition of certain local boards of health, and amending section 26:3-9 of the Revised Statutes.

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

1. Section 26:3-9 of the Revised Statutes be and the same is hereby amended so that henceforth it shall read as follows: Section amended.

26:3-9. The local board in every township having a population of not more than twenty thousand inhabitants shall be composed of the members of the township committee, the township assessor, and one physician to be appointed by the township committee for a term of three years from the time of his appointment and until his successor is appointed; *provided, however*, that in townships having a board of assessors, the township clerk shall be a member of the local board in the place and stead of the township assessor. Township board of health.

Proviso.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 106

AN ACT respecting the Court of Chancery.

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

1. In any suit heretofore or hereafter to be commenced in the Court of Chancery wherein it shall be thought necessary or proper to make any male Proceedings against husband and unknown wife.

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person a party defendant and it shall appear by affidavit of the complainant or his solicitor, annexed to the bill of complaint and filed therewith, that notwithstanding diligent and careful inquiry therefor, as in the case of absent defendants, the affiant has been unable to ascertain whether such male person is married or if married, has been unable to ascertain the Christian name of the wife of such male person, such action may proceed against such male person and any wife he may have by designating such male person by his proper Christian and surname and by designating any wife that such male person may have by the Christian and surname of such male person as it appears of record or otherwise, with "Mrs." prefixed thereto, and such action may proceed against such nominated wife as in the case of absent defendants whose names are known; and it shall be lawful for any such wife of said male person so designated in any suit, to plead, answer or demur, either by the name by which she shall have been made a party, or by her own Christian name, but if by the latter, she shall also state the name by which she was made a party.

Proceedings
validated.

2. Any and all proceedings had or taken in any suit against any person or persons who shall have been made a party or parties as herein provided, shall be as valid, binding and conclusive in all respects as it would have been had such person or persons been made a party by his, her or their own proper name.

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

Approved April 28, 1938.

CHAPTER 107

AN ACT respecting the Court of Chancery.

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

1. In any suit heretofore or hereafter to be commenced in the Court of Chancery wherein it shall be thought necessary or proper to make any female person a party defendant and it shall appear by affidavit of the complainant or his solicitor, annexed to the bill of complaint and filed therewith, that notwithstanding diligent and careful inquiry therefor, as in the case of absent defendants, the affiant has been unable to ascertain whether such female person is married or if married, has been unable to ascertain the Christian name of the husband of such female person, such action may proceed against such female person and any husband she may have by designating such female person by her proper Christian and surname and by designating any husband that such female person may have by the name "John Doe," husband of such female person, said name "John Doe" being fictitious, and such action may proceed against such nominated husband as in the case of absent defendants whose names are known; and it shall be lawful for any such husband of said female person so designated in any suit, to plead, answer or demur, either by the name by which he shall have been made a party, or by his own Christian name, but if by the latter, he shall also state the name by which he was made a party.

Action in
Chancery
proceedings
when name
of husband
unknown.

"John Doe"
action.

Lawful
proceedings.

2. Any and all proceedings had or taken in any suit against any person or persons who shall have been made a party or parties as herein provided, shall be as valid, binding and conclusive in all respects as it would have been had such person or persons been made a party by his, her or their own proper name.

Validity of
proceedings.

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

Approved April 28, 1938.

CHAPTER 108

AN ACT to enable non-testamentary trustees to state and settle their accounts in the prerogative court or the orphans' court.

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

Definition
of non-
testamentary
trustee.

1. As used in this act, the term "non-testamentary trustee" means any owner of real or personal property who holds title thereto subject to equitable duties to deal with such property for the benefit of another or others arising from an express intention to create such duties manifested otherwise than by a will or other testamentary disposition of such property.

Duties of
trustee.

2. Any non-testamentary trustee shall have the right, in addition to and not in limitation of any other remedy now or hereafter provided by law, from time to time to file with the register of the prerogative court, or to exhibit to the orphans' court, as the case may be, his intermediate account or accounts and his final account of the personal property he receives under the terms of the trust, and of the rents, issues, and profits of any real estate held in trust.

Accounts
filed.

Copies
annexed to
first paper.

3. The accountant shall annex to the first paper filed by him in the office of the register of the prerogative court or of the surrogate, as the case may be, a true copy of the trust agreement, declaration of trust, transfer of property, or other writing creating such trust and setting forth the terms thereof.

4. All persons interested in such trust shall be served by citation in the form and manner provided by section 3:10-12 of the Revised Statutes.

Citations.

5. The proceedings on accounts filed by such non-testamentary trustees shall be pursuant to and in conformity with the provisions of sections 3:10-13, 3:10-15, 3:10-16 and 3:10-17 of the Revised Statutes.

Provisions
for procedure.

6. The decree of the ordinary or orphans' court on the account and settlement of a non-testamentary trustee shall be conclusive on all parties, and shall exonerate and discharge the accountant from all demands of creditors, beneficiaries, cestuis que trust, or others, beyond the amount of the settlement, except for assets which may come to hand thereafter and be subject to the terms of the trust and in cases where a person applying for resettlement proves fraud or mistake in the account to the satisfaction of the court.

Effect of
decree.

7. The register of the prerogative court or the surrogate, as the case may be, shall receive for filing, auditing, and reporting to the court the accounts of non-testamentary trustees the same fees as are now or may hereafter be provided by law in the case of accountings by other fiduciaries.

Fees
receivable.

8. The court shall allow to any such non-testamentary trustee, upon the settlement of his account, such fees or commissions as may have been agreed upon by the instrument creating such trust; and in the absence of any express provision concerning fees and commissions, shall make such allowances therefor as would be payable to any other fiduciary for the same or similar services.

Allowance
to trustee.

Approved April 28, 1938.

CHAPTER 109

AN Act authorizing the Palisades Interstate Park Commission to grant and release to the city of New York all right, title and interest in any rights of way which it may have over and across the Catskill Aqueduct.

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

Release of
right-of-way
to city of
New York.

1. The Palisades Interstate Park Commission is hereby authorized to grant and release to the city of New York all right, title and interest in any rights of way which it may have over and across any lands in the State of New York heretofore acquired by the city of New York for the Catskill Aqueduct under the provisions of chapter seven hundred and twenty-four of the laws of nineteen hundred five of the State of New York, as amended.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 110

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, nineteen hundred and twenty-five, and which supplement was approved March tenth, one thousand nine hundred and thirty-three," being appendix A 7-7 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 is amended to read as follows: Section five amended.

5. This act shall take effect immediately, but shall become inoperative after September fifth, one thousand nine hundred and thirty-nine, 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. Duration of act.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 111

AN ACT concerning social security, and supplementing chapter twenty-one of Title 43 of the Revised Statutes.

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

Term defined.

1. The term "employment" wherever used in this chapter shall not be construed to include services performed as part-time work by a minor whose principal occupation during the school year is as a student actually attending a public or private school.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 112

AN ACT concerning building and loan associations, and amending section 17:12-52 of the Revised Statutes.

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

Section amended.

1. Section 17:12-52 of the Revised Statutes is hereby amended to read as follows:

Transfer and payment of shares.

17:12-52. When shares have heretofore been or shall hereafter be issued by any association, to, or in the name of, husband and wife, and one dies, or to, or in the name of, two or more persons designated therein as joint tenants or as joint owners, and one dies, the association may pay the matured, withdrawal, lapsed, retired or redemption value of

such shares, to, and may transfer such shares on the books of the association upon the order of, the survivor or survivors of such shareholders, and the receipt or acquittance of, or endorsement for transfer by, such survivor or survivors, shall constitute a full and complete discharge of the association from all liability at law or in equity to any person or persons by reason of such payment or transfer.

2. This act shall take effect six months from the date of its approval. Act effective.

Approved April 28, 1938.

CHAPTER 113

AN ACT concerning building and loan associations, and amending section 17:12-51 of the Revised Statutes.

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

1. Section 17:12-51 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:12-51. a. When shares in any association have heretofore been or shall hereafter be issued to, or in the name of, any person under the designation of trustee or other fiduciary for another, and whether or not a valid trust exists, the association may pay the matured, withdrawal, lapsed, retired or redemption value of such shares to, and may transfer such shares on the books of the association upon the order of, such person designated as trustee or other fiduciary; and any such association, in so doing, shall not be bound to inquire whether such person is committing a breach of a fiduciary obligation; and the receipt or acquittance of, or endorsement for transfer by, such person Transfer, payment, etc., of shares held in trust.

designated in such shares as trustee or as fiduciary as aforesaid, shall constitute a full and complete discharge of the association from all liability at law or in equity to any person or persons by reason of such payment or transfer; *always provided, however*, that this act shall have no force or effect if, at the time of the issuance of such shares or thereafter, any other notice of the existence of a trust in such shares shall have been given in writing to the association.

Proviso.

Payment of
shares upon
death of
trustee.

b. Whenever any shares of any such association shall have heretofore been issued, or shall hereafter be issued to, or in the name of, any person under the designation of trustee or other fiduciary for another, and whether or not a valid trust exists, upon the death of the one designated as trustee or other fiduciary, the amount due on said shares, together with profits or earnings, may be paid to the other person aforesaid, if of the age of sixteen years or upwards, or to the guardian of such person, if under the age of sixteen years; and the receipt or acquittance of such person, his personal representatives, or of his guardian aforesaid, shall constitute a full and complete discharge of the association from all liability at law or in equity to any person or persons; *always provided, however*, that this act shall have no force or effect if, at the time of the issuance of such shares or thereafter, any other notice of the existence of a trust in such shares shall have been given in writing to such association.

Proviso.

Act effective.

2. This act shall take effect six months from the date of its approval.

Approved April 28, 1938.

CHAPTER 114

AN ACT to provide for the punishment of any person who shall set up, keep or maintain or cause to be set up, kept or maintained any false or fraudulent books, records or accounts relating to any business or transaction affected by any State tax law, and supplementing subtitle nine of Title 54 of the Revised Statutes.

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

1. Any person who shall willfully set up, keep or maintain or shall willfully cause to be set up, kept or maintained any false or fraudulent books, records or accounts relating to any business or transaction, which, or the conduct of which, is subject to, affected by or employed in the measurement or computation of any tax imposed by any law of this State and made payable to or collectible by the State Tax Commissioner, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding one year, or by both.

False
records a
misdemeanor.

Fine.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 115

AN ACT declaring certain days to be legal holidays and regulating the maturity of commercial paper and the transaction of public business on such days, being an amendment of section 36:1-1 of the Revised Statutes.

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

Section
amended.

1. Section 36:1-1 of the Revised Statutes is hereby amended to read as follows:

Public
holidays.

36:1-1. The following days and half days in each year shall, for all purposes whatsoever as regards the presenting for payment or acceptance, and of the protesting and giving notice of dishonor, of bills of exchange, bank checks and promissory notes be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays: the first day of January, known as New Year's Day; the twelfth day of February, known as Lincoln's Birthday; the twenty-second day of February, known as Washington's Birthday; the day designated and known as Good Friday; the thirtieth day of May, known as Decoration Day; the fourth day of July, known as Independence Day; the first Monday of September, known as Labor Day; the twelfth day of October, known as Columbus Day; the eleventh day of November, known as Armistice Day; the twenty-fifth day of December, known as Christmas Day; any general election day in this State; every Saturday in the months of July and August; every Saturday in the months of September to June, both inclusive, from twelve o'clock noon until twelve o'clock midnight, which shall be a half holiday; and any day heretofore or hereafter appointed, ordered or recommended by the Governor of this State, or the

As to
Saturdays.

President of the United States, as a day of thanksgiving or fasting and prayer, or other religious observance, or as a bank holiday or holidays. All such bills, checks and notes, otherwise presentable for acceptance or payment on any of the days herein enumerated, shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding any such holiday or half holiday; but instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

Thanksgiving and religious holidays.

Payment of legal paper.

Whenever any of the days herein enumerated can and shall fall on a Sunday, the Monday next following shall, for any of the purposes herein enumerated be deemed a public holiday; and bills of exchange, checks and promissory notes which otherwise would be presentable for acceptance or payment on such Monday, shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holiday.

Observance when holiday falls on Sunday.

In construing this section, every Saturday, unless a whole holiday, shall, until twelve o'clock noon, be deemed a secular or business day, except as is hereinbefore provided in regard to bills of exchange, bank checks and promissory notes, and the days and half days herein enumerated, except bank holidays and Saturdays in the months of July and August, shall be considered as the first day of the week, commonly called Sunday, and public holidays or half holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this State, or counties of this State; but, on all other days or half days, except Sunday, such offices shall be kept open for the transaction of business.

Half holidays.

When offices kept open.

2. This act shall take effect immediately.
Approved April 28, 1938.

CHAPTER 116

AN ACT concerning the State Employees' Retirement System, and amending section 43:14-22.1 of the Revised Statutes.

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

Section
amended.

1. Section 43:14-22.1 of the Revised Statutes is hereby amended to read as follows:

May borrow
from fund.

43:14-22.1. Any member (in the State service) who has at least three years of service as a member to his credit may borrow from the Retirement System, with the approval of the retirement board, an amount not exceeding twenty-five per centum (25%) of the amount of his accumulated contributions, but not in excess of five hundred dollars (\$500.00), nor less than fifty dollars (\$50.00); *provided*, that the amount so borrowed, together with interest thereon, can be repaid by additional deductions from compensation, not in excess of ten per centum (10%) of the member's compensation, made at the same time compensation is paid to the member, but not after the attainment of age sixty.

Proviso.

Interest rate.

The amount so borrowed, together with interest at the rate of six per centum (6%) per annum on any unpaid balance thereof, shall be repaid to the Retirement System in equal installments by deduction from the compensation of the member at the time the compensation is paid and in such amounts as the retirement board shall approve, but such installments shall be at least equal to the member's contribution to the Retirement System and at least sufficient to repay the amount borrowed with interest thereon by the time the member attains age sixty. Not more than two loans may be granted to any member in any fiscal year, and the board of trustees may establish rules fixing a minimum charge for each loan. Notwithstanding any other

Limits
number of
loans.

law affecting the salary or compensation of any person or persons to whom this act applies or shall apply, the additional deductions required to repay the loan shall be made. One-third of the interest paid on the loan shall be credited to proper fund of the Retirement System. Any unpaid balance of a loan at the time any benefit may become payable before the attainment of age sixty, shall be deducted from the benefit otherwise payable.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 117

AN ACT to validate bonds of municipalities heretofore issued.

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

1. All bonds of any municipality heretofore issued and sold to the Federal Emergency Administration of Public Works and signed by two or more officers of such municipality are hereby ratified, validated and confirmed as the legal and validly binding obligations of such municipality in accordance with their terms notwithstanding the fact that certain of said bonds do not mature within the period provided by law; *provided*, that such bonds bear interest at a rate or rates not exceeding six per centum (6%) per annum and the municipality received in payment of said bonds not less than par and accrued interest.

Bonds
validated.

Proviso.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 118

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-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*:

Supplemental
appropriation.

1. The following sum is hereby appropriated out of the State fund for the purpose hereinafter specified:

ATTORNEY-GENERAL

To the Attorney-General for the purpose of representing the State of New Jersey before the Interstate Commerce Commission, as intervenor or otherwise, in the action instituted by the Governors of the southern States east of the Mississippi river, to secure a change and reduction in freight rates, the sum of \$25,000 00

Expenditure.

2. The appropriation in this act authorized shall be expended by the Attorney-General for the aforesaid purpose, pursuant to the provisions of the act to which this act is a further supplement.

3. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 119

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 indexing Journal and Minutes and other incidental and contingent expenses consisting of salaries of officers and employees of Senate and House of Assembly; indexing Journal of the Senate and Minutes of the House of Assembly; postage, telephone and telegraph; amounts due for subscriptions to Legislative Index and Legislative News; for stationery, printing and supplies \$20,398 80

Appropriation
for legislative
expenses.

Amount allowed for additional issues of Legislative Index and for miscellaneous expenses of the Senate and House of Assembly \$4,601 20
2. This act shall take effect immediately.
Approved April 28, 1938.

CHAPTER 120

AN ACT concerning beauty culture, and amending sections 45:4A-8, 45:4A-14, 45:4A-18, 45:4A-24, 45:4A-30 and 45:4A-35, and repealing sections 45:4A-25, 45:4A-26, 45:4A-27, 45:4A-28, 45:4A-29, 45:4A-31, 45:4A-32, 45:4A-33 and 45:4A-34 of the Revised Statutes.

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

Section
amended.

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

Qualifications
and require-
ments to take
examination.

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 has been registered as a student and has had training as hereinafter provided in this chapter, in a beauty school duly registered by the department, 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, or the District of Columbia. 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

Requirements
to teach.

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.

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.

Age requirement 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 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 four years in another State, territory, or the District of Columbia.

Requirements to be manager-operator.

No person shall be permitted to take an examination or receive a certificate of registration or license as a manager-only, unless such person shall be at least eighteen years of age.

Age requirement for manager-only.

2. Section 45:4A-14 of the Revised Statutes is hereby amended to read as follows:

Section amended.

45:4A-14. The department shall admit to examination any person having submitted the credentials required by this chapter for admission to examinations and having paid the registration fee required by this chapter, and shall issue a certificate of registration or license to practice as operator, manicurist, manager-operator, manager-only, demonstrator, or as a teacher of beauty culture, as the case may be, to those successfully passing the re-

Admittance to examination.

Certificate

Scope of examination.	quired examination. Such examinations for operators, teachers, manager-operators, managers-only, demonstrators, or manicurists shall include both practical demonstration and written and oral tests, as well as such other reasonable tests as the department, in its discretion, may order. The department shall hold public examinations at least once a month, and at such hours as it shall prescribe.
Examination held once each month.	
Section amended.	3. 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, managers-only, 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.
Renewal fee.	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
Fees in advance.	
Use of fees.	
Surplus paid into general State fund.	

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.

4. Section 45:4A-24 of the Revised Statutes is hereby amended to read as follows:

Section amended.

45:4A-24. The board of beauty culture control of the State of New Jersey shall have power to enforce this act and any person, partnership or corporation violating this act shall forfeit and pay a penalty of not less than twenty-five dollars nor more than fifty dollars for the first offense, not less than fifty dollars nor more than one hundred dollars for the second offense, and not less than one hundred dollars for the third and each subsequent offense, which penalty shall be sued for and recovered by and in the name of the board of beauty culture control of the State of New Jersey.

Enforcement.

Penalty.

Every district court in any city or judicial district of any county, and every court of common pleas in any county, is hereby empowered upon filing of a complaint in writing, duly verified, which said verification when made by the chairman or secretary of the board of beauty culture control of the State of New Jersey may be made upon information and belief, that any person has violated any provision of this act, to issue process at the suit of the board of beauty culture control of the State of New Jersey as plaintiff; such process shall be either in the nature of a summons or warrant, which warrant may issue without any order of the court or judge first being obtained against the person or persons so charged, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen entire days; such process shall state what provision of the law is 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

Courts of jurisdiction.

Complaint.

Form of process.

Contents of process.

Summary proceeding.

in the matter without the filing of any pleadings for the plaintiff for the recovery of such penalty, with cost, or for the defendant, and the said court shall, if judgment be rendered for the plaintiff, cause any such defendant, who may refuse or neglect to forthwith pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for any period not exceeding one hundred days; that the officers to serve and execute all process under this act shall be the officers authorized to serve and execute process in said court; that said district court or court of common pleas shall have power to adjourn the hearing or trial in any case from time to time, but in such case, except in cases in which the first process was a summons, it shall be the duty of the judges of the district court or the court of common pleas to detain the defendant in safe custody, unless he shall enter into bond to the board of beauty culture control of the State of New Jersey, with at least one sufficient surety in double the amount of the penalty claimed, conditioned for his appearance on the day to which the hearing shall be adjourned, and thence from day to day until the case is disposed of, and then to abide by the judgment of the said court, and such bond, if forfeited, may be prosecuted by the said board.

Judgment.

Commitment.

Defendant detained.

Section amended.

Form of convictions and prosecutions.

5. Section 45:4A-30 of the Revised Statutes is hereby amended to read as follows:

45:4A-30. The convictions and prosecutions under this chapter shall be in the following or similar form:

State of New Jersey }
County of } ss.:

Be It Remembered, that on this
day of at
in said county defendant was by (the district court
of the city of or the court of

common pleas of the county of
 as the case may be) convicted of violating section
 of the title Professions and
 Occupations of the Revised Statutes, in a summary
 proceeding at the suit of the board of beauty cul-
 ture control upon a complaint made by
 and further, that the witnesses in said proceeding,
 who testified for the plaintiff were
 (names), and the witnesses who testified for the
 defendant were (names).

Wherefore, the said court does hereby give judg-
 ment that the plaintiff recover of the defendant
 dollars penalty, and
 dollars costs of this proceeding.

The conviction shall be signed by the judge of
 the district court or court of common pleas before
 whom the conviction was had. In case the de-
 fendant is committed to jail in default of payment
 of the penalty, a commitment of the following form
 shall be added beneath the judge's signature, to the
 conviction:

And the said neglecting and
 refusing to pay the amount of the penalty above
 mentioned with costs, it is hereby ordered that the
 said be and he is hereby committed
 to the common jail of the county of
 for a period of days, unless the
 said penalty and costs are sooner paid.

This commitment shall also be signed by the
 judge and in the case of commitment of any de-
 fendant 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.

Section 45:4A-35 of the Revised Statutes is
 hereby amended to read as follows:

45:4A-35. Schools and courses established by
 State and local boards of education. Nothing in
 this chapter shall limit in anyway the right of the
 State Board of Education or any local board of
 education to establish and operate courses in beauty

Section
 amended.

Courses
 may be
 established
 by boards of
 education.

Construing culture, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to quarters, supplies, equipment and anything whatsoever pertaining to the establishment, operation and maintenance of a course in beauty culture operated by a public school. Nothing in this chapter shall be interpreted to give any person or agency other than the State Board of Education and the local boards of education the right to prescribe any requirement of any kind whatsoever for courses of beauty culture in public schools or for teachers or pupils in such courses.

Graduates of vocational schools credited. Any person having graduated from a vocational course in beauty culture approved by the State Board of Education and given by a public vocational school of this State shall have all the rights and privileges granted under this chapter to graduates of beauty schools, duly registered by the department, but nevertheless shall be required to be examined and licensed by this department in accordance with the provisions of this chapter.

Sundry sections repealed. 6. Sections 45:4A-25, 45:4A-26, 45:4A-27, 45:4A-28, 45:4A-29, 45:4A-31, 45:4A-32, 45:4A-33 and 45:4A-34 of the Revised Statutes are hereby repealed.

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

Approved April 28, 1938.

CHAPTER 121

AN ACT to regulate the practice of medicine and surgery and to license physicians and surgeons, and supplementing chapter nine of Title 45 of the Revised Statutes.

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

1. Any person who, having matriculated at a legally chartered medical college in the United States which medical college is now in good standing, and having attended four full courses of lectures in said medical college over a period of four years, and having successfully completed an internship of eighteen months in an approved hospital of this State, and having received a diploma in certification thereof, and having thereafter continued to serve at least fifteen years as a resident member of the staff of an approved hospital of this State, shall, upon presenting to the State Board of Medical Examiners (1) a certificate signed by the dean or registrar or other appropriate official of such medical college showing such matriculation and attendance at that school, (2) a diploma certifying to the completion of said eighteen months of internship and (3) a certificate from the president or acting president of an approved hospital of this State certifying to the service of such person as a resident member of the medical staff of that institution for at least fifteen years, be admitted to examination by the said State Board of Medical Examiners for license to practice medicine and surgery, anything to the contrary in the act to which this is a supplement, or in any of its various other supplements and amendments to the contrary notwithstanding, and to such subsequent examinations as therein provided for other applicants admitted to examination thereunder, and upon pass-

Requirements
to enter
examination
for physician.

License
issued.

ing such examination, shall be entitled to receive from said State Board of Medical Examiners a license to practice medicine and surgery in all its branches in this State.

2. This act shall take effect immediately.

Approved April 28, 1938.

CHAPTER 122

AN ACT to amend an act entitled "An act imposing an excise tax upon persons, copartnerships, associations or corporations using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission from the State or any municipality thereof, except for the operation of autobuses or autocabs, commonly called taxicabs, other than street railway, traction, gas and electric light, heat and power corporations, municipal corporations and corporations taxable under chapters nineteen to twenty-nine, inclusive, of Title 54, of the Revised Statutes, and to repeal sections 54:31-1 to 54:31-15, inclusive, of the Revised Statutes," passed February twenty-fifth, one thousand nine hundred thirty-eight.

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

Section 7
amended.

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

Balance of
excise tax
apportioned
to municipi-
palities.

7. The State Tax Commissioner shall annually, on or before May first in each year, ascertain and apportion the balance of the excise tax imposed by this act upon each taxpayer, to the various municipi-

palities in the proportion that the value as herein defined as of the preceding July first of the property of such taxpayer located in, on or over any public street, highway, road or other public place in each municipality bears to the total value as herein defined of such property of such taxpayer in this State. If for any reason the making and delivery of such certificate of apportionment shall be delayed until after December first in any year, then in that case all of the taxes for such year imposed by this act shall become due and payable thirty days after the certification of the apportionment by the State Tax Commissioner.

If delay
action to be
taken.

2. This act shall take effect immediately.
Filed May 2, 1938.

CHAPTER 123

AN ACT concerning financial assistance to certain needy persons, and amending sections 44:8-1, 44:8-5, 44:8-6, 44:8-7, 44:8-9, 44:8-10, 44:8-11, 44:8-12, 44:8-13, 44:8-14, 44:8-17, 44:8-19, 44:8-23 and 44:8-25 of the Revised Statutes.

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

1. Section 44:8-1 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:8-1. As used in this chapter: "State commission" means the State Financial Assistance Commission created under this chapter;

State
commission.

"Overseer of the poor" means the person, department or board now administering the poor laws in the municipality;

Overseer of
the poor.

"Municipal director of welfare" means the person designated by the local assistance board to be its chief executive and administrative officer:

Municipal
director of
welfare.

Municipality.	“Municipality” shall include, in meaning, any county, city, borough, township, town, village or municipality governed by an improvement commission;
Welfare-house.	“Welfare-house” means a place where needy persons are maintained under the superintendence of the county welfare board, and includes, where appropriate, a municipal almshouse in which the board of chosen freeholders has contracted for the maintenance of needy persons;
Public assistance.	“Public assistance” means assistance rendered to needy persons not otherwise provided for under the laws of this State, where such persons are willing to work but are unable to secure employment due either to physical disability or inability to find employment, and includes what is commonly called “emergency relief;”
Use of words.	“May” shall be construed to be permissive.
Section amended.	2. Section 44:8-5 of the Revised Statutes is hereby amended to read as follows:
Powers and duties of State commission:	44:8-5. The State commission shall be charged with the administration and supervision to the extent hereinafter provided of such public assistance activities of the State as hereinafter provided. The State commission shall:
Apportion funds for public assistance;	a. Apportion all funds for public assistance made available by the State and the Federal Government, or either of them, or any agency thereof, or made available to the State from any other source for such purpose. Vouchers for the payment of the allotments to the several municipalities of the State shall be presented by the director of the Financial Assistance Commission at such times as the said commission shall specify, and such vouchers after approval by the director or such other person as may be designated by the said commission shall be forwarded to the Comptroller of the Treasury of this State for examination, audit and warrant to the State Treasurer to be paid by him in the same manner as other claims against the State.

b. Receive and review requests for allotment of funds to municipalities, with power to increase, decrease or eliminate any such allotment; *provided, however,* that should a municipality fail to comply with the provisions of this act, or with the rules and regulations of the commission or its director, all further payment of allotment to such municipality shall cease until the provisions of this act and the order of the commission or its director has been complied with.

Review
municipal
allotments;
Proviso;

c. Promulgate, alter and amend, from time to time, such rules and regulations as are necessary and proper for carrying out any of the provisions of this chapter, which shall be binding upon the municipalities.

Make rules
and regula-
tions;

d. Act as the agent of the State in effectuating the purposes of any reciprocal interstate agreements respecting the transportation of dependents.

Act as State
agent in
interstate
agreements;

e. Administer the equalization fund for public assistance in the municipalities of this State hereinafter provided for.

Administer
equalization
fund;

f. Formulate, promulgate and enforce the adoption of standards for allowances of relief grants and forms and procedures necessary to the proper administration and recording thereof.

Make and
enforce
standard
allowances;

g. To the end that relief shall be properly administered, and the funds of the State conserved, the commission or its director shall prescribe and determine the number of persons employed or to be employed on such public assistance in the several municipalities.

Regulate
number of
employees.

3. Section 44:8-6 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:8-6. Every municipality shall provide public assistance to the persons eligible thereto residing in said municipality.

Public
assistance.

Such assistance shall be administered by a local assistance board.

There shall be appointed in each municipality a local assistance board to be composed of not less than three nor more than five persons, at least one of whom shall be a woman, to be appointed by the

Local
assistance
board.

Term.	chief executive officer of the municipality, upon approval of the governing body, not more than one member of the governing body may be appointed to such board. Members shall hold office for such term as may be provided by the governing body.
Vacancies.	Vacancies shall be filled for the unexpired term only. Members shall serve without compensation, but their necessary and actual expenses may be allowed.
Organization.	The local assistance board shall organize and select a chairman and a secretary, and shall appoint a director of welfare who shall be paid such salary as may be fixed by such board subject to approval by the governing body. Nothing herein shall be construed to make the overseer of the poor of a municipality ineligible for appointment also as director of welfare by such local assistance board. Such local assistance board shall administer public assistance within the municipality for which it is created subject to the provisions of this chapter and such rules and regulations as may be promulgated by the State commission.
Administer public assistance.	
Appointment of employees.	Such other employees, including assistants, clerks, investigators and nurses, in such number as may be necessary to properly administer public assistance, shall be appointed in the same manner as other employees of the municipality.
Section amended.	4. Section 44:8-7 of the Revised Statutes is hereby amended to read as follows:
Investigation of applicant for assistance.	44:8-7. When a person shall apply for assistance for himself or his dependents, the director of welfare shall inquire into the facts, conditions and circumstances of the case, including legal residence, family connections, living conditions, resources, income, and causes direct and indirect of the person's need, and such other matters as the State commission may require, making a written record thereof in such manner as may be prescribed by the State commission.
Section amended.	5. Section 44:8-8 of the Revised Statutes is hereby amended to read as follows:
Assistance granted pending investigation.	44:8-8. The director of welfare, by a written order, shall render such aid and material assistance

as he may in his discretion, after reasonable inquiry, deem necessary to the end that such person may not suffer unnecessarily, from cold, hunger, sickness, or be deprived of shelter pending further consideration of the case.

6. Section 44:8-9 of the Revised Statutes is hereby amended to read as follows:

44:8-9. The director of welfare upon completion of investigation shall determine whether or not continued assistance is necessary, and shall make such order as in his judgment is warranted, having due regard to the circumstances disclosed by investigation. Continued assistance may be provided:

- a. By cash assistance or by any other method authorized by the local assistance board, and approved by the governing body, subject, however, to regulations of the State commission, or
- b. Continued assistance under this act may constitute any or all of the several needs as may be necessary to protect the well being of a person or persons, such as food, milk, shelter, fuel, clothing or medical care and the extent of individual grants shall be determined in accordance with the standards and budgets authorized by the State commission.

7. Section 44:8-10 of the Revised Statutes is hereby amended to read as follows:

- 44:8-10. The director of welfare shall:
 - a. Supervise by periodic investigation every person receiving assistance; such investigation to be made by visitation at least once a month;
 - b. Reconsider from month to month the amount and nature of assistance given and alter, amend or suspend the same;
 - c. Devise ways and means for bringing persons unable to maintain themselves to self-support or to the support of any other person or agency able and willing to do so;
 - d. Keep full and complete records of such investigation, supervision, assistance rehabilitation, and certifications and cancellations in such manner and form as required by the State commission; and

Section amended.

Order of director as to assistance.

Continued assistance may provide:

Cash;

Sundry needs.

Section amended.

Duties of director:
Supervise investigations;

Reconsider assistance;

Devise ways of making dependents self-supporting;

Keep records;

Commit
dependents to
institutions;

e. Bring about appropriate action through the overseer of the poor for commitment to a State or county institution when the best interests of the needy persons would be so served.

Certify list
of dependents;

f. When required by the State commission, certify to any local, county, State or Federal agency the names of persons receiving public assistance, and none others, who shall be eligible for employment or benefits under any public programs that are or may hereafter be established by such agencies; *provided, however*, that it shall be a condition precedent to such certification that said person shall have been a recipient of public assistance for a period of not less than ninety days prior thereto. It shall be the duty of the director of welfare to investigate and review each certification every thirty days and cancel the certification of those persons whose needs for public assistance is no longer evident.

Proviso.

Section
amended.

8. Section 44:8-11 of the Revised Statutes is hereby amended to read as follows:

Revoke
order for
assistance.

44:8-11. The director of welfare may in his discretion summarily revoke any order for continued assistance whenever it shall appear that the person is no longer needy within the meaning of this chapter or will be otherwise adequately provided for.

Section
amended.

9. Section 44:8-12 of the Revised Statutes is hereby amended to read as follows:

Legal
residence.

44:8-12. Every person of full age who has been a resident of and domiciled without interruption within the boundaries of this State for one year immediately prior to May fourth, one thousand nine hundred and thirty-six, excluding any time spent by such person in a charitable, custodial, or correctional institution, and excluding periods of time during which public assistance is received from any municipal, county or State agency, and every person of full age who shall become a resident and domiciled without interruption within the boundaries of this State for five years, excluding any time spent by such person in a charitable, custodial, or correctional institution, and excluding

periods of time during which public assistance is received from any municipal, county or State agency, shall have legal residence in this State for the purpose of this chapter and shall continue to have such legal residence until he shall remove from this State and remain therefrom continuously for one year.

10. Section 44:8-13 of the Revised Statutes is hereby amended to read as follows: Section amended.

44:8-13. Every person of full age who shall have legal residence in this State as defined in section 44:8-12 of this Title, but shall not have been a resident of and domiciled without interruption within any municipality for one year, shall have legal residence, for the purpose of this chapter, in that municipality wherein he has resided for the longer period of time within the preceding year, and shall continue to have such legal residence until he shall remove from such municipality and remain therefrom continuously for one year, but the time, if any, spent in a charitable, custodial, or correctional institution, or periods of time during which public assistance is received from any municipal, county or State agency, shall not be computed in determining such residence. Residence in institutions not counted.

11. Section 44:8-14 of the Revised Statutes is hereby amended to read as follows: Section amended.

44:8-14. A woman, on marriage, shall acquire the legal residence of her husband and shall always follow the legal residence of her husband, but if they shall live in a state of separation, under judicial decree she shall acquire legal residence of her own under the provisions of sections 44:8-12 and 44:8-13 of this Title from the date of such separation. Legal residence of married woman.

12. Section 44:8-17 of the Revised Statutes is hereby amended to read as follows: Section amended.

44:8-17. Immediate assistance shall be promptly rendered to any needy person by the director of welfare of that municipality where the person is found at the time of application, subject to determination and adjustment of responsibility as hereinafter provided. Immediate relief.

Section amended.	13. Section 44:8-19 of the Revised Statutes is hereby amended to read as follows:
False statements.	44:8-19. Any person applying for relief under the provisions of this chapter who shall make any false statement, or any person who refuses to return to another State wherein he has legal residence after proper authorization therefor has been obtained, and by such refusal receives benefits under the provisions of this act in excess of that to which he is or was actually entitled, shall be guilty of a misdemeanor.
Penalty.	14. Section 44:8-23 of the Revised Statutes is hereby amended to read as follows:
Section amended.	44:8-23. Persons found to have legal residence in a municipality other than the one in which assistance is granted shall be subject to removal to such municipality of legal residence in the manner provided in chapter one of this Title (section 44:1-1 et seq.). On determination and acceptance of responsibility by such other municipality, the director of welfare thereof may elect:
Removal to legal residence.	a. To be charged by the director of welfare of the municipality in which assistance is being granted for the cost of such assistance, or
Responsibility:	b. To have such needy person removed and returned to the place of legal residence, at the expense of the municipality in which assistance is being granted.
Municipal assistance;	15. Section 44:8-25 of the Revised Statutes be and the same is hereby amended so that the same shall read as follows:
Expense of removal.	44:8-25. Cost of assistance; items included. The cost of assistance to be charged against any municipality, or the State, as provided in sections 44:8-23 and 44:8-24 of this Title, shall include:
Section amended.	a. All cash disbursements to or for any needy person for his care, maintenance and support, found by the State commission to have been necessary;
Where assistance charged:	b. Burial expenses; and
Money outlay;	16. This act shall take effect immediately.
Burial.	Approved April 30, 1938.

CHAPTER 124

AN ACT relating to the power of all court attendants in the competitive class of civil service who are appointed by the sheriff of any county in this State.

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

1. All court attendants in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff of any county in this State shall, by virtue of such appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law. Court attendants as police officers.

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

Approved April 30, 1938.

CHAPTER 125

AN ACT concerning concealed weapons, amending section 2:176-43 of the Revised Statutes.

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

1. Section 2:176-43 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:176-43. The provisions of section 2:176-41 of this Title shall not apply to: Sundry exceptions to application of act.

a. The United States marshal or his deputies;

b. Members of the army, navy or marine corps of the United States or of the national guard when on duty;

c. Any sheriff, undersheriff, prosecutor of the pleas, assistant prosecutor or prosecutor's detectives;

d. The regularly employed members, including detectives, of the police department of any municipality, or any special policemen appointed by the governing body of any municipality;

e. Any member of the State police, or any motor vehicle inspector or State detective;

f. Any jailer, constable, railway police, canal or steamboat police, or any other peace officer, when in discharge of his duties;

g. The fish and game commissioners, or the regular fish and game wardens;

h. Any prison or jail wardens or their deputies, or any guard or keeper of any penal institution in this State;

i. Any court attendant serving as such under appointment by the sheriff of the county or by the judge of the circuit court, court of oyer and terminer, court of common pleas, or general court of quarter sessions, and justices of the peace.

j. Any member of a legally organized detective agency;

k. Any guard in the employ of any railway express company, banking or building and loan institution of this State;

l. Any officer of the society for the prevention of cruelty to animals;

m. Any duly authorized military organization when under orders, or any member thereof when going to or from places of meeting of their respective organization, carrying the weapons prescribed for drill, exercise or parade;

n. Persons having a hunter's license in going to or from places of hunting;

o. Members of government civilian rifle clubs duly organized in accordance with the rules prescribed by the national board for the promotion of

rifle practice, in going to or from their several places of target practice and carrying weapons necessary for such practice;

p. The commissioner, deputy commissioners, inspectors and investigators of the department of alcoholic beverage control; or

q. Public utility corporations in the transportation of explosives.

Approved April 30, 1938.

CHAPTER 126

AN ACT concerning marriages.

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

1. Before any person, who now is or may hereafter be authorized by law to issue marriage licenses, shall issue any such license, each applicant therefore shall file with him a certificate from a qualified physician which certificate shall state that the applicant has submitted to a Wassermann or Kahn or other similar standard laboratory blood test and that, in the opinion of such physician, the person either is not infected with syphilis or is not in a stage of that disease which may become communicable.

Applicant
for marriage
license to
file certificate
of blood test.

2. The above mentioned certificate shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such reports, setting forth the name of the test, the date it was made, the name and address of the physician to whom the report was sent, and the name and address of the person whose blood was tested.

Form of
certificate.

3. The above mentioned certificate of physician and statement of person authorized to make reports

Standard
certificate
issued.

for the laboratory shall be on a form to be provided and distributed by the Department of Health of the State of New Jersey to all officers authorized to issue marriage licenses and to approved laboratories in the State. This form is hereinafter referred to in this act as "The Certificate Form."

Standard
blood test.

Made upon
request.

Certificate
form attached
to license.

Penalty
upon failure
to comply
with act.

4. For the purpose of this act a standard laboratory blood test shall be a test for syphilis approved by the Director of Health of New Jersey, and shall be made at a laboratory approved to make such tests by the Director of Health of New Jersey. Such laboratory tests as are required by this act shall be made on request without charge at the Department of Health of the State of New Jersey. To be valid such test shall be made not more than thirty days before the issuance of the marriage license to which it applies.

5. Before the licensing officer issues any marriage license he shall attach thereto the above mentioned certificate form of each applicant. No minister or other person authorized to perform marriage ceremonies in New Jersey shall perform any such ceremony unless the certificate form of each party is attached to the marriage license, and they shall remain so attached until the marriage certificate is filed with the State Bureau of Vital Statistics.

6. Any applicant for a marriage license, physician, or representative of a laboratory who shall misrepresent any of the facts called for by "the certificate form" prescribed by this act; or any licensing officer who shall fail to receive "the certificate forms," or who shall have reason to believe that any of the facts thereon has been so misrepresented, and shall nevertheless issue a marriage license; or any person who shall otherwise fail to comply with the provisions of this act shall be subject to a penalty of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), to be recovered with costs, in an action of debt by and in the name of the local board of

health of the municipality where the marriage license was issued, or by and in the name of the Department of Health of the State of New Jersey.

7. Nothing in this act herein contained shall be construed to repeal the provisions of Title 37, chapter one, article five, of the Revised Statutes, which provides for immediate marriages, in cases of criminal charges. Construing.

8. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect July first, one thousand nine hundred and thirty-eight. Repealer.
Act effective.

Approved May 3, 1938.

CHAPTER 127

AN ACT concerning the supervision, by the State Department of Local Government, over certain municipalities in the State.

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

1. Purpose. The purpose of this act is to impose special restraints upon municipalities in, or in danger of falling into, unsound financial condition and in this way to forestall serious defaults upon local obligations and demoralized finances that burden local taxpayers and destroy the efficiency of local services. Objects
of measure.

2. Definitions. For the purposes of this act: Definitions:
 "State Board" or "board" means the Local Board;
 Government Board of New Jersey.

"Commissioner" means the Commissioner of Commissioner;
 Local Government.

"Department" means the State Department of Department;
 Local Government.

Governing body;	“Governing body” means the body exercising general legislative authority within the municipality.
Municipality;	“Municipality” includes a city, town, village, borough, township, special district, or other municipal corporation other than a school district or county.
Year;	“Fiscal year” or “year” means the calendar year beginning January first and ending December thirty-first.
Subject to act.	“Subject to this act” means that the limitations and supervision provided for by this act are in operation in the municipality.
When act applies to municipality:	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:
Default;	(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.
Payments overdue;	(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.
Cash deficit;	(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, was required to be included in the budget for both the year just closed and for the year next preceding that year.
Less than 50 per centum of taxes collected;	(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.
Exception.	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.

(5) The appropriation required to be included in the budget for the next year 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.

Budget requirement.

If subsections two or five are the only provisions of this section applying to a municipality, the governing body may, by resolution, elect to liquidate its floating debt in accordance 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.

Liquidation.

4. Determination by the State Board: Notice and hearing. If the commissioner finds in the course of his annual examination of the approved budget, the statement of current liabilities, the annual financial statement, or any other report, regular or special, filed with the department by a governing body or a municipal officer, that any of the conditions listed in section three exist in a municipality not subject to supervision under sections 52:27-1 to 52:27-66, inclusive, of the Revised Statutes, he shall forthwith give notice to the governing body that the question of the application of this act to that municipality will be placed before the State Board for its determination at a time and place which shall be stated in the notice.

Determination.

The State Board, at the time and place stated in the notice, shall give the local governing body and any other interested parties an opportunity to be heard. If the State Board finds, after hearing, that any of the conditions listed in section three exist in the municipality, it shall by resolution determine that the provisions of this act are in effect within that municipality.

Hearing.

When act in effect.

Provisions
begin with
fiscal year.

The provisions of this act shall take effect with respect to such a municipality as of the first day of the fiscal year for which the annual budget is under consideration.

Observation
of act.

Notice shall be given by registered mail to the clerk of the municipality. Upon receipt of such notice the governing body and municipal officers shall observe the provisions of this act and shall comply with all orders of the commissioner issued under it while the municipality remains subject to its provisions.

Limitations
on issuing
obligations.

5. Limitation on debt. Except as permitted by this section, a municipality subject to this act shall not issue or authorize the issuance of obligations, bonded or otherwise. This limitation shall apply with equal effect to the municipality, the school district, and any special district within the municipality.

Certain
powers not
affected.

This section shall not affect the power:

(1) To issue tax anticipation, tax revenue, emergency or any other obligations of a strictly current character.

(2) To fund outstanding obligations in accordance with sections 40:1-61 to 40:1-74, both inclusive, of the Revised Statutes.

(3) To issue obligations in order to comply with an order issued in accordance with law by a State Board, department or other agency.

(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.

Increasing
amount of
taxes.

6. Limitation upon appropriations. A municipality subject to this act shall not increase the amount to be raised by taxes on real and personal property for local purposes by more than five per centum (5%) in excess of such amount for the year

next preceding the year in which this act takes effect in that municipality. This limitation shall apply with equal effect to the amount to be raised by taxation within the municipality, for municipal, school district, and any special district purposes.

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.

Debts and covenants to be fulfilled.

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.

7. Compliance with requirements of law. The commissioner may order the governing body or an officer of a municipality subject to this act to perform any duty prescribed by law whether or not a specific penalty or enforcement procedure is provided by such law. The orders may be enforced as authorized by law.

Prescribed duties enforceable.

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.

Liquidating current debt.

The State Board may:

Board's authority:

(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.

Changing rate or period;

(2) Authorize liquidation to continue for as many years as may be necessary to avoid an

Extending period of liquidation;

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.

Payments
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.

Liquidation 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.

The supervision of the State Board shall continue during the application of the plan of liquidation but the limitations of sections five and six shall not apply if the conditions listed in subsections one, three or four of section three do not exist in the municipality.

Analysis of
conditions.

9. Analysis of financial conditions. The commissioner may at any time, and shall if the governing body so requests, make a special analysis of the financial conditions of a municipality subject to this act. The analysis shall extend to all factors and circumstances contributing to the financial conditions of the municipality and shall if possible, recommend definite steps to be taken to correct such conditions.

Assistance to
be rendered.

10. Consultation and assistance. The commissioner shall extend all possible consultation and assistance to municipalities subject to this act to assist in the improvement of local financial conditions.

11. Duration of supervision. A municipality shall remain subject to this act as long as any of the conditions listed in section three exist.

Continuance of supervision.

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.

Question of application submitted to board.

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.

Determination if certain conditions exist.

The commissioner shall forthwith certify to the governing body that beginning with the year for which the next regular budget is to be adopted, the provisions of this act no longer affect that municipality.

Certifying act not in effect.

Notice shall be given by registered mail to the clerk of the municipality.

12. Powers of the board. For the purpose of this act the State Board shall have authority to:

Powers of board:

- (1) Promulgate rules and regulations for the interpretation and administration of this act.
- (2) Require, and prescribe the form of, special reports to be made by a financial officer or governing body pertaining to the financial affairs of municipalities.
- (3) Hold hearings.

Rules and regulations;

Form of reports;

Hearings.

Powers of
commissioner.

13. Powers of the commissioner. For the purposes of this act the commissioner shall have authority to issue and enforce orders as authorized by law for other orders issued by him.

Construing
act.

14. Construction. This act shall be construed liberally to give effect to its intent that **unsound** financial conditions in municipalities shall be forestalled and corrected.

Parts of act
severable.

15. Provisions severable. The provisions of this act shall be construed to be severable and if any part is held to be unconstitutional or for any other reason invalid, the remaining parts shall not be affected thereby.

Constitution-
ality.

Approved May 5, 1938.

CHAPTER 128

AN ACT concerning county and municipal finances, amending sections 40:2-2, 40:2-21, 40:2-22, 40:2-31, 40:2-52, 40:2-53, 40:2-54 and 40:2-55, and supplementing chapter two, 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 40:2-2 of the Revised Statutes is hereby amended to read as follows:

Definitions:

40:2-2. Definitions. As used in this chapter:

Governing
body;

“Governing body” means, in the case of a county, the board of chosen freeholders, and, in the case of a municipality, the commission, council, board, or body, by whatever name it may be known, having charge of the finances of the municipality;

Fiscal year;

“Fiscal year” means the calendar year beginning on January first and ending on December thirty-first;

“Budget year” means the fiscal year for which a budget is prepared or adopted; Budget year;

“State auditor,” or “commissioner” means the Commissioner of Local Government; Auditor or commissioner;

“State Board” or “board” means the Local Government Board. Board.

2. Section 40:2-21 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:2-21. Form and content of the budget. The budget of the county or municipality shall be prefaced by an explanatory statement and shall be itemized according to the respective objects and purposes for which appropriations are made. Itemization shall be in the form, classification and detail prescribed by regulations of the State Board. Regulations may provide suitable variations to meet different requirements of various types or classes of counties and municipalities. The itemization, form and arrangement of the budget, as prescribed by the State Board, shall facilitate the exercise of the comptroller function within the county or municipality throughout the fiscal year. Budget.

Separate items shall be included for, at least Items:

a. Administration, operation and maintenance of each office, department, institution or other agency of the county or municipality, as the case may be, and for each publicly owned or operated utility or enterprise; Office expenses;

b. Contingent expenses, in an amount not more than three per centum of the total amount stated pursuant to subdivision “a” of this section; Expenses;

c. Interest and debt redemption charges; Interest;

d. Payment of floating debt to the extent that tax revenue obligations outstanding exceed the limitations of section 40:2-49 of this Title; Floating debt;

e. Deferred charges and statutory expenditures; Certain payments;

f. The payment of all judgments not for capital purposes and to pay which notes or bonds cannot lawfully be issued; Judgments;

Reserves;	g. Such reserves as may be required by this chapter, or deemed advisable by the governing body; and
Deficit.	h. Cash deficit of preceding year to extent provided by section 40:2-27 of this Title.
Comparative tables.	In parallel columns opposite the several items of appropriation shall be placed the amount appropriated for each such item in the budget of the next preceding fiscal year, as modified by all transfers of appropriations, and the several amounts expended during such year for each such item and any other items, including the actual or estimated amount of liabilities incurred for such items but not paid.
Section amended.	3. Section 40:2-22 of the Revised Statutes is hereby amended to read as follows:
Cash basis necessary.	40:2-22. Cash basis. 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.
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, 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.
As to initial 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, inclu-

sive, 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.

Action manda-
tory.

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

Section
amended.

40:2-31. Emergency appropriations. 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, for other than a regular or recurring requirement, to protect or promote the public health, safety, morals or welfare 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.

Emergency
appropriations.

Pressing
requirements.

Sections
applicable.

Total.

(1) An emergency appropriation which together with all prior emergency appropriations made during the same year, does not exceed three per centum of the total of current operating appropriations made in the budget adopted

Appropriation
made to meet
1½% of total.

for that year 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.

When total exceeds $1\frac{1}{2}\%$ of amount.

Permission to exceed limit.

Hearing.

Reasonable expenditure.

Maximum.

Meeting emergencies.

(2) An emergency appropriation which together with all prior emergency appropriations 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 sections 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.

Affidavit as to amount.

5. Capital budgets. The governing body of each municipality and each county shall prepare, approve and adopt a budget for the expenditure of public funds for capital purposes to give effect to general improvement programs. A capital budget shall be a plan for the expenditure of public funds for capital purposes, showing as income the revenues, special assessments, borrowings, receipts from the sale of capital assets, free surpluses, and down payment appropriations to be applied to the cost of a capital project or projects, expenses of issuance of obligations, engineering, supervision, contracts and any other related expenditures.

Capital budgets.

Plan of budget.

The budget shall be prepared in accordance with the regulations of and in the form and arrangement and detail prescribed by the State Board. After promulgation of regulations by the State Board, the governing body shall expend or incur obligations for capital purposes only after the adoption of a capital budget, and in accordance with such budget except for the preliminary expense of plans, specifications and estimates.

Regulations governing budgets.

Other budgets.

The State Board shall adopt, and from time to time may amend, reasonable rules and regulations for capital budgets. Regulations may classify the

Rules and regulations.

Budgets classified.	type of budget required, according to size of municipality or county, nature of capital projects or any other reasonable basis of distinction, and shall require a statement of capital undertakings under way or projected over the next ensuing three years as a general improvement program. Regulations shall be uniform within the classifications established. The State Board may require different capital budgets to give effect to a general improvement program as follows:
Uniformity.	
Different budgets:	
Special capital budget;	a. A special capital budget for the expenditure of funds realized from the sale of obligations and adopted at the time such sale is authorized.
Separate capital budget;	b. A separate capital budget adopted at the same time and as part of the annual budget.
Consolidated budget;	c. A consolidated capital budget providing for the consolidation of capital projects, with the annual budget treating borrowed funds and other receipts as special revenue and capital projects as separately itemized appropriations under the proper office, department, institutions or other agency of the municipality or county, as the case may be.
Other types of budget.	d. Any other type or form of budget adapted to planning and guiding expenditures for capital improvement programs.
As to borrowed funds for projects.	The State Board shall also adopt reasonable regulations for capital budgets for projects supported from funds borrowed in successive installments as the work proceeds. A capital budget need not be limited in duration to a single fiscal year, but may continue for the life of the project. The State Board shall adopt reasonable regulations for the amendment of capital budgets and for the transfer of amounts among the several items of appropriation in the capital budget.
Capital budget spread over project.	

6. Section 40:2-52 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:2-52. Examination of budget by the commissioner. The commissioner shall examine the budget as filed in his office pursuant to section 40:2-7 of this Title with reference to all estimates of revenue and to the following appropriations: Examination of budget.

- a. Payment of interest and debt redemption charges, Interest.
- b. Deferred charges and statutory expenditures, Charges.
- c. Payment of floating debt, Floating debt.
- d. Reserve for uncollectible taxes, Hopeless taxes.
- e. Cash deficit of preceding year, Cash deficit.
- f. Reserve for uncollected taxes, Back taxes.
- g. Other reserves and nondisbursement items. Other items.

The commissioner shall also examine the budget for detail and accuracy of itemization and for compliance as to form, arrangement and content with the provisions of this chapter and the regulations of the State Board. Details and accuracy.

7. Section 40:2-53 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:2-53. Determination and certification by the commissioner. Within eighteen days after the budget is filed in his office the commissioner shall determine upon the basis of information and data available whether: Commissioner's determination:

- 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. Reasonable estimates;
- b. Specific items of appropriations enumerated in section 40:2-52 comply with the requirements of this chapter and the regulations of the board. Specific items;

Correctness;	c. Items of appropriation are fully and correctly stated.
Comptroller function;	d. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality or county.
Requirements.	e. In all other respects the budget complies with the requirements of law and the regulations of the board.
Approval of budget.	The commissioner shall approve the budget if he finds that all requirements of law and of the regulations of the board have been met. The commissioner shall refuse to approve the budget if the requirements of law or of the regulations of the board have not been met. 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.
Result certified.	The commissioner shall certify the result of his determination to the governing body immediately. 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. 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.	
Amending budget.	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. 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 oppor-
Final adoption of budget.	

tunity for hearing and redetermination in accordance with this section.

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.

Review of
determination.

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.

When adverse
decision.

8. Section 40:2-54 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

40:2-54. Examination and certification of statement of current liabilities. The commissioner shall examine the statement of current liabilities filed pursuant to section 40:2-47, and shall determine whether such statement is in accordance with the requirements of law and the regulations of the board. The commissioner shall approve the statement if he finds that the statement is in accordance with requirements of law and the regulations of the board. The commissioner shall disapprove and reject the statement if he finds that the statement does not so comply.

Current
liabilities.

Approval of
statement.

The commissioner shall make his determination within eighteen days after the date of filing in his office, and shall forthwith certify the determination to the local governing body. If the commissioner disapproves the statement he shall also certify to the governing body the reasons for disapproval together with instruction for the correction of the statement. The commissioner, after a reasonable time has been allowed for correction, may order the local governing body to correct its statement and file it forthwith in his office.

Time for
determination.

Section amended.	9. Section 40:2-55 of the Revised Statutes is hereby amended to read as follows:
Investigations.	40:2-55. Investigation; enforcement of orders. For the purposes of this chapter the commissioner may hold hearings and make such investigation as may be appropriate to the exercise of his powers, in accordance with law.
Final order binding.	A final order of the commissioner shall be binding upon the governing body and shall be complied with. The commissioner may apply for compulsory process to enforce an order in accordance with law.
Failure to comply.	If a governing body fails or refuses to comply with a final order of the commissioner, the members of a governing body who willfully fail or refuse to comply shall each be subject to a personal penalty of twenty-five dollars (\$25.00) for each day after the date fixed for final action, that failure or refusal to comply continues. The amount of the penalty may be recovered by the commissioner in the name of the State as a personal debt of the member of the governing body, and shall be paid, upon receipt, into the State treasury.
Penalty.	
Recovery of penalty.	

Approved May 5, 1938.

CHAPTER 129

AN ACT to provide for the preservation of the historic flags of New Jersey, and making appropriation therefor.

Preamble.	WHEREAS, The citizens of New Jersey, in battle both on land and on sea, have shed their blood for the preservation of the State and nation; and
Preamble.	WHEREAS, The battle flags carried by them now decorate the walls of the State House; and

WHEREAS, These historic flags are now from age
literally falling to pieces, and will soon be lost if
steps are not immediately taken to preserve
them; therefore

Preamble.

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

1. The Adjutant-General is hereby authorized
and directed to provide for the repair and pres-
ervation of all historic flags of the State of New
Jersey.

Restoration
of flags.

2. There is hereby appropriated to the Adjutant-
General for the purpose of carrying out the pro-
visions of this act the sum of seventy-five hundred
dollars (\$7,500.00) when included in any appro-
priation bill.

Appropriation.

3. This act shall take effect immediately.
Approved May 5, 1938.

CHAPTER 130

AN ACT concerning workmen's compensation,
compulsory insurance, and amending section
34:15-79 of the Revised Statutes.

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

1. Section 34:15-79 of the Revised Statutes is
hereby amended to read as follows:

Section
amended.

34:15-79. An employer who shall fail to provide
the protection prescribed in this article shall be
guilty of a misdemeanor, and upon conviction
thereof shall be punished by a fine of not more
than one thousand dollars or by imprisonment for
not more than sixty days or by both such fine and
imprisonment, and in cases where a workmen's
compensation award in the Workmen's Compensa-
tion Bureau of New Jersey against the defendant
is not paid at the time of the sentence, the court

Protecting
employees.

Penalty.

Probation.	may suspend sentence upon such defendant and place him on probation for any period with an order to pay said compensation award to the claimant through the probation office of the county.
Company liability.	Where the employer is a corporation, the president, secretary, and treasurer thereof who are actively engaged in the corporate business shall be liable for failure to secure the protection prescribed by this article. Any contractor placing work with a subcontractor shall, in the event of the subcontractor's failing to carry workmen's compensation insurance as required by this article, become liable for any compensation which may be due an employee or the dependents of a deceased employee of a subcontractor. The contractor shall then have a right of action against the subcontractor for reimbursement.
Contractor's liability for subcontractor.	
Disposition of fines.	All fines collected under the terms of this clause shall be paid to the State Treasurer and credited on the records of the State Comptroller to the account of the Rehabilitation Commission for Physically Handicapped Persons, to be used in carrying out the provisions of chapter sixteen of this Title 34:16-1, et seq.
	Approved May 5, 1938.

CHAPTER 131

AN ACT providing for appointments to paid fire departments from the membership of volunteer fire departments.

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

Appointments of volunteer firemen to paid service.	1. In any municipality in this State having a volunteer fire company or department, in which no paid firemen are employed, performing public fire duty under control of the municipal governing body, in which there shall hereafter be created a
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paid position or positions, in the making of appointments to fill the position or positions so created preference shall be given to the member of the volunteer fire company or department who shall have served as an active fireman not less than two years next preceding the making of such appointment or is an exempt fireman of the company or department; *provided*, that such person is between the ages of twenty-one and forty years at the time of appointment.

Proviso.

2. In any municipality in this State having a volunteer fire company or department doing public fire duty under control of the municipal governing body, in which there shall hereafter be established a paid fire company or department, in the making of appointments to the paid fire company or department preference shall be given to the members of such volunteer fire company or department who shall have served as active firemen not less than two years next preceding the making of such appointment or are exempt firemen of the company or department; *provided*, that such persons are between the ages of twenty-one and forty years at the time of appointment.

Preferential appointments.

Proviso.

3. In any municipality in this State having a volunteer fire company or department doing public fire duty under the control of the municipal governing body, in which there now exists a fire department composed of both paid and volunteer firemen, in all appointments to employment in the paid division of such department, preference shall be given to persons who are now volunteer members of such fire department who shall have served as active firemen for not less than two years next preceding the making of such appointment or are exempt firemen of the company or department, provided such persons are between the ages of twenty-one and forty years at the time of such appointment.

Appointments from mixed service.

4. If, in any municipality, eligibility for appointment to employment in the paid fire division or department shall be determined in whole or in part

Service credits.

Proviso.

by competitive examinations or tests, a fireman who has served not less than two years in the volunteer department of such municipality next preceding the making of such appointment shall be entitled, in addition to his earned rating, to service credits of not less than three and not more than ten points, as may be determined by the body or commission conducting such examination or test; *provided*, such person is between the ages of twenty-one and forty years at the time of such appointment.

Limited preference.

5. Nothing herein contained shall establish a preference over a paid fireman temporarily dismissed or on leave of absence for reasons of economy, nor shall anything herein contained be construed to establish a preference to volunteer or exempt firemen in appointment to a superior office in any case where permanent paid firemen are employed in such department at the time promotion is made to a superior office.

6. This act shall take effect immediately.

Approved May 5, 1938.

CHAPTER 132

AN ACT concerning the cancellation of capital stock taxes on corporations, and repealing section 54:15-5 of the Revised Statutes.

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

Section repealed.

1. Section 54:15-5 of the Revised Statutes is hereby repealed.

2. This act shall take effect immediately.

Approved May 5, 1938.

CHAPTER 133

AN ACT concerning idiots and lunatics, and amending section 3:21-4 of the Revised Statutes.

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

1. Section 3:21-4 of the Revised Statutes is hereby amended to read as follows: Section amended.

3:21-4. The guardian, spouse, or a child or any person on behalf of a child of a resident or non-resident mental incompetent, may apply to the Court of Chancery, or to the court to which the guardian, if a resident, is accountable, by verified petition setting forth the facts and circumstances of the case, for an order directing the amount the guardian may expend yearly for the support and maintenance of the mental incompetent, his household, family, spouse, child or children, out of his personal estate, and the income thereof, and the profits of his real estate, or directing the payment of his debts or those of such family, or otherwise directing the guardian in relation to the care and management of the mental incompetent or his estate, and in relation to the support and maintenance of the mental incompetent, his household, family, spouse, child or children. Application for guardian.

Amount allowable.

Care and management.

Upon such notice, if any, as the court may direct, and investigation of the matters set forth in the petition, the court may make such order in the premises as it may deem proper and direct the costs of the application to be paid out of the estate of the mental incompetent. Order by court.

2. This statute shall take effect immediately.

Approved May 5, 1938.

CHAPTER 134

AN ACT concerning highways and extending State Highway Route No. 4, to be known as S-4-d.

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

Route S-4-d.

1. The following route which shall be an extension of State Highway Route No. 4, shall commence at Route No. 4 in Teaneck township at Teaneck road and run generally in a northerly direction to a road known as Liberty road, in the township of Teaneck, being the location of a State Armory, township of Teaneck, Bergen county, New Jersey, and to be known as S-4-d.

Procedure.

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 the 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-eight of the Title Taxation (Section 54:39-1 et seq.).

Funds.

2. This act shall take effect immediately.

Approved May 5, 1938.

CHAPTER 135

AN ACT concerning civil service, and amending section 11:20-2 of the Revised Statutes.

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

1. Section 11:20-2 of the Revised Statutes is hereby amended to read as follows: Section amended.

11:20-2. The petition mentioned in section 11:20-1 of this Title shall be signed by at least five hundred voters in counties of the first, second, third and fifth class and in cities of the first and second class, and by at least two hundred and fifty voters in counties of the fourth and sixth class and in cities of the third and fourth class, and by one hundred and fifty voters in all other municipalities, and in school districts by the same number of voters as would be required by the city or municipality within which the school district is situated. Signers to petitions.

Approved May 5, 1938.

CHAPTER 136

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.

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.

When act
expires.

5. This act shall be deemed a public act. It shall be inoperative and of no effect after June thirtieth, nineteen hundred thirty-nine.

2. This act shall take effect immediately.

Approved May 5, 1938.

CHAPTER 137

AN ACT to authorize the State Tax Commissioner to apply certain refunds of taxes and certain deposits to the satisfaction of certain indebtedness due to the State from the taxpayer entitled to receive such refunds of taxes and deposits, and amending section 54:49-17 of the Revised Statutes.

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

Section
amended.

1. Section 54:49-17 of the Revised Statutes is amended to read as follows:

Repayment of
certain funds
held by tax
commissioner.

54:49-17. When, to secure compliance with any of the provisions of any State tax law or of this subtitle, any moneys shall have been deposited with the commissioner by any taxpayer and shall have been paid over to the treasurer, and the commissioner shall be satisfied that such taxpayer has fully complied with all such provisions, the commissioner shall so certify to the comptroller who shall thereupon issue his warrant to the treasurer for the repayment to such taxpayer of such moneys or such part thereof as the commissioner shall certify has not been applied by him to the satisfaction of any indebtedness arising under any State tax law or under this subtitle.

Refund may
be applied to
indebtedness.

Whenever any taxpayer shall be entitled to any refund of taxes or to the repayment of any deposit, or to both, under the provisions of any State tax law or of this subtitle, and at the same time the said taxpayer shall be indebted to the State for

taxes, penalties or interest under the provisions of any other State tax law or of this subtitle, the commissioner may apply or cause to be applied the said refund or deposit, or both, or so much of either or both as shall be necessary, to the satisfaction of the said indebtedness, so due from the taxpayer to the State, before making or certifying such refund or repayment.

2. This act shall take effect immediately.

Approved May 5, 1938.

CHAPTER 138

AN ACT concerning limitation of criminal prosecution, and amending section 2:183-3 of the Revised Statutes.

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

1. Section 2:183-3 of the Revised Statutes is amended to read as follows: Section amended.

2:183-3. Any person holding or having held, or who may hereafter hold, any public office or employment, either under this State, or any county, city, borough, town or township therein, whether elective or appointive, or any person being or having been, or who may hereafter be an executor, administrator, guardian, trustee or receiver, or any officer or director holding or having held, or who may hereafter hold, office or employment with any public, quasi public or public quasi corporation or with any charitable, religious or fraternal organization or with any mutual benefit society or association for nonpecuniary benefit or with any bank or building and loan association or with any trust, insurance, mortgage, guaranty, title or investment company, may be prosecuted, tried and punished Certain criminal acts may be prosecuted within five years.

Exception. for any forgery, larceny or embezzlement, or conspiracy to commit forgery, larceny or embezzlement, or conspiracy to defraud, committed while in such office or employment, where the indictment has been or may be found within five years from the time of committing such offense; but nothing herein contained shall apply to any person fleeing from justice.

2. This act shall take effect immediately.

Approved May 5, 1938.

CHAPTER 139

AN ACT relating to the collection of delinquent municipal liens.

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

Collection of
municipal
liens brought
under this act.

Payable in
five years.

Interest
included.

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-eight, 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-eight, 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 to be totaled as of said date; and the payment of such totaled sum shall be spread over a period of five years, and the same shall be payable in monthly or quarterly installments as stated in said resolution commencing August first, one thousand nine hundred and thirty-eight, with interest on the several unpaid

balances at the rate of seven per centum (7%) per annum, payable on the same quarterly dates.

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.

Resolution
filed with
county clerk.

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.

Total 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 by the collecting official of the municipality on at least five days' notice to all persons other than the applicant interested therein.

Apportionment
to various
properties.

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-eight and all subsequent taxes, assessments or other liens imposed or becoming a lien after January first, one thousand nine hundred and thirty-eight, including all installments thereafter payable on assessments theretofore levied, and also the prompt payment of all installments of arrears as hereinbefore authorized. Prompt payment shall consist in making payment thereof within thirty days after the respective due dates.

Prompt
payment.

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

Suspension
of lien of
arrears.

the same become payable in installments under the terms of this act and the municipality shall have no further right to enforce the payment of such arrears so long as such installment payments shall be made promptly when due as herein provided for, and so long as payment for all subsequent taxes, assessments and other liens shall likewise be made promptly when due.

When lien
effective.

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-eight 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-eight, and before the date of actual payment of said first half of nineteen hundred and thirty-eight taxes.

If delay
all arrears
payable.

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

Arrears noted
on tax search.

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

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.

Extended
arrears a
violation of
covenant.

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.

Crediting
payments.

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

Foreclosure.

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

Exception.

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

Paying in-
stallments.

shall then be entitled to add to the amount of his lien, the sum so paid with interest thereon from the date of payment; but in such case if the owner or any other prior party in interest shall thereafter pay the same to the collecting officer, the latter shall give a special receipt for such payment, and shall immediately notify the lien holder who made the first payment thereof, and said lien holder shall be entitled to receive the amount of such payment from the collecting officer, and all further rights of such lien holder under such payment shall immediately cease.

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

Act does not apply to certain conditions. 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 May 7, 1938.

CHAPTER 140

AN ACT concerning executors and the administration of intestates' estates, and amending section 3:13-7 of the Revised Statutes.

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

1. Section 3:13-7 of the Revised Statutes is hereby amended to read as follows: Section amended.

3:13-7. Any executor or administrator by virtue of letters obtained in another State may prosecute any action or sue out execution upon judgment or decree in any court of this State, or may be made a party defendant to any action at law or suit in equity in any court of this State, as if his letters had been granted in this State; *provided*, that there shall be filed in the office of the register of the prerogative court an exemplified copy of his letters testamentary or of administration, and that security for the costs may be required from such executor or administrator as if he were a nonresident of this State. Prosecuting action in or out of State.

In any action at law, or suit in equity in any court of this State heretofore or hereafter commenced by or against any executor or administrator, by virtue of letters obtained in another State, the said action at law or suit in equity shall be deemed valid; *provided*, that prior to, pending or subsequent to the said action at law or suit in equity there shall be filed in the office of the register of the prerogative court an exemplified copy of his letters testamentary or of administration. Previous action or suit valid.

2. This act shall take effect immediately. Proviso.

Approved May 7, 1938.

CHAPTER 141

AN ACT validating sale of land by executors, administrators, administrators c.t.a., guardians or trustees in certain cases.

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

Validating
deed not
made by all
qualified
executors, etc.

Proviso.

Proviso.

Repealer.

1. Whenever any deed shall have heretofore been executed and delivered by one or more executors, administrators, administrators c.t.a., guardians or trustees though not executed and delivered by all of the duly qualified executors, administrators, administrators c.t.a., guardians or trustees and said deed shall have been delivered for a valuable and sufficient consideration, such deeds of conveyance are hereby confirmed and made valid, notwithstanding the said deed of conveyance was not executed and delivered by all of the duly qualified executors, administrators, administrators c.t.a., guardians or trustees, as required by law: *provided, however*, said deed of conveyance shall have been recorded for a period of twenty years; *and provided, further*, that nothing herein contained shall be construed to release, from liability to the estate, such executors, administrators, administrators c.t.a., guardians or trustees, by reason of such improper conveyance.

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

Approved May 7, 1938.

CHAPTER 142

AN ACT to establish a pension for certain employees in the offices of the Surrogates of this State.

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

1. A person who has been continuously in the employ in the surrogate's office of any county in this State for a period of thirty-five years, and has served as special deputy surrogate or deputy surrogate in said surrogate's office may retire at any time thereafter; *provided, however*, such retirement shall not become effective until approved by duly adopted resolution of the board of freeholders of said county.

Retirement
of surrogates'
assistants.

Proviso.

2. The employee so retiring shall thereafter be paid an annual salary or compensation, during the period of his or her natural life, commencing with the date of the filing of his or her resignation, at the rate of one-half of the annual salary received by such employee for one year prior to the time of such resignation. The pension shall be paid out of the treasury of the county wherein the person retiring was employed, in the same manner and at the same time as other salaries are paid to those employed in that county.

Retirement
compensation.

Payment.

3. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 143

AN ACT to add Route 55 to the State highway system.

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

Additional
road.

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, lay out and construct as an addition to the present State highway system the following described route:

Route 55.

Route No. 55. Beginning at a point on State Highway Route No. 3 in Secaucus, via North Bergen, Ridgefield or Ridgefield Park, Leonia or Teaneck or Englewood, Closter, and Northvale, terminating on New York State Highway Route No. 303 at the New Jersey-New York State line.

2. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 144

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

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

Membership
of consolidated
school dis-
tricts.

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.

2. Immediately after the time when this act shall become effective the membership of the board of education of such consolidated district shall be apportioned by the county superintendent as aforesaid and such apportionment shall continue to represent the respective municipal sections of the consolidated school district until changed by reapportionment which shall be made immediately after the publication of the report of each subsequent census. The boards of education of each consolidated district shall continue to conduct the schools of the respective districts until the next annual meeting for the election of members of boards of education, when the terms of office of all members of every such consolidated district shall end. At the said annual meeting a board of education shall be elected as follows:

Apportionment by county superintendent.

Continuance of members.

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 the number of members of which it shall be entitled under the then effective apportionment. 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 other 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

Election.

Terms.

Vacancies.

districts of but one municipality except that such elections shall be provided for only in the districts where vacancies occur.

3. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 145

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*:

Section
amended.

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

Consolidated
school dis-
tricts.

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.

Selection of
members.

Apportion-
ment.

Continuance
of members.

Continuance
of school
session.

The boards of education of each of the consolidating districts shall continue to conduct the schools of the respective districts until June thir-

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

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.

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. 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.

2. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 146

AN ACT granting authority to the Commissioners of Edison Park to contract with the Thomas Alva Edison Foundation, Incorporated, for the construction of additional improvements and the care, maintenance and operation of the Edison Tower at Menlo Park.

Preamble. WHEREAS, By chapter two hundred eighteen of the laws of one thousand nine hundred and thirty-one, of the State of New Jersey, there was created a body politic under the name and style of "Commissioners of Edison Park," with power to acquire in the name of the State of New Jersey such lands as might be necessary for the establishment of a public park at Menlo Park in the township of Raritan, in the county of Middlesex; and with power to develop such public park as therein provided; and

Preamble. WHEREAS, By deed dated May twenty-fifth, one thousand nine hundred and thirty-three, and recorded in the office of the county clerk of Middlesex county in Book 1051 of Deeds, page two hundred eighty-five, Henry Ford and Clara J. Ford, his wife, conveyed to the State of New Jersey, certain lots of land shown upon a certain map entitled "Map of Menlo Park Homestead Association of New Jersey Railroad," and more particularly described therein, for use in the creation of such public park; and

Preamble. WHEREAS, Pursuant to permission granted by chapter seventy-seven of the laws of one thousand nine hundred and thirty-seven of the State of New Jersey, the Thomas Alva Edison Foundation, Incorporated, a corporation of the State

of New York, has erected a permanent tower on a portion of said land, known as the Edison Tower, as a memorial to Thomas Alva Edison; and

WHEREAS, Said the Thomas Alva Edison Foundation, Incorporated, has made a proposal to the Commissioners of Edison Park for the construction of additional improvements in relation to said tower and for the care, maintenance and operation of the tower, and it is deemed advisable that the Commissioners of Edison Park should have authority to contract with the foundation for these purposes; therefore

Preamble.

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

1. The Commissioners of Edison Park be and they are hereby authorized to contract with the Thomas Alva Edison Foundation, Incorporated, a corporation of the State of New York, without consideration other than hereinafter provided, for the construction of additional improvements on the land owned by the State of New Jersey in relation to the Edison Tower at Menlo Park, and for the care, maintenance and operation of said tower and improvements, upon such terms and conditions as the Commissioners of Edison Park shall approve, including the right to the foundation to collect fees for the admission of visitors and other privileges, any portion of such revenues payable to the Commissioners of Edison Park under such contract to be retained and used by them for their general purposes; *provided, however*, that said foundation shall pay the cost of such construction of additional improvements and of the care, maintenance and operation of the tower, including liability of any nature that may arise in connection therewith.

Improvements
at Edison
Tower.

Terms and
conditions.

Proviso.

2. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 147

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:

Retailer not
interested in
ownership or
production.

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 thirty-nine, 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.

Prior in-
terests.

Retailer's
interests
limited.

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.

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.

Inside signs excluded.

Approved May 7, 1938.

CHAPTER 148

AN ACT to validate certain conveyances by corporations.

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

1. Every deed of lands, tenements and hereditaments heretofore made by a corporation 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 such deed shall not have been signed in the corporate name, but shall only have been signed by the officers of such corporation; *provided, however*, that such corporate grantor shall have been designated by its proper name as the grantor in such deed.

Validating certain deeds not in corporate name.

2. The record of every such deed shall be admissible in evidence as fully and completely for all purposes as if such deed had been duly signed with the name of the corporation.

Proviso.

Record of deed in evidence.

3. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 149

AN ACT to permit councilmen in municipalities to accept certain municipal positions upon resigning as councilmen.

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

Section
amended.

1. Section 40:46-5 of the Revised Statutes is amended to read as follows:

Eligibility to
municipal
office.

40:46-5. No member of any governing body of any municipality shall, during the term for which he shall have been elected or appointed such member, be eligible for election or appointment to an office required to be filled by the governing body of which he is a member, unless such office is required by law to be filled by a member of such governing body; *provided*, nothing herein contained shall prohibit a councilman from resigning as councilman and being appointed to a position required to be filled by the governing body of a municipality during the time for which he was elected such councilman; *provided, further*, that said position shall have been in existence and continuously filled for five years or more prior to the passage of this act or was created by statute; *provided*, said position was not created during said term of office; *and provided, further*, that the salary of said office shall not be increased during the term for which said councilman was elected.

Proviso.

Proviso.

Proviso.

Proviso.

2. This act to take effect immediately.

Approved May 7, 1938.

CHAPTER 150

AN ACT concerning the commission for the care and treatment of crippled children, and amending section 9:13-1 of the Revised Statutes.

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

1. Section 9:13-1 of the Revised Statutes is hereby amended so that the same shall read as follows: Section amended.

9:13-1. The commission for the care and treatment of crippled children created by an act entitled "An act to create a commission for the care and treatment of crippled children, defining its powers and duties and making an appropriation therefor," approved April seventh, one thousand nine hundred and thirty-one (L. 1931, c. 70, p. 126), hereinafter in this article designated as the "commission" is continued. Such commission shall be known as the "State Crippled Children's Commission." Commission's legal name.

The commission shall consist of ten members as follows: The director of the State Department of Health or an officer of his department designated by him; one representative each from the organizations known as the Elks, Rotarians, Shrine, Kiwanis, Lions, Medical Society of New Jersey, and one member of the Senate and one member of the House of Assembly, to be appointed by the Governor on the recommendation of their respective organizations; and one citizen of the State to be appointed by the Governor. The Senator and Assemblyman shall be appointed annually, but the terms of other members shall be five years. Vacancies shall be filled for the unexpired terms only. Membership.

2. This act shall take effect immediately. Terms.

Approved May 7, 1938.

CHAPTER 151

AN ACT concerning the payment of taxes in the cases of appeal from assessments under the general property tax law, and amending section 54:3-27 of the Revised Statutes.

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

Section
amended.

1. Section 54:3-27 of the Revised Statutes is hereby amended to read as follows:

Appeal
against levy.

54:3-27. A taxpayer who shall file an appeal from an assessment against him may pay to the collector of the taxing district such portion of the taxes assessed against him as he would be required to pay if his appeal were sustained. The collector shall accept such amount, when tendered, give a receipt therefor and credit the taxpayer therewith, and the taxpayer shall have the benefit of the same rate of discount on the amount paid as he would have on the whole amount.

Partial pay-
ment credited.

Effect of
appeal.

The payment of part or all of the taxes upon any property, due for the year for which an appeal from an assessment upon such property has been or shall hereafter be taken, or of taxes for subsequent years, shall in no wise prejudice the status of the appeal or the rights of the appellant to prosecute such appeal, before the county board of taxation, the State Board of Tax Appeals, or in any court to which the judgment arising out of such appeal shall be taken.

2. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 152

AN ACT concerning the payment of general property taxes by mortgagee.

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

1. Payment of taxes by mortgagee. Whenever a mortgagee shall pay any taxes on the mortgaged premises and give notice to the collector of taxes at the time of such payment that payment is being made of such taxes as mortgagee, and an appeal from the assessment placed or the taxes levied on such property is taken or is pending and a reduction in the assessment or the taxes levied is obtained by such an appeal, the collector of taxes shall credit any remission of taxes arising out of such appeal to the taxes next levied upon such premises, or the taxes due or to become due in the year the judgment is issued on such appeal.

Payment of
taxes by
mortgagee.

Remission
following
appeal.

The collector of taxes shall make a record of the fact that such taxes were paid by the mortgagee and shall give the payor a receipt as mortgagee for such payment, and place the amount of any remission of taxes obtained arising out of such appeal to the credit of the taxes next to be levied upon such premises or to the taxes due or to become due in the year the judgment is issued on such appeal.

Record.

Receipt.

Remission
credited to
next levy of
taxes.

2. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 153

AN ACT to authorize Palisades Interstate Park Commission to exchange certain lands for certain other lands in the vicinity of the United States Military Reservation at West Point now owned by the United States of America and under the jurisdiction of the War Department; to exchange certain lands for certain other lands now owned by Rockland Lake Corporation and to exchange certain lands for certain other lands now owned by Florell Realty Corporation.

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

Conveyance
of land
shown on map.

Deed.

Consideration.

Conveyance
by United
States.

1. Palisades Interstate Park Commission is hereby authorized to convey all or part of those certain lands shown and marked parcels A, B, C and E upon a certain map and detailed description filed in the office of the commission, copies of which are filed in the offices of the Secretaries of State of the States of New Jersey and New York, said map and description being dated January thirty-first, nineteen hundred thirty-eight, and said map being marked "Proposed Property Exchange with the United States of America in the town of Highlands, Orange County, N. Y.," and to execute and deliver a deed therefor to the United States of America in consideration of said United States of America conveying to and executing and delivering a deed to such commission covering one other certain parcel of land marked D on such map and paying to such commission such cash consideration as such commission shall agree upon, in exchange for all or part of such parcels A, B, C and E. Such deed from the said United States of America to the commission may reserve the following rights: Full control of Popolopen creek to its mouth and

of the flow of water therein, the sole right to water from Popolopen creek below the West Point pipe line intake, a right of way for the West Point pipe line over such parcel D with full privileges to enter on the property for inspection, operation, maintenance or reconstruction of such pipe line, and all existing rights of the war department to secure water from Bear Mountain park, and such commission is hereby authorized to execute and deliver to said United States of America any agreements or covenants giving such rights.

2. Palisades Interstate Park Commission is hereby authorized and empowered to receive and accept the title to the lands embraced within such parcel D, which lands shall be under the jurisdiction of such commission and shall be held and used by such commission as provided by the Palisades interstate park compact for other lands within the jurisdiction of such commission, subject, however, to such rights of said United States of America as may be reserved or given as provided in section one hereof. All monies received by such commission as part consideration for the exchange authorized in section one hereof shall be used by such commission in such manner as it shall determine for the acquisition of real or personal property for such portion of Palisades interstate park as lies within the State of New York.

3. Palisades Interstate Park Commission is hereby authorized to convey two certain parcels of land, one as shown upon a certain map and detailed description entitled "Barker's Point, Rockland lake, town of Clarkstown, county of Rockland," dated February eleventh, nineteen hundred thirty-seven, signed "Commissioners of the Palisades Interstate Park, W. A. Welch, chief engineer;" another as shown upon a certain map and detailed description entitled "for the Commissioners of the Palisades Interstate Park, Sylvan Grove tract, Rockland lake, town of Clarkstown, Rockland county," dated April twenty-fourth, nineteen hundred thirty-five, signed "W. A. Welch, chief engi-

Reservation.

Rights.

Water rights.

Title.

Jurisdiction.

Reserved rights.

Use of monies.

Other parcels conveyed.

Deed.	neer," which two maps and detailed descriptions are filed in the office of such commission and copies whereof are filed in the offices of the Secretaries of State of the States of New Jersey and New York, and to execute and deliver a deed therefor, to
Consideration.	Rockland Lake Corporation, its successors or assigns, in consideration of the said Rockland Lake Corporation, its successors or assigns, conveying to and executing and delivering a deed to such commission, covering other certain parcels of land and land under water as shown upon a certain map and detailed description entitled "map of property of the Rockland Lake Corporation at Rockland lake landing, town of Clarkstown, county of Rockland, to be exchanged with Commissioners of the Palisades Interstate Park, under agreement dated
Map and description.	April first, nineteen hundred thirty-seven," said map being dated the same day and signed "W. A. Welch, chief engineer" and filed in the office of such commission, copies of which map and detailed description are filed in the offices of the Secretaries of State of the States of New Jersey and New York, in exchange for the two parcels shown on the two maps first above referred to.
Accepting land under water.	4. Palisades Interstate Park Commission is hereby authorized and empowered to receive and accept the title to such lands and lands under water, which lands shall be under the jurisdiction of such commission and shall be held and used by such commission as provided by the Palisades Interstate Park Compact for other lands within the jurisdiction of such commission. The deed conveying these lands may be subject to such reservations and covenants as may be agreed upon between such commission and the grantor.
Jurisdiction.	
Reservations.	
Parcel 2 conveyed.	5. Palisades Interstate Park Commission is hereby authorized to convey certain lands shown and marked parcel No. 2 upon a certain map and detailed description filed in the office of the commission, copies of which are filed in the offices of the Secretaries of State of the States of New Jersey and New York, said map being dated "Feb-
Maps.	

ruary, one thousand nine hundred and thirty-two. Revised—January twenty-fourth, one thousand nine hundred and thirty-eight” and said detailed description being dated January twentieth, nineteen hundred and thirty-eight, and said map being marked “Map Showing Proposed Property Exchange with the Florell Realty Corporation in the town of Orangetown, Rockland county, New York. For the Palisades Interstate Park Commission, Wm. A. Welch, Chief Engineer,” and to execute and deliver a deed therefor to Florell Realty Corporation in consideration of said Florell Realty Corporation conveying to and executing and delivering a deed to such commission covering one other certain parcel of land marked parcel No. 1 on such map, in exchange for such parcel No. 2.

Description.

Properties exchanged.

6. Palisades Interstate Park Commission is hereby authorized and empowered to receive and accept the title to the lands embraced within such parcel No. 1, which lands shall be under the jurisdiction of such commission and shall be held and used by such commission as provided by the Palisades Interstate Park Compact for other lands within the jurisdiction of such commission.

7. Each exchange and conveyance herein provided for shall be conditioned upon the approval by the Attorney-General of the State of New York of the title to the lands to be conveyed to Palisades Interstate Park Commission by such exchange or conveyance.

Approval of transaction.

8. This act shall take effect upon the enactment into law by the State of New York of legislation having identical effect with this act, but if the State of New York has already enacted such legislation this act shall take effect immediately.

When act effective.

Approved May 7, 1938.

CHAPTER 154

AN ACT to regulate the practice of medicine and surgery and to license physicians and surgeons, and supplementing chapter nine of Title 45 of the Revised Statutes.

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

Qualifications
required to
take exami-
nation.

1. Any person who is more than twenty-one years of age and of good moral character, a citizen of the United States and a resident of this State at the time of the adoption of this act, and who has completed an academic education consisting of four years' course of study in an approved public or private high school of this State; and who has subsequently completed a four years' course in a college or school of art and science approved by the Commissioner of Education of this State, and who has subsequently completed a four years' course of study in a legally incorporated medical or professional college in the United States, and has received therefrom a diploma conferring upon him a degree of Doctor of Medicine; and who has subsequently served as an interne for at least one year in a hospital approved by the State Board of Medical Examiners and has received a certificate or diploma certifying thereto; and who has been satisfactorily examined by the Medical Licensing Board of another State of the United States, and licensed as a physician in said State, shall upon proof of the foregoing to the said State Board of Medical Examiners, be admitted to examination by the said Board of Medical Examiners, for license to practice medicine and surgery, anything to the contrary in the act to which this is a supplement, or in any of its various other supplements and amendments to the contrary notwithstanding, and to such subsequent examinations as

therein provided for other applicants admitted to examination thereunder, and upon passing such examination, shall be entitled to receive from said Board of Medical Examiners a license to practice medicine and surgery in all its branches in this State. Licensed.

2. This act shall take effect immediately, but shall become void and of no effect on January first, one thousand nine hundred and thirty-nine. Duration of act.

Approved, May 7, 1938.

CHAPTER 155

AN ACT relating to public schools, and amending sections 18:8-1, 18:8-4, 18:8-5, 18:8-6, 18:8-7, 18:8-8, 18:8-9, 18:8-10, 18:8-11 and 18:8-16 of the Revised Statutes.

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

1. Section 18:8-1 of the Revised Statutes is hereby amended to read as follows: Section amended.

18:8-1. Whenever the boards of education of two or more school districts and the commissioner after study and investigation shall deem it advisable to unite in creating a regional school district and maintaining a regional board of education for the establishment and development of elementary schools, junior high schools, high schools, vocational schools, special schools, health facilities, or particular educational service or facilities in the territory comprised within the school districts, each of the district boards shall call and conduct an election in the manner provided for the conduct of school elections in chapter seven of this Title (Title 18:7-1 et seq.) and submit the question of creating and maintaining a regional board of education for any one or more specific purposes. Creating regional school district.
Objects.
Election.

Section amended.	2. Section 18:8-4 of the Revised Statutes is hereby amended to read as follows:
County superintendent to select members of board.	18:8-4. When two or more districts have voted to establish a regional board of education as provided in sections 18:8-1 to 18:8-3 of this Title, the county superintendent or county superintendents of the county or counties in which the districts are situated shall select for the districts of their respective counties, from among the citizens of such districts having the qualifications of members of boards of education in districts governed by chapter seven of this Title (Title 18:7-1 et seq.), nine members to constitute the regional board of education; <i>provided</i> , that if there are more than nine districts uniting, then the number of members on the board of education shall be the same as the number of school districts.
Number.	
Proviso.	
Section amended.	3. Section 18:8-5 of the Revised Statutes is hereby amended to read as follows:
Apportionment of membership.	18:8-5. The membership shall be apportioned by such county superintendent or county superintendents of schools among the several districts uniting under the regional board of education as nearly as may be according to the number of their inhabitants; but each district shall have at least one member.
Continuance of members.	The membership as apportioned shall continue to represent the respective districts under the regional board of education until changed by reapportionment by the county superintendent or county superintendents, which shall be made immediately succeeding each published United States census report; but members shall continue in office for the terms for which they were elected or appointed.
Section amended.	4. Section 18:8-6 of the Revised Statutes is hereby amended to read as follows:
Terms of appointed and elective boards.	18:8-6. The appointed board of education shall serve until the first Monday in March succeeding the next annual meeting for the election of board members when the term of office of the members so appointed shall end and the members of the

board elected shall take office under the provision of sections 18:8-8 and shall take office for terms as provided in section 18:8-7 of this Title.

5. Section 18:8-7 of the Revised Statutes is hereby amended to read as follows:

Section amended.

18:8-7. The county superintendent or county superintendents appointing the original board shall designate the initial elective terms by providing that in regional districts having nine members, three members shall be elected for three years, three for two years, and three for one year, and shall apportion such terms among the districts to provide as nearly as may be that each district to the extent of memberships to which it is entitled shall have memberships for each of the terms beginning with the apportionment to each of the districts, in alphabetical order, a three-year term, and next the two and one year terms respectively, and where there are more than nine districts, the member in the tenth district shall be appointed for a term of three years, in the eleventh district for a term of two years, and in the twelfth district for the term of one year, with continuation in such rotation until provision has been made for representation in all districts. When the regional board of education shall have organized as provided in section 18:8-10 of this Title, the county superintendent or county superintendents shall notify the board of the designated terms for which such members shall serve.

Terms of members of district boards.

Terms apportioned.

Terms designated.

6. Section 18:8-8 of the Revised Statutes is hereby amended to read as follows:

Section amended.

18:8-8. The board of education of the regional district shall provide annually in the manner prescribed for districts governed by chapter seven of this Title (Title 18:7-1 et seq.), for the election on the first Tuesday in February of members of the regional board to succeed in the respective districts the members whose term shall expire on the first Monday in March next succeeding. The term of office of the regional board members shall be for a period of three years and elections shall be for

Providing for succeeding elections.

Term of office.

a term of three years except that vacancies for unexpired terms shall be filled by the regional board under the same provisions as exist for the filling of vacancies in boards of education governed by chapter seven of this Title (Title 18:7-1 et seq.).

Section amended.

7. Section 18:8-9 of the Revised Statutes is hereby amended to read as follows:

Legal designation.

18:8-9. Each board of education elected as provided in this chapter shall be a body corporate, and shall be known as "The board of education of the regional school district including the school districts of (here insert the names of the districts and the county or counties in which each such uniting district is situated). If a shorter name appears to be desirable to any regional board heretofore or hereafter created, another title may be adopted by it, with the approval of the State Board of Education, which approved title shall be certified by the State board under the hand of its secretary to the Secretary of State. The new title so approved and certified shall become the corporate title of the district and any obligations of the regional board under the former title shall become the obligations of such board under the new title.

Shorter title.

Section amended.

8. Section 18:8-10 of the Revised Statutes is hereby amended to read as follows:

Organization.

18:8-10. The regional board of education shall forthwith after its first appointment organize by the election of one of its members as president and one of its members as vice president and appoint a secretary who may be a member of the board of education. The president and vice president shall serve until the first Monday in March next succeeding the election of their successors, and annually thereafter the board shall organize by the election of such officers. The term of the secretary shall expire annually on the thirtieth day of June.

Term of officers.

Section amended.

9. Section 18:8-11 of the Revised Statutes is hereby amended to read as follows:

Custodian of school moneys.

18:8-11. The board shall appoint a suitable person as custodian of school moneys and fix his salary. The term of the custodian shall expire on the

thirtieth day of June of each year. He may be a member of the board of education. The custodian shall have the powers and be charged with the duties conferred or imposed upon custodians of school moneys in districts governed by chapter seven of this Title (Title 18:7-1 et seq.), and shall give such bond in such amount and with such surety as the board shall direct, but the bond shall be for a sum not less than the amount annually apportioned to the board by the county superintendent of schools.

Powers and duties.

Bond.

10. Section 18:8-16 of the Revised Statutes is hereby amended to read as follows:

Section amended.

18:8-16. Meetings for the purpose of raising annual appropriations or for bonding the district for the purpose of land or the construction or repair of buildings for school purposes shall be called and conducted by the regional board of education in the manner provided for such elections under the boards of education in districts governed by chapter seven of this Title (18:7-1 et seq.), with at least one polling place in each of the uniting districts. The elections for annual appropriations shall be held on the first Tuesday in February. Only the total vote of all the districts under the regional board shall be considered in determining the result of the election. Any proposition must be authorized by a majority of the total votes cast upon the proposition in all of the territory uniting under the regional board of education without regard to constituent district boundaries.

Financing.

Elections.

Result.
Authorizing proposition.

11. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 156

AN ACT concerning public health, and amending section 24:18-2 of the Revised Statutes; 24:18-7 of the Revised Statutes; and 24:18-30 of the Revised Statutes.

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

Section
amended.

1. Section 24:18-2 of the Revised Statutes is hereby amended to read as follows:

Explanations
of terms:

24:18-2. The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

Marihuana;

(1) The term "marihuana" means all parts of the plant *Cannabis Sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fibre, oil, or cake or the sterilized seed of such plant which is incapable of germination.

Coca leaves;

(2) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substance from which cocaine or ecgonine may be synthesized or made.

Dentist,

(3) "Dentist" means any person authorized by law to practice dentistry in this State.

Dispense;

(4) "Dispense" includes distribute, leave with, give away, dispose of or deliver.

Narcotic law;

(5) "Federal narcotic law" means the laws of the United States relating to opium, coca leaves and other narcotic drugs.

(6) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Department of Institutions and Agencies as proper to be intrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist or veterinarian. Hospital;

(7) "Laboratory" means a laboratory to be intrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health. Laboratory;

(8) "Manufacturer" means a person who by compounding, mixing, cultivating, growing or other process produces or prepares narcotic drugs, but does not include a pharmacist who compounds narcotic drugs to be sold or dispensed on prescription. Manufacturer;

(9) "Narcotic drugs" means coca leaves, opium, marihuana and every substance not chemically distinguishable from them. Narcotic drugs;

(10) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law, and if no such order form is provided, then on an official form provided for that purpose by the State Department of Health. Official written order;

(11) "Opium" includes morphine, codeine and heroin and any compound, manufacture, salt, derivative, mixture, or preparation of opium. Opium;

(12) "Person" includes any corporation, association, copartnership or one or more individuals. Person;

(13) "Pharmacist" means a registered pharmacist of this State. Pharmacist;

(14) "Pharmacy owner" means the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not registered or licensed as a pharmacist any Pharmacy owner;

- authority, right or privilege that is not granted to him by the pharmacy laws of this State.
- Physician; (15) "Physician" means any person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.
- Registry number; (16) "Registry number" means the number assigned to each person registered under the Federal narcotic laws.
- Sale; (17) "Sale" includes barter, exchange or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.
- Veterinarian; (18) "Veterinarian" means any person authorized by law to practice veterinary medicine in this State.
- Wholesaler. (19) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written order, but not on prescription.
- Section amended. 2. Section 24:18-7 of the Revised Statutes is hereby amended to read as follows:
- Exceptions: 24:18-7. Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:
- Prescribing and dispensing certain drugs in small quantities. a. Prescribing, administering, compounding, dispensing or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, (1) not more than two grains of opium, (2) not more than one-quarter grain of morphine or of any of its salts, (3) not more than one grain of codeine, or of any of its salts, (4) not more than one-eighth of a grain of heroin or of any of its salts, (5) not more than one-half of a grain of extract of marihuana nor more than one-half of a grain of any more potent derivative or preparation of marihuana.

3. Section 24:18-30 of the Revised Statutes is hereby amended to read as follows:

Section amended.

24:18-30. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced, and the proportion of resin contained in or producible from any part of the plant *cannabis sativa* L., from which the resin has not been extracted, received or produced.

Record and use of narcotics.

4. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 157

AN ACT assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September second, one thousand nine hundred and thirty-seven.

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

1. The State of New Jersey hereby assents to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September second, one thousand nine hundred and thirty-seven (Public, No. 415, 75th Congress), and the Board of Fish and Game Commissioners is hereby authorized, em-

State assents to Federal act pertaining to wildlife restoration.

powered and directed to perform such acts as may be necessary to the conduct and establishment of co-operative wildlife-restoration projects, as defined in said Act of Congress, in compliance with said Act and with rules and regulations promulgated by the Secretary of Agriculture thereunder.

2. This act shall take effect immediately.

Approved May 7, 1938.

CHAPTER 158

AN Act creating a State department of local government, prescribing its powers and duties, and transferring to it certain powers and duties vested in the State Auditor.

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

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|-----------------|--|
| Objects of act. | 1. Purpose. The purpose of this act is to create a State department of local government to exercise State regulatory and supervisory powers over local government, to assist local government in the solution of its problems, and to plan and guide needed readjustments for effective local self-government. |
| Title. | 2. Short title. This act may be cited as the "Local Government Act (1938)." |
| Definitions: | 3. Definitions. For the purpose of this act: |
| Board; | "State board" or "board" means the Local Government Board. |
| Commissioner; | "Commissioner" means the Commissioner of Local Government. |
| Department; | "Department" means the State Department of Local Government. |
| Governing body; | "Governing body" means, in the case of a county, the board of chosen freeholders, and in the case of a municipality, the body exercising general legislative and administrative authority within the municipality. |

“Municipality” includes a city, town, village, borough, township, special district or other municipal corporation other than a school district or a county. Municipality;

“Political subdivision” includes a municipality, county, school district or a regional authority or district, other than an interstate authority or district. Subdivisions;

“Local government” means the government of political subdivisions. Local government.

4. Department of local government. To accomplish the purposes of this act there is hereby created the State Department of Local Government. Department created.

5. Commissioner. There is hereby established in the State Department of Local Government the office of “Commissioner of Local Government.” The commissioner shall be the executive and administrative head of the department and shall be the chairman of the local government board. Commissioner.

6. Commissioner; election. The commissioner shall be elected by a joint session of the Legislature for a term of five years and until his successor has been elected and has qualified. In case of a vacancy the election shall be for the remainder of the unexpired term. The commissioner shall devote his entire time to the duties of his office. Election and term of commissioner.

The first commissioner under this act shall be Walter R. Darby of Union county. First commissioner.

7. Commissioner; qualifications. The commissioner shall be selected with special reference to his knowledge and understanding of local government, law, finance and administration. He shall not be a candidate for or hold another public office or trust, nor shall he be an officer or employee of a political subdivision of the State. He shall have no connection or gainful interest in a business or professional activity dealing in or passing upon the validity of obligations of political subdivisions, nor in a business activity contracting with, selling to or in any other respect doing business with a political subdivision. If the commissioner incurs Qualifications.

any of the disqualifications listed in this section, his office shall be automatically vacated, and his tenure of office shall terminate.

Salary. 8. Commissioner; compensation. The commissioner shall receive an annual compensation of ten thousand dollars (\$10,000.00).

Office. 9. Commissioner; offices. The commissioner shall have his office at the State Capitol.

Local boards. 10. Local government board. There is hereby established in the State Department of Local Government, the "Local Government Board." The board shall consist of the commissioner, as chairman, and four members.

Membership. The members of the board shall be appointed by the Governor, with the advice and consent of the Senate, for five year terms, except that upon the adoption of this act the Governor shall appoint the members as follows: One member for a two year term, one member for a three year term, one member for a four year term, and one member for a five year term. Thereafter all appointments shall be for five year terms. In case of a vacancy the appointment shall be for the remainder of the unexpired term.

Appointment and terms. 11. Members; qualifications. The members of the board shall be selected with special reference to their knowledge and understanding of local government, law, finance and administration. At least one member shall have had experience as the chief executive or as a member of the governing body of a municipality, and at least one other member shall have had experience as a member of the governing body of a county. Not more than two of the members shall belong to the same political party.

Vacancy. 12. Members; compensation. Each member of the board shall receive an annual compensation of four thousand, five hundred dollars (\$4,500.00).

Qualifications of members. 13. Meetings; proceedings. The board shall hold regular meetings each year, as follows: On the third Monday in January, April, July and October. Special meetings may be convened at the call of the commissioner or a majority of the members. The

Quarterly meetings.

Special meetings.

commissioner and a majority of the members shall constitute a quorum for the conduct of official business. Minutes of all meetings shall be kept and shall be open to inspection as public records. Final action of the board shall be by resolution adopted by majority vote.

14. Powers and duties of the commissioner. The commissioner, in addition to powers and duties specifically granted shall have the following general powers and duties: To

- (1) Administer the work of the department. Administrative;
- (2) Keep and preserve all papers and records pertaining to the department. Records;
- (3) Receive and preserve as public records all papers, reports and other documents required to be filed with the department. Preserve all papers;
- (4) Prescribe the organization of the department and the duties of his subordinates and assistants. Prescribe duties;
- (5) Administer State laws, pertaining to local government, which are included within the jurisdiction of the department. Carry out laws;
- (6) Recommend to the State Board reasonable rules and regulations for the interpretation and administration of the laws administered by the department. Recommendations;
- (7) Invoke any legal, equitable or special remedy for the enforcement of orders and the provisions of law administered by the department. Assistance;
- (8) Offer advice, consultation and instruction to local officials in improved methods of local administration. Advice.

15. Powers and duties of the State Board. The State Board shall have the following powers and duties: To

- (1) Study the entire field of local government in New Jersey. Study situation;
- (2) Promulgate reasonable rules and regulations for the interpretation and administration of State laws included within the jurisdiction of the department. Make rules;

Hearings;	(3) Hold hearings when required by law, and also when it determines that interested persons should be given an opportunity to be heard.
Appeals;	(4) Hear appeals from determinations made by the commissioner.
Supply advice;	(5) Advise the commissioner concerning the administration of the department, the exercise of his powers, and the problems of local government.
Reports.	(6) Report to the Governor and the Legislature concerning the work of the department and the problems of local government.
Duties may be delegated.	16. Delegation of duties. All powers and duties vested in the commissioner may be exercised at his direction and under his supervision by his appointees or employees, but the commissioner shall be responsible for all official acts.
Certain powers transferred:	17. Transfer of State Auditor's powers. The following powers and duties now exercised by the State Auditor are hereby vested in and shall be exercised by the department.
Powers and duties vested in State Auditor;	(1) The powers and duties vested in the State Auditor pursuant to sections 52:24-11 to 52:24-27, inclusive; 18:5-62, 18:5-63 and 18:7-88; and chapters three, four and five of Title 40 of the Revised Statutes.
Regarding bonds;	(2) The powers and duties vested in the State Auditor pursuant to "An act concerning the issuance of bonds by municipalities to pay, fund or refund certain bonds or other indebtedness," approved April fourth, one thousand nine hundred and thirty-four, constituting Pamphlet Laws of one thousand nine hundred and thirty-four, chapter sixty, as amended.
Other duties.	(3) The powers and duties vested in the State Auditor pursuant to chapter one, Title 40, of the Revised Statutes. (4) The powers and duties vested in the State Auditor pursuant to chapter two, Title 40, of the Revised Statutes.
Municipal finance commission.	18. Municipal Finance Commission. The Municipal Finance Commission, continued by section 52:27-1 of the Revised Statutes, shall consist of

the commissioner, the State Tax Commissioner and the Attorney-General. The commission shall continue to exercise its powers pursuant to chapter twenty-seven, Title 52, of the Revised Statutes.

19. Funding Commission. The Funding Commission, established by section 40:1-67 of the Revised Statutes, shall consist of the commissioner, the State Tax Commissioner and the Attorney-General. The commission shall continue the exercise of its powers pursuant to sections 40:1-61 to 40:1-73, inclusive, of the Revised Statutes.

Funding
commission.

20. Transfer of employees. Employees employed in the office of the State Auditor, engaged in the performance of the powers and duties transferred to the department, shall be transferred to the department upon the effective date of this act and shall continue to hold their employments under the supervision and direction of the commissioner.

Transfer of
office em-
ployees.

Each employee shall retain rights and privileges pertinent to his status in the service of the State and especially with respect to the civil service and any pension or retirement law applicable to him.

Rights of
transferred
employees.

21. Reports to the department. A statement, report or other document required to be made to or filed with the State Auditor by an officer or governing body of a political subdivision under a law the administration of which is transferred by this act to the department, shall after the effective date of this act be made to or filed with the department, as the case may be, at the same time and in the same manner as required by such law to be made to or filed with the State Auditor.

Regarding
reports.

22. Transfer of files, books and papers. The State Auditor shall, upon the effective date of this act transfer to the department all files, books, papers, equipment, records and other property used in the administration of laws, transferred to the department.

Transfer of
files, books,
records.

23. Hearings: Rules of procedure. The board shall adopt rules of procedure to govern hearings and other proceedings before the board. The board may hold hearings at the office of the com-

Hearings.

Procedure.	missioner, or any other place convenient to the parties. The rules of procedure adopted by the board shall govern all hearings and a record of proceedings shall be taken, which at the request of a party to the hearing may be stenographic.
Decisions.	Decision shall be made by a majority vote of the board.
Appeals to State Board.	24. Appeals from determinations of the commissioner. A person, including a taxpayer or citizen, aggrieved by a determination made or an order issued by the commissioner may apply to the State Board for a review and redetermination. Application for review and redetermination shall be filed with the commissioner not more than ten days after the date of the determination or order. Within thirty days after filing of the application the State Board shall give the applicant an opportunity to be heard, and shall sustain, reverse or modify the determination of the commissioner. The action taken by the State Board shall be by majority vote, shall be spread upon its minutes and shall be open to inspection as a public record.
Hearing on appeal.	
Action a public record.	
Subpœnas.	25. Compulsory process. The commissioner or the board, as the case may be, may issue subpœnas to compel the attendance and testimony of witnesses and the production of books, papers, accounts or other documents, in any hearing, investigation or other proceeding. A subpœna may be served by any person duly authorized or by registered mail.
Enforcing process.	26. Enforcement of process. If a person subpœnaed or ordered under the provisions of section twenty-five, fails to obey the subpœna, submit to examination, answer legal and pertinent questions, or produce books, papers, accounts or other documents when ordered, the commissioner may apply to the Supreme Court for an order directing such person to show cause why he should not comply with the subpœna or order. Application may be made to the Supreme Court or to any justice thereof who shall have the power of the courts for the purposes of this section. Upon proof, by
Order by court.	

affidavit of the facts, the court or justice may issue an order returnable in not less than two nor more than ten days directing such person to show to the court, the justice issuing the order, or another justice of the court why he should not comply with the subpoena or order. Upon the return of the order the court or justice shall examine the person under oath, and shall give him an opportunity to be heard.

Return of writ.

Examination.

If the court or justice determines that the person refused without legal excuse to obey the subpoena, to be examined, to answer legal and pertinent questions, or to produce the books, papers, accounts or other documents as ordered, the court or justice may order the person to comply forthwith with the subpoena or order. A failure to obey the order of the court or justice may be punished as a contempt of the Supreme Court.

Failure to comply contempt of court.

27. Issuance of orders; compliance. The commissioner may issue instructions and orders to a sinking fund commission of a political subdivision or governing body, as the case may be, requiring compliance with the requirements of law and the regulations of the State Board. Each order shall state a date giving reasonable time for compliance.

Order directed to sinking fund commission.

The local governing body and other local officers concerned shall comply with the instructions and orders. At the request of the local governing body the State Board shall grant a public hearing upon the matter in question. If the hearing is requested, the commissioner shall not proceed to enforce the order until the hearing has been held and final determination is made.

Compliance.

Hearing.

28. Enforcement of orders. Orders of the commissioner may be enforced by mandamus or injunction in appropriate cases, or by suit in equity to compel the specific performance by the officers or governing bodies of political subdivisions of the orders of the commissioner or of the duties imposed by law.

Enforcement.

29. Judicial review. The provisions of this act shall not be construed to prevent the judicial re-

Review by court.

- view of an order of the commissioner after exhaustion of the remedy provided by section twenty-four. But no such order shall be wholly or partly set aside because of irregularity or informality in administrative proceedings unless the irregularity tends to impair the right or interest of the prosecuting party.
- Technicalities.**
- Preferential court proceedings.** Any proceeding in a court of this State to which the commissioner is a party, or directly affecting an order of the commissioner, shall have preference over all other civil proceedings pending in that court.
- Legal services.** 30. Legal assistance. The Attorney-General of the State shall render, without additional compensation, such legal services as the commissioner or the board may request for the discharge of their duties.
- Records in evidence.** 31. Proceedings as evidence. The official documents, orders and proceedings when certified to by the commissioner shall be evidence in the courts of the State. The commissioner may make a reasonable charge for copies of such records.
- Relative to bond issues.** 32. Procedures relating to bond issues. The commissioner shall receive and preserve as public records the certified copies of the procedures and other papers filed with the department, in connection with bond issues. Upon request, the commissioner shall furnish attested copies of such papers. The commissioner may make a reasonable charge for such copies.
- Reports.** 33. Annual report. The commissioner and the board shall make an annual report to the Governor and the Legislature of the work of the department and the financial condition of counties and municipalities. The report shall include such recommended changes and legislation pertaining to local government as may seem proper and desirable. The commissioner shall also publish annually a report of comparative financial statistics of local government tabulated to show the costs of government, the costs of principal services, the amount of debt and other pertinent data.
- Comparative financial tables.**

The annual report and the report of local financial statistics shall be published for general distribution. The commissioner may make a reasonable charge for copies of the annual reports to cover costs of printing.

Reports
published
and sold.

The commissioner shall make such special reports as the Governor or Legislature may request.

Special
reports.

34. Duty of local officers. It shall be the duty of the governing body and officers of a political subdivision of the State to co-operate with the commissioner and the State Board toward giving effect to the purposes of this act, and the powers and duties of the department.

Co-operation
by local and
State boards.

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

Act effective.

Approved May 9, 1938.

CHAPTER 159

AN ACT concerning fiscal administration in local governments of the State, and repealing sections 52:24-12 to 52:24-18, inclusive, and 52:24-20 to 52:24-27, inclusive, of the Revised Statutes.

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

1. Purpose. The purpose of this act is to provide for modernized practices of fiscal administration in New Jersey local government.

Object.

2. Definitions. For the purposes of this act:

“State Board” or “board” means the Local Government Board of New Jersey.

Definitions:
Board;

“Commissioner” means the Commissioner of Local Government.

Commissioner;

“Department” means the Department of Local Government.

Department;

“Governing body” means in the case of a county, the board of freeholders, and in the case of a municipality, the body exercising general legislative

Governing
body;

and administrative authority within the municipality.

Municipality; "Municipality" includes a city, town, village, borough, township, special district, or other municipal corporation other than a school district or county.

Subdivisions; "Political subdivision" includes a municipality, county, school district, or regional authority or district other than an interstate authority or district.

Accountant; "Accountant" means a registered municipal accountant.

Audit. "Regular audit" means the annual or biennial audit, as the case may be, required by law.

Audit of sinking fund. 3. Examination of sinking fund. The commissioner shall examine and audit the books, papers, securities and moneys in the custody of the sinking fund commission of a political subdivision. Examination and audit shall be made at least once every two years and oftener if the commissioner deems necessary.

Production and audit of records. 4. Duty of sinking fund commission. A sinking fund commission of a political subdivision shall at the request of the commissioner produce its books, papers, securities and moneys, and all other records pertaining to its business. The sinking fund commission shall co-operate with the commissioner and facilitate examination and audit in every way.

Report on audit and recommendations. 5. Sinking fund: Recommendation by the commissioner. The commissioner shall examine the report of audit of a sinking fund commission and may make such recommendations pertaining to the management and administration of the affairs of the sinking fund commission as he finds desirable. Notice and statement of recommendations shall be filed forthwith with the secretary of the commission. The secretary shall immediately send a copy of the statement to each member of the commission and to the executive head of the municipality. The secretary shall, within thirty days after receipt of the statement of recommendations, report to the commissioner the action taken by the sinking fund commission.

Copies furnished.

Report on action.

6. Sinking funds: Enforcement of recommendations. If after forty-five days following filing of notice and statement of recommendations with the secretary of a sinking fund commission, the commission has failed or refused to act in accordance with such recommendations, the commissioner may order the sinking fund commission to take such specific steps as he may find necessary and proper to protect the solvency and proper administration of the sinking fund. Orders may be enforced in accordance with sections twenty-seven and twenty-eight. Enforcement.

7. Sinking funds: Accounting. The State Board shall prescribe and enforce a uniform system for the setting up and keeping of sinking fund accounts in political subdivisions. The commissioner may at the request of a sinking fund commission install the system of accounts in a political subdivision, and may make such installations on his own motion with or without consent of the sinking fund commission if he finds that sinking fund accounts are not kept in accordance with the uniform system prescribed by the board. The cost of installation shall be charged against the political subdivision. System of sinking fund accounts.
System installed.

8. Sinking funds: Examination of requirements. The commissioner shall, upon receipt, examine and audit the statement of annual sinking fund requirements of a political subdivision. The commissioner shall determine the sufficiency of the amount certified, and shall make such corrections as may be necessary. After correction or approval the commissioner shall certify sinking fund requirements at the time and in the manner required by section 40:3-19 of the Revised Statutes. Examination and audit of sinking fund.
Corrections.

9. Sinking funds: Amortization requirements. The commissioner shall examine the calculations and tabulations of the conditions of sinking funds as submitted by a sinking fund commission of a political subdivision, and shall determine the sufficiency of the funds for the amortization of bonded debt in accordance with the standards fixed by law. Amortization.

- If deficiency. If the commissioner finds that the sinking funds are insufficient for such amortization, he shall certify to the sinking fund commission a statement of the amount required to make good the deficiency and the additional annual requirements to be made to the special sinking fund account as required by sections 40:3-20 to 40:3-24, both inclusive, of the Revised Statutes.
- Making good. 10. Inquiring into financial affairs. The commissioner may make a special investigation of a county or municipality, if, upon examination of the reports of audit and recommendations of an accountant, there appear to be errors, inaccuracies or omissions in the report of audit or recommendations, or evidence of illegal financial practices; or if the commissioner has reason to believe that irregularities in the conduct of the financial affairs have occurred.
- Special investigation. 11. Special investigation: Enforcement of orders. The commissioner may issue such orders as he may find appropriate to correct errors, inaccuracies or omissions in the report of audit or recommendations, illegal financial practices, or irregularities in the conduct of financial affairs, disclosed at an investigation made in accordance with section ten. Orders may be enforced in accordance with sections twenty-seven and twenty-eight.
- Enforcement of orders by commissioner. 12. Uniform accounting systems. The State Board shall, after careful study and investigation of accounting requirements, prescribe uniform accounting systems for municipalities and counties, and may, from time to time, revise or amend such systems. The board may classify municipalities and counties in accordance with different types of accounting requirements and may prescribe a suitable variation of the uniform system to apply to each class. The use of the system when prescribed, shall be mandatory in accordance with the regulations of the State Board. This section shall not be construed to prevent the commissioner, with the consent of the State Board, from approving the continued use of a system used by county or mu-
- Uniform account system.
- Continuance of present system.

municipality that meets the requirements of and is in substantial conformity with the uniform system prescribed.

13. Rules and regulations as to accounting methods. The State Board may promulgate rules and regulations for the proper use of uniform accounting systems and for proper accounting methods. Rules and regulations.

14. Account books and forms. The State Board may have prepared account books, blank forms and other accounting materials for use in uniform accounting systems and may furnish them at cost to municipalities and counties. Account books and forms.

15. Installations of accounting systems. The commissioner may make installations of uniform accounting systems prescribed by the board at the request of the governing body of a municipality or county, and may make installations on his own motion with or without the consent of the governing body if local officers or a governing body fail or refuse to comply with the regulations of the State Board as to accounting systems or methods. The cost of installation shall be paid by the municipality. Installation of accounting systems.

Where the commissioner installs accounting systems he shall supply without additional charge reasonable instruction and consultation in the use of the system and in proper accounting methods. So far as possible instruction and consultation shall be extended to all municipalities and counties. Cost met.

16. Systems of financial administration. The State Board may prescribe systems of financial administration for municipalities and counties. Systems may be prescribed for a group or class of municipalities or counties having similar requirements, and separate systems may be prescribed for each of as many groups or classes as the board may determine. Instruction as to use.

Systems of financial administration shall include: Financial administration.

- (1) Definite procedures for the receipt, custody, control and disbursement of public funds. Systems: Receipts, etc.;

Forms of stationery;	(2) Forms for receipts, requisitions, disbursement, purchase orders and other necessary documents.
Comptroller;	(3) The exercise of a comptroller function by a designated local officer.
Powers and duties;	(4) Definitions of the respective powers and duties of the several local officers engaged in financial administration.
Instructions.	(5) Instructions, rules and regulations for the proper procedures and practices of financial administration.
Prescribed system mandatory.	A system of financial administration, when prescribed, shall be mandatory upon the municipalities and counties to which it applies.
Advisory committees.	17. Advisory committees. The State Board may appoint special or standing advisory committees to render advice and consultation to the commissioner and to the board in the preparation, operation and revision of uniform accounting systems and systems of financial administration. An advisory committee shall perform only those duties specifically assigned to it by the State Board. An advisory committee may consist of local officers, registered municipal accountants, other persons, or any combination of them, as the State Board may determine. Members of the committee shall serve without compensation but actual and necessary expenses, as determined by the State Board, may be paid.
Its duties.	18. Duty of local officers. An officer of a municipality or county who is charged with duties pertaining to fiscal administration shall keep accounts and in other respects perform his duties in accordance with the regulations promulgated by the State Board. An officer who willfully violates this section shall be guilty of a misdemeanor. Upon conviction he shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), or imprisoned not less than ten days nor more than one year, or both; and shall in addition forfeit his office.
Membership.	
Expenses met.	
Accounts kept.	
Penalty for violation.	

19. Audits. Authority of State Board. The State Board shall promulgate rules and regulations governing the method, scope and procedure of regular audits of the financial affairs of municipalities and counties. Regulations shall prescribe the form and content of the audit report and shall specify the matters upon which comment and analysis shall be required of the auditing accountant.

Auditing.

Regulations.

20. Audits by department. Whenever the commissioner finds that the financial affairs of a municipality or county require special supervision, he may require that the regular audits of such municipality or county be made only by the auditing staff of the department. In such cases the commissioner may make such investigations and analyses in addition to the standard requirements for audits, as the financial affairs of the municipality may warrant. Reasonable notice of the decision of the commissioner to make the regular audit in a municipality or county shall be given to the governing body.

Department audits.

Notice to audit.

21. Rejection of audit report. If the commissioner finds that an audit report as filed is incomplete or inaccurate; was not made in accordance with the regulations promulgated by the State Board; or does not reflect the true financial condition of the municipality or county, he may:

Audit may be rejected.

(1) Order supplementary examinations to be made of specified funds, accounts or offices by the accountant making the original audit.

Other orders:
Further proceedings;

(2) Reject the audit report and require that the audit be made *de novo* in whole or in part.

Another report;

(3) Require that supplementary or *de novo* examinations be made by the auditing staff of the department.

Made by auditing staff.

22. Inspection of local administration. The commissioner may at any time during regular business hours make inspections and examinations of the financial administration of a county or municipality. Inspection and examination may extend to

Inspections.

	use of the uniform accounting system; accounting methods; collection, custody and disbursement procedure; a selective audit of particular funds and accounts; and any other matter or practice subject to regulation by the State Board, or regulated by State law which is administered by the department.
Reports certified.	Reports of inspection and examination shall be certified to the local governing body together with instructions for the correction of procedures or practices found not in accordance with the requirements of law or of the regulations of the State Board. Instructions of the commissioner shall fix a date for compliance by the local governing body. On or before the date for compliance the local governing body shall give effect to the instructions and shall so certify to the commissioner.
Compliance.	
Deputies acting for principal.	23. Examinations by deputies and agents. An inspection, examination, audit, or other investigation, authorized or required to be made by the commissioner may be made by his deputies or other duly authorized agents under his supervision and direction. A duly authorized deputy or other agent may exercise the powers of inquiry authorized by section twenty-four.
Powers of inquiry.	24. Powers of inquiry. In any inspection, audit, inquiry, examination or other investigation authorized by this act, the commissioner may hold hearings and exercise the powers of investigation granted by law.
Charges for services.	25. Compensation of department for services rendered. The State Board shall fix reasonable charges for the services rendered under sections three, seven, fourteen, fifteen, twenty and twenty-one; and in making a regular audit by agreement. Such charges shall represent, as nearly as possible, the actual cost of the service but shall not exceed twenty-five dollars (\$25.00) per diem for each person actually engaged.
Total.	The cost of services, as determined by the State Board, shall be paid by the political subdivision receiving them. The cost may be recovered, in the name of the State, by the commissioner as a con-
Charges met.	

tractual debt in any court of competent jurisdiction. All costs received or collected shall be paid forthwith into the State treasury.

26. Form of reports and financial statements. The State Board shall prescribe the forms upon which financial statements and other reports pertaining to local financial affairs shall be made. The commissioner shall supply forms to local officers at least thirty days prior to the date upon which the report is due.

Forms for making reports.

27. Issuance of orders; compliance. The commissioner may issue instructions and orders requiring compliance with the requirements of this act and the regulations of the State Board. Instructions and orders may be based upon the audit report and recommendations of accountants or of the commissioner; a special investigation; an inspection and examination; reports filed with the department; failure or refusal to file documents or make reports; or any other evidence of illegal financial practice or procedures in the political subdivision.

Orders issued by commissioner.

Basis of orders.

An order shall be issued and may be enforced in the manner provided for other orders of the commissioner.

Compliance with orders.

28. Enforcement of orders; penalties. A local officer or member of a local governing body who after the date fixed for compliance fails or refuses to obey an order of the commissioner shall be guilty of a misdemeanor and upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.

Failure to act.

Penalty.

29. Statutes amended or repealed. The provisions of this act shall be construed to have the following effect:

Construing act.

(1) Sections 52:24-12 to 52:24-18, inclusive, and 52:24-20 to 52:24-27, inclusive, of the Revised Statutes are hereby repealed.

Sections repealed.

(2) The provisions of this act shall be construed to be in addition to the provisions of

Additional sections.

sections 40:4-1 to 40:4-3, inclusive, and sections 40:4-13 to 40:4-16, inclusive, of the Revised Statutes.

Conflicting provisions.

(3) Any other provisions of law in conflict with the provisions of this act are hereby repealed.

Severability and constitutionality.

30. Severability clause. The provisions of this act shall be construed as severable and if a part is held unconstitutional, or for any other reason invalid, the remaining parts shall not be affected thereby.

Approved May 9, 1938.

CHAPTER 160

AN ACT defining the guardianship of the State Board of Children's Guardians and providing for the administration thereof.

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

Guardianship.

1. The guardianship of the State Board of Children's Guardians shall be full and complete for all purposes and shall vest in the said board the custody and control of both the person and property of its wards, whether committed prior or subsequent to the effective date of this act, without the necessity of giving bond, and notwithstanding any previous appointment of a guardian for such wards.

Bond not required.

Scope of guardian.

2. The guardianship of the State Board of Children's Guardians shall enable the said board to prosecute suits, claims and any and all manner of proceedings or actions in law or equity for and on behalf of its wards; to demand and receive from all persons, including guardians previously appointed, any and all property of its wards; to hold and administer the real and personal property of its wards, or any interest they may have therein;

provided, however, that it shall be proper for the said board, in its discretion, to hold funds of its wards on deposit in one or more banks or trust companies in this State. Proviso.

3. The prerogative court and the orphans court of the county where the commitment was made shall have jurisdiction to hear and determine any and all proceedings affecting the guardianship of the State Board of Children's Guardians. The orphans court of each county shall have jurisdiction to hear and determine petitions by the said board, on behalf of its wards, for the transfer of any or all assets being held by guardians previously appointed. The prerogative court or orphans court, as the case may be, shall have jurisdiction to fix and determine, in its discretion, such costs as shall be paid by the State Board of Children's Guardians in all proceedings on behalf of its wards. Jurisdiction.

Orphans' court.

Prerogative or orphans' courts.

4. This act shall take effect immediately.

Approved May 11, 1938.

CHAPTER 161

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 30:5-1, 30:5-33, 30:5-36, 30:5-43 and 30:5-44 of the Revised Statutes.

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

1. Section 30:5-1 of the Revised Statutes is hereby amended to read as follows: Section.

30:5-1. For the purpose of this chapter, the following words and terms shall be deemed and taken to have the meaning herein given to them: Definitions:

Mother;	a. The word "mother" includes any female standing in loco parentis to any child or children, and assuming the responsibility of a mother or a stepmother.
Sex;	b. The masculine noun and pronoun includes the feminine.
"May";	c. The word "may" shall be construed to be permissive.
Adjuster;	d. "County adjuster" is the county official authorized to act in the commitment or admission of insane persons to State or county hospitals for the insane.
Child;	e. The word "child" includes the plural form as well as stepchildren and illegitimate children.
Director of welfare;	f. The title "director of welfare" refers to the official of that designation in the several counties functioning under and by virtue of chapter seven of the Title Poor (44:7-1 et seq.).
Welfare board;	The title "welfare board" means the board of that official designation provided for, under and by virtue of said chapter seven.
Residence;	g. "Residence" as set forth hereunder shall mean residence for a period of one year; but a person once having acquired residence within a county shall be thereafter precluded from establishing like residence in another county, while receiving assistance under this chapter. Nothing in this chapter contained shall be deemed to prevent the establishment of residence within a county by reason of assistance received on the basis of residence within the State alone; <i>provided, however</i> , that in computing the period of county residence there shall be excluded the time spent in any charitable or correctional institution. State residence shall be lost by continued absence from the State for a period of one year.
Proviso.	

2. Section 30:5-33 of the Revised Statutes is hereby amended to read as follows:

30:5-33. Any mother of a dependent child under the age of sixteen years 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:

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

Section amended.
Cases of filing petition of assistance:

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

Means insufficient;
Means lacking and father imprisoned;

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

Means lacking and desertion;

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 without means and father sick;

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

Possible recovery of father;

Father an
alien;

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 in
custody of
board.

g. Any such mother who has insufficient means and is unable to support such child and maintain her home, the child having been duly committed to the State Board of Children's Guardians as provided by sections 30:5-19 to 30:5-32 hereof, and 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, such absence not having been caused by any action of the State Board of Children's Guardians.

Section
amended.

3. Section 30:5-36 of the Revised Statutes is hereby amended to read as follows:

Family com-
mitted to
board of
guardians.

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 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

Payment to
mother.

for the support of her child or children until they arrive at the age of sixteen, 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 Guardians, the welfare board may make a special order temporarily extending such period of support.

Proviso.

Any widow who is a mother of a child or children under the age of sixteen, 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.

Payment by county.

The welfare board shall also have the power, at any time before the child reaches the age of sixteen, 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.

Stopping payment.

4. Section 30:5-43 of the Revised Statutes is hereby amended to read as follows:

Section amended.

30:5-43. If a petition for assistance is not acted upon by the county welfare board within a reasonable time, or if a petition for assistance is denied in whole or in part by the county welfare board, or if any order granting assistance is modified or canceled by the county welfare board, pursuant to the provisions of this chapter, the petitioner or recipient may appeal to the State Department of Institutions and Agencies or its duly authorized representative, in the manner and form prescribed by such State department; *provided, however,* that the prescribed procedure for such appeals shall give

Taking appeal.

Proviso.

the petitioner or recipient reasonable notice thereof and an opportunity of fair hearing.

Section
amended.

5. Section 30:5-44 of the Revised Statutes is hereby amended to read as follows:

If children
not properly
cared for or
allowance
misused.

30:5-44. Whenever the State Board of Children's Guardians shall find that any mother or any woman standing in loco parentis to whom relief has been granted under the provisions of this chapter is not properly caring for, educating and supporting the child or is misusing the allowance granted for the child, or whenever it shall find in a case that the father of the child fails to comply with the directions of the attending physician or he fails to continue treatment for the removal of his physical or mental defect, such State Board shall make a full report setting forth the facts in the matter and file the same with the welfare board and the board of chosen freeholders. The welfare board shall fix a day for a hearing, notify the petitioner and the State Board of Children's Guardians to appear before it, reopen the case, and revoke the order granting the allowance or make such further order as may appear to the welfare board necessary to protect the interest of the child.

Report on
case.

Reopening
case.

New exami-
nation.

The State Board of Children's Guardians shall, whenever it shall appear that there is additional income coming into the home, make a new examination of the mother's finances and determine to what amount the allowance granted may be reduced and notify the welfare board and the board of chosen freeholders of the new amount so determined; or if it appears upon examination that there is sufficient increase in the income in the home to care for the child, the board of children's guardians shall reduce or suspend any further payments to the mother and notify the mother, the welfare board and the board of chosen freeholders. The welfare board shall thereupon notify the mother and the State Board of Children's Guardians to appear before it at a certain time and if at said hearing the welfare board is satisfied that there is an increase in the

Action by
board.

Notification to
mother and
board.

income of the family it shall approve the reduction in the amount of the relief.

Whenever the State Board of Children's Guardians finds that the father has recovered from his illness, or that the father has been discharged from prison, or that the child has lost State residence, or that there is sufficient income in the home to support and care for the child, the child shall be discharged from care and supervision by the State Board of Children's Guardians, which shall duly notify the welfare board that such discharge has been effected.

If conditions changed, welfare board notified.

6. This act shall take effect immediately.

Approved May 11, 1938.

CHAPTER 162

AN ACT concerning the investment of moneys deposited with savings banks, and amending sections 17:6-53, 17:6-54, 17:6-55, 17:6-56, 17:6-57, 17:6-59, 17:6-61, 17:6-62 and 17:6-63 of the Revised Statutes, and supplementing article six of chapter six of Title 17 of the Revised Statutes.

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

1. Section 17:6-53 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:6-53. A savings bank may invest the moneys deposited with it in:

Investments:

a. Stocks or bonds or interest-bearing notes or obligations of or guaranteed by the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof;

U. S. securities;

b. Interest bearing bonds or other obligations of or guaranteed by this State, or bonds authorized by

State authorization;

its laws to be issued by any commission appointed by the Supreme Court by virtue of any law of this State;

Bonds of
States not
defaulted;

c. Bonds of any State in the Union that has not, within ten years previous to making the investment, defaulted in the payment of any part of principal or interest of any debt authorized by any law of that State to be contracted, evidenced by its bonds, notes or other similar obligations for the payment of money;

Municipal
securities;

d. Bonds or interest-bearing notes or other obligations of any county, city, town, township, borough, village, public school district, union graded school district, regional board of education, water district, sewer district, or other municipal or political subdivision of this State, issued under authority of a law of this State; *provided*, that the issuer has not within the five years next preceding the investment been in default for more than six months in the payment of any part of principal or interest of any legal debt evidenced by its bonds, notes or other similar obligations for the payment of money;

Proviso.

Bonds of city
or county that
has not de-
faulted;

e. Bonds of any city or county of any other State of the Union issued pursuant to a law of that State, if the city or county has not, within ten years previous to making the investment, defaulted in the payment of any part of principal or interest of any debt authorized by law of that State to be contracted, evidenced by its bonds, notes or other similar obligations for the payment of money, and if the total indebtedness of the city or county is limited by law to ten per centum (10%) of its assessed valuation;

Other bonds;

f. Bonds issued as provided in sections 17:2-3 and 17:2-4 of this Title.

Bonds assumed
by private
company.

g. Bonds, issued, guaranteed or assumed by any governmental unit, which, if issued, guaranteed or assumed by a private company, would be legal for investment under any of the provisions of this article six, shall be likewise legal.

2. Section 17:6-54 of the Revised Statutes is hereby amended to read as follows:

17:6-54. The deposits may also be invested:

(a) In mortgage bonds issued, guaranteed or assumed by any railroad company, or which the railroad company has otherwise covenanted or agreed to pay; and secured by a first lien upon not less than three-fourths of the rail mileage included in the mortgage or by a refunding mortgage under which bonds may be issued for the retirement or refunding of all prior lien mortgages on the property covered by the refunding mortgage, or by liens prior to the refunding mortgage; *provided*, that the railroad company (hereinafter in this section sometimes called an eligible railroad company)

Section amended.

Investment of deposits:

Railroad bonds;

Proviso.

(1) shall have had a balance of income available for the payment of fixed charges annually for at least four of the five fiscal years, and in the last fiscal year, next preceding the investment, or for at least four of five consecutive twelve months periods ending within six months next preceding the investment, and in the last of such periods, equivalent to twice fixed charges and shall have had remaining after the payment of such fixed charges an amount equivalent to at least ten per centum (10%) of railway operating revenues; and

Available balance;

(2) shall, for five fiscal years preceding the investment, have owned and operated not less than five hundred miles of standard guage railroad line within the United States, exclusive of sidings, or shall have had railway operating revenues of not less than ten million dollars (\$10,000,000.00).

Operated mileage and revenue;

The terms "balance available for fixed charges," "fixed charges" and "railway operating revenues," as used in this section, are to be given the same meaning as in the accounting reports prescribed by the regulations for common carriers by rail subject to the provisions of the Interstate Commerce Act.

Explanation of terms;

Mortgage
bonds;

(b) In mortgage bonds secured by a lien upon property leased to and operated by any railroad company which

Guaranteed
bonds;

(1) has guaranteed or assumed or otherwise covenanted or agreed to pay the interest upon such bonds and a sum sufficient to pay dividends upon the capital stock of the lessor company outstanding at the time of the investment of not less than four per centum (4%) per annum during the unexpired term of the lease and is an eligible railroad company, or

Rate.

Principal and
interest and
dividends
guaranteed;

(2) has guaranteed or assumed or otherwise covenanted or agreed to pay the principal and interest of such bonds and a sum sufficient to pay dividends upon the capital stock of the lessor company outstanding at the time of the investment of not less than four per centum (4%) per annum during the unexpired term of the lease and which (aa) shall have had a balance of income available for the payment of fixed charges annually for at least four of the five fiscal years, and in the last fiscal year, next preceding the investment, or for at least four of five consecutive twelve months periods ending within six months next preceding the investment, and in the last of such periods, equivalent to one and one-quarter times the fixed charges and shall have had remaining after the payment of such fixed charges an amount equivalent to at least five per centum (5%) of railway operating revenues and (bb) shall meet the requirements of subparagraph (2) of the preceding paragraph (a).

Rate.

Bonds cover-
ing real estate;

(c) In bonds secured by any mortgage upon a railroad terminal, depot, tunnel or bridge used by one or more railroad companies which have guaranteed the payment of principal and interest of the bonds or have otherwise covenanted or agreed to pay the same; *and provided*, that (1) at least one

Proviso.

such guarantor company is an eligible railroad company or (2) that at least two such guarantor companies (aa) shall have had a balance of income available for the payment of fixed charges annually for at least four of the five fiscal years, and in the last fiscal year, next preceding the investment, or for at least four of five consecutive twelve months periods ending within six months next preceding the investment, and in the last of such periods, equivalent to one and one-quarter times the fixed charges and shall have had remaining after the payment of such fixed charges an amount equivalent to at least five per centum (5%) of railway operating revenues and (bb) shall meet the requirements of subparagraph (2) of the preceding paragraph (a).

(d) In bonds of any railway terminal or dock company of this State, secured by first mortgage on terminal or dock property fronting on the Hudson river or New York bay and having an assessed value for the purpose of taxation in excess of the amount of the entire issue of bonds, and used and occupied as a dock or terminal railroad by a railroad company now operating in this State, *provided*, that the payment of no part of the principal or interest of such bonds shall have been in default for more than six months at any time within the five years next preceding the investment and that no part thereof is in default at the time of the investment.

Terminal or
dock property;

Proviso.

3. Section 17:6-55 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

17:6-55. Not to exceed eighty per centum (80%) of the total deposits may be invested in:

Investments
limited:

a. Bonds or obligations secured by mortgages, which shall be a first lien on real estate situate in this State, and the amount loaned thereon shall not, at the time of making the loan, exceed sixty per centum (60%) of the estimated value of the real estate covered by the mortgage, including, in the case of a construction loan, the improvements in

First lien
securities;

course of construction, and if the loan is on unimproved real estate, the amount loaned thereon shall not be more than thirty per centum (30%) of its appraised value;

First mortgage bonds;

b. Bonds secured by first mortgage, as provided in section 17:2-1 of this Title.

Mortgage secured;

In all cases of loans upon real estate, a sufficient bond or obligation, secured by a mortgage on the real estate, shall be required of the mortgagor. All expenses of searches, examinations and certificates of title or policies of title insurance, and of drawing, perfecting and recording papers, shall be paid by the mortgagor.

Report by committee of bank.

No investment in any bond or obligation and mortgage shall be made by any savings bank, except upon the report of a committee of at least three of the managers, two members of which committee shall certify in writing to the value of the premises mortgaged, or to be mortgaged, according to their best judgment. The report shall be filed and preserved among the records of the bank.

Section amended.

4. Section 17:6-56 of the Revised Statutes is hereby amended to read as follows:

Investment of deposits:

17:6-56. Such deposits may be invested in real estate strictly in accordance with the following provisions:

In land and buildings;

a. A plot whereon is erected, or may be erected, a building or buildings requisite for the convenient transaction of its business and from portions of which not required for its own use, a revenue may be derived. The costs of the building or buildings and lot or lots shall in no case exceed fifty per centum (50%) of the net surplus of the bank at the time of such investment except with the written approval of the commissioner. The limitations as to the cost of the lot and building contained in this paragraph shall not apply to or affect any such investment made prior to April twenty-first, one thousand nine hundred and thirty-one, by a savings bank organized under a special charter;

Cost.

Exceptions.

b. Such as has been purchased or acquired by it at sales upon the foreclosure of, or by conveyance to it by the owners of properties subject to, mortgages owned by the bank, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure the debts, or in satisfaction of the mortgages. All such real estate shall be sold or bona fide contracted to be sold, at such price and on such terms as the managers shall approve, by the bank within five years after it has been purchased, unless, upon application by the bank to the commissioner, he extends the time within which the sale shall be made. Nothing in this paragraph shall prohibit the bank from leasing any such real estate for a term longer than five years.

Property acquired by foreclosure;

Sale.

5. Section 17:6-57 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:6-57. (a) The deposits may also be invested in bonds issued, guaranteed or assumed (by merger, consolidation, endorsement, supplemental indenture, lease or otherwise) or otherwise covenanted or agreed to be paid by an operating public utility company, the gross operating revenues of which, including those of predecessor and constituent companies, have averaged not less than two million five hundred thousand dollars (\$2,500,000.00) per annum for five fiscal years next preceding the investment, or for five consecutive twelve months periods ending within six months next preceding the investment, and the net operating revenues of which, including those of predecessor and constituent companies, after all operating expenses are deducted, but before deducting charges for depreciation and renewals and Federal and State income and profits taxes, available for fixed charges for rentals and interest on all outstanding mortgage debts and for amortization of discount and expense allocable to such debts, have averaged, annually for three fiscal years next preceding the investment, or for three consecutive twelve months

Investment in guaranteed bonds;

Gross revenue;

Conditions governing.

Amount from utilities.	<p>periods ending within six months next preceding the investment, not less than two and one-half times the average annual requirement during such three years period for such fixed charges (excluding intercompany items), and not less than eighty-five per centum (85%) of the gross operating revenues of which company is, at the time of the investment, derived from the operation within the United States of one or more of the following utilities: Artificial gas, the sale of natural gas or of a mixture of natural and artificial gas to consumers through a distribution system owned or leased by it, electric power or light, water, telephone or telegraph.</p>
Bonds secured by mortgages.	<p>The bonds shall be secured by a first mortgage, or by a refunding mortgage under which bonds may be issued for the retirement or refunding of all funded debt secured by liens prior thereto on the property covered thereby, or by a mortgage prior in lien to any such refunding mortgage. The mortgage shall be a lien (which may be subject to the lien of current taxes not delinquent or bona fide contested, or construction or other liens arising out of operations such as are common in the case of companies of similar character and size) on real estate, rights or interest therein, leaseholds, plant, equipment, transmission or distribution system, or other fixed assets and franchises, and the outstanding principal amount of bonds secured by the mortgage, and all other mortgages thereon, the lien of which is equal therewith or prior thereto, shall not, at the time of the investment, exceed two-thirds of the book value of the fixed assets subject (either directly, or by pledge of mortgage bonds constituting not less than ninety-five per centum (95%) of all mortgage debt outstanding upon the fixed assets subject to such collateral lien) to the lien thereof, less reserves for depreciation and renewals, as shown on the books of the company, including the value of fixed assets leased to the company and operated by it under lease not expiring, by its terms, in less than fifty years from the time the</p>
Mortgage a lien.	
Limitation.	

investment is made, if the lease is subject to the lien of the mortgage; or the mortgage shall be prior in lien to or shall underlie a refunding mortgage which meets the foregoing requirement. Such mortgage lien may be subject to the prior lien of mortgages securing bonds which, at the time of the investment have been called for redemption, or will otherwise mature, within six months from the time of the investment, and for the payment of which funds have been specifically set aside in trust; and such bonds shall not be deemed outstanding for the purposes of determining the legality of an investment, under this section, in bonds secured by such mortgage lien.

Mortgage
subject to
prior lien.

(b) *Provided*, that deposits also may be invested in any such bonds of a company, (a) not less than ninety-five per centum (95%) of the gross operating revenues of which company, is, at the time of the investment, derived from the operation by it of the business of furnishing water for public or private use or consumption; and (b) the gross operating revenues of which, including those of predecessor and constituent companies, have averaged not less than five hundred thousand dollars (\$500,000.00) annually for the five yearly periods above prescribed; and (c) the net operating revenues of which, including those of predecessor and constituent companies, as above defined, have averaged, annually for the three yearly periods above prescribed, not less than one and three-quarters times the average annual requirement during such period for fixed charges as above defined; and (d) that the mortgage securing such bonds is a lien, as above defined, on fixed assets, as above defined, and the bonds secured by said mortgage and others of equal or prior lien do not, at the time of the investment, exceed seventy per centum (70%) of the book value, less reserves, of the fixed assets as above defined subject to the lien thereof.

Proviso.

Investment
in securities
of water
companies—
conditions.

(c) *Provided, also*, that not more than ten per centum (10%) of the total deposits may be invested

Proviso.

in the debenture or other bonds of any telephone company the gross operating revenues of which within the United States have averaged not less than twenty million dollars (\$20,000,000.00) per annum for five fiscal years next preceding the investment, or for the five consecutive twelve months periods ending within six months next preceding the investment, and the net income of which, after all deductions except depreciation, interest on all outstanding debt maturing more than one year after date of issue, amortization of discount and expense allocable to such debt, rentals and other fixed charges, **has averaged annually** for three such yearly periods not less than four times the average annual requirement during such three years period for such fixed charges.

Section
added:

6. Article six of chapter six of Title 17 of the Revised Statutes is hereby supplemented by adding a new section reading as follows:

Industrial
securities;

Amount in-
vested;

17:6-58.1. Industrial securities. Not more than seven and one-half per centum ($7\frac{1}{2}\%$) of the total deposits may be invested in bonds, notes or obligations, maturing within thirty years from the date of the investment, and not convertible into stock, of an industrial company incorporated within and transacting business within the United States, the consolidated gross income of which **has averaged** not less than ten million dollars (\$10,000,000.00) and the net consolidated income of which available for dividends **has averaged** not less than one million dollars (\$1,000,000.00) annually for the five fiscal years preceding such investment, and the total consolidated debt (including current liabilities) of which is not more than forty per centum (40%) of its consolidated gross assets less reserves and the consolidated current assets of which are not less than three times its consolidated current liabilities as appearing on its latest published consolidated balance sheet, and the consolidated net income of which after deducting reserves, amortization and all other charges except interest, income and profits taxes, for the five fiscal years preceding such in-

vestment has averaged not less than four times the average annual consolidated interest charges during such period and such consolidated net income has not in two or more of such five fiscal years been less than twice the consolidated interest charges, and such consolidated net income for the fiscal year last preceding the investment was not less than three times the consolidated interest charges in said year and was not less than three times the annual consolidated interest charges on the funded debt outstanding at the time of the investment (exclusive of debt which has been called for redemption or which otherwise matures within six months thereof and for the payment of which funds have been specifically set aside in trust).

The term "industrial company," as used in this section, shall be deemed to mean companies commonly known as industrial companies, including companies engaged in manufacturing, merchandising, mining, or commercial financing. Definition.

7. Section 17:6-59 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:6-59. No savings bank shall loan money on deposit with it, or any part thereof, upon notes, bills of exchange or drafts, except upon the additional pledge of collateral security, which shall be of the same nature and character as those in which the money deposited may be invested as directed in this article, or as permitted by other provisions of law, or the capital stock of national and State banks, or the capital stock or bonds of other corporations of this State, which have not defaulted in the payment of interest or dividends, upon the collateral loaned upon, within two years next preceding the time of the loan, and then only to the extent of eighty per centum (80%) of the market value of the collaterals. The total amount of such loans shall not exceed fifteen per centum (15%) of the total deposits held by the savings bank. Any savings bank may, however, loan to any of its depositors a sum not exceeding the amount of his deposit upon the promissory note of the depositor secured by his deposit. Loaning deposit—
Security required.

Total loans.

Loan on note.

Section
amended.

8. Section 17:6-61 of the Revised Statutes is hereby amended to read as follows:

Deposits
promptly
invested.

17:6-61. The managers of every savings bank, as soon as practicable, shall invest the moneys deposited with them in the securities in which investment is authorized by law, except that for the purpose of meeting current payments and expenses in

Reserve.

excess of the receipts, there may be kept an available fund not exceeding ten per centum (10%) of the whole amount of deposits, which may be kept on hand or on deposit in any solvent bank or trust company in this State, organized under the laws of this State or of the United States, or in such solvent trust company or bank incorporated under the laws of, or in such solvent national bank located in, the States of New York or Pennsylvania, as a majority of the managers of the bank may direct, by resolution adopted at a regular or special meeting, and duly recorded on their minutes. The available fund, or any part thereof, may be loaned upon

Loan on
pledged
securities.

pledge of the securities, or any of them, named in this article, or as permitted by other provisions of law, but not in excess of eighty per centum (80%) of the market value of the securities so pledged.

Additional
securities
to meet
depreciation.

Should any of the securities held in pledge depreciate in value after making a loan thereon, the managers shall require the immediate payment of the loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed eighty per centum (80%) of the cash market

Temporary
purchases.

value of the securities pledged for the same. Part of the available fund, not exceeding one-half thereof, may be temporarily employed in the purchase of notes, drafts, bills of exchange or acceptances, which have a maturity at the time of purchase of not more than three months, exclusive of days of grace, and which are of the kind made eligible by law for rediscount with Federal reserve banks organized under legislation enacted by the Congress of the United States, if the same are indorsed or accepted by a bank or trust company in which the savings bank is herein permitted to de-

posit funds. The aggregate amount of the liability of any such bank or trust company to any such savings bank as indorser and acceptor shall not exceed ten per centum (10%) of the paid-up capital and surplus of the bank or trust company.

Aggregate liability.

9. Section 17:6-62 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:6-62. A savings bank may deposit temporarily in banks, as provided in section 17:6-61 of this Title, the excess of current daily receipts over the payments until the time they can be judiciously invested in the securities named in this article or as permitted by other provisions of law. When it appears to the commissioner that the managers of the savings bank are violating the spirit and intent of the provisions of this section and section 17:6-61 of this Title, by keeping permanently uninvested all, or any undue proportion, of the moneys received by them, he shall report the facts to the Attorney-General, who shall proceed against the bank, as provided by section 17:6-42 of this Title.

Temporary deposit of excess daily receipts.

Failure to make investments.

10. Section 17:6-63 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:6-63. When any building is included in the valuation of any real estate, upon which loan is made, it shall be insured against loss by fire by the mortgagor in such company or companies as the managers approve, and the policy of insurance shall be duly assigned, or the loss made payable, as interest may appear, to the bank. The savings bank may renew the policy of insurance in the same or any other company or companies, as it may elect, from year to year, or for a longer or shorter term, in case the mortgagor neglects to do so, and charge the amount paid to the mortgagor. All necessary charges and expenses for the renewal shall be paid by the mortgagor to the savings bank, and shall be a lien upon the property so mortgaged, recoverable with interest from time of payment as part of the moneys secured to be paid by the mortgage.

Insurance on buildings.

Policy assigned.

Renewal.

Meeting charges

Intent of act. 11. Nothing in this act is intended to repeal or affect the provisions of any law or part of any law of this State other than article six of chapter six of Title 17 of the Revised Statutes.

12. This act shall take effect immediately.
Approved May 12, 1938.

CHAPTER 163

AN ACT to regulate the retail sale of motor fuels,
and providing penalties for violations.

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

ARTICLE I

DEFINITIONS

Definitions: 101. Words used in this act, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, shall have the following meaning:

Person; "Person": Shall mean and include natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations and any receiver, trustee, conservator or other officer appointed pursuant to law by any court, State or Federal, and shall also include counties, municipalities and other political subdivisions of this State, and also the State of New Jersey. The use of the singular number shall include the plural number.

Retail dealer; "Retail dealer": Any person operating a service station, filling station, store, garage or other 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.

Motor fuel; "Motor fuel": Shall mean (a) all products commonly or commercially known or sold as gasoline (including casinghead and absorption or natural

gasoline), benzol, benzene, or naphtha regardless of their classification or uses; and (b) any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected 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) shows not less than ten per centum (10%) distilled (recovered) below three hundred forty-seven degrees (347°) Fahrenheit (one hundred seventy-five degrees (175°) Centigrade) and not less than ninety-five per centum (95%) distilled (recovered) below four hundred sixty-four degrees (464°) Fahrenheit (two hundred forty degrees (240°) Centigrade); and (c) any other product or liquid when sold for use as a fuel in any type of internal combustion engine furnishing power to operate a motor vehicle.

“Sale”: Shall have its ordinary meaning and, Sale; in addition, shall include any exchange, gift or other disposition; and “purchase” shall include any acquisition of ownership.

“Selling expense”: Includes all overhead and Expenses; general business expense.

“Commissioner”: Shall mean the State Tax Commissioner. Commissioner.

ARTICLE II

POSTING PRICES

201. (a) Every retail dealer shall publicly display and maintain on each pump 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. 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 Selling price posted.

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.

Minimum
price.

(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.

Display of
signs.

(c) Any price signs, other than those required by section 201 (a), displayed by any retail dealer shall be displayed in a manner to be regulated by the State Tax Commissioner and shall state the per gallon price including the tax. Such signs may include references to the brand name or trade-mark of such motor fuel and claims for its quality, and shall include a statement of the amount of taxes included in the sale price, or, without specifying the amount thereof said signs shall state that taxes are included in said price.

Sale price to
include taxes.

(d) Any advertising of motor fuels by a retail dealer 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.

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.

No chances
permitted.

(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 con-

tainers, 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.

(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."

No brand.

ARTICLE III

VIOLATIONS AND PENALTIES

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 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.

Penalties for not observing law.

When license of retailer revoked.

ARTICLE IV

PROCEDURE FOR COLLECTION OF PENALTIES

401. The following procedure shall be followed in actions for the enforcement of penalties set forth in Article III of this act:

Enforcement of penalties:

(a) The said penalty shall be sued for in the name of the State Tax Commissioner. Every district court, police justice, recorder, justice of the

By suit;

peace or other police magistrate is hereby authorized, upon the filing of a complaint in writing, duly verified by the State Tax Commissioner, or by any assistant or employee of the State Tax Commissioner, which may be made upon information or belief, that any retail dealer has violated any of the provisions of Article II of this act, to issue process at the suit of the State Tax Commissioner as plaintiff. Such process shall be either in the nature of a summons or warrant, which may issue without any order of the court or judge first being obtained against the person or persons so charged. When such process shall be in the nature of a warrant, it shall be returnable forthwith, and when in the nature of a summons, it shall be returnable in not less than five nor more than ten days. Such process shall specify the section of the act which is alleged to have been violated by the defendant or defendants, and upon the return of such process or at any time to which the trial shall be adjourned, the said court shall proceed and summarily hear the testimony and, without the filing of any pleadings, determine the matter and give judgment, without a jury, either for the plaintiff for the recovery of such penalty with costs or for the defendant. If judgment shall be rendered for the plaintiff, the court shall cause any defendant who may refuse or fail to pay forthwith the amount of the judgment rendered against him and all costs and charges incident thereto to be committed to the county jail for any period not exceeding the period mentioned in Article III hereof.

(b) The officers to serve and execute all process under this act shall be officers authorized to serve all process out of said court. Said district court, police justice, recorder, justice of the peace or other police magistrate shall have the power to adjourn the hearing or trial in any case from time to time, but in such case, except in case where the first process was a summons, it shall be the duty of the judge of the district court, police justice, recorder, justice of the peace or other police magistrate to

Process.

Judgment.

Officers to
execute;

Adjournment.

Bond.

Form of conviction;

ss.

The conviction shall be signed by the Judge of the District Court, police justice, recorder, justice of the peace or other police magistrate before whom the conviction is had. In case the defendant is committed to jail in default of payment of the penalty, commitment in the following form shall

be added beneath the judge's signature to the conviction:

"And the said X, neglecting and refusing to pay the amount of the penalty above mentioned, with costs, it is hereby ordered that the said X be and he is hereby committed to the common jail in the county of for a period of days, unless the said penalty and costs are sooner paid."

Such commitment shall also be signed by the judge and, in case of commitment of any defendant to jail, the conviction and the commitment shall be signed in duplicate, and one of the duplicate copies shall serve the purpose of a warrant of commitment. If a defendant who is committed to jail in default of payment of the penalty shall serve the full period for which he shall be committed, upon his release from jail he shall be entitled to have the judgment satisfied of record, and the certificate of the warden of said jail that the said defendant has been detained for the period specified in the commitment shall be sufficient warrant for the clerk of any court in which the judgment for the penalty and costs is docketed to discharge the same of record.

Sealing
process;

Costs.

Judgment.

Execution.

Injunction to
prohibit
violation.

(d) The clerk of any district court or the clerk of any recorder's or police court may sign and seal any process required to issue under this act, except a warrant of commitment. The costs recoverable in any such proceeding shall be the same as costs taxed in actions in said court and shall be recoverable by said State Tax Commissioner in the event of the conviction of the defendant. Any judgment recovered for a penalty under the provisions of this act in any district court may be docketed as other judgments recovered in said court are docketed. 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.

(e) The State Tax Commissioner may file a bill in the Court of Chancery for an injunction to prohibit any habitual violation of this act, or any of

the orders, rules, or regulations made by the commissioner, and every such action shall proceed in the Court of Chancery according to the rules and practice of that court, and cases of emergency shall have precedence over other litigation pending at the time in the Court of Chancery, and final hearing may be had within such time and on such notice as the Chancellor shall direct.

402. All moneys which shall be recovered as penalties under this act shall be paid by the commissioner to the State Treasurer to be transferred to the credit of the commissioner to defray the expenses of carrying into effect the provisions of this act.

Recovery of penalties.

ARTICLE V

ADMINISTRATION

501. The State Tax Commissioner is hereby authorized and empowered to carry into effect the provisions of this act and in pursuance thereof to make and enforce such rules and regulations as he may deem necessary.

Enforcement by tax commissioner.

502. For the purpose of administering this act, the commissioner whenever he deems it expedient, may make or cause to be made by any employee of the State Tax Department engaged in the administration of this act an audit, examination or investigation of the books, records, papers, vouchers, accounts and documents of any retail dealer. It shall be the duty of every retail dealer, his agents or employees, to exhibit to the commissioner or to any such employee of the State Tax Department all such books, records, papers, vouchers, accounts and documents of the retail dealer and to facilitate any such audit, examination or investigation so far as it may be in his or their power so to do.

Examination of records, etc.

Books, etc., must be exhibited.

503. The commissioner or any employee of the State Tax Department by him thereunto designated may conduct hearings, administer oaths to and examine under oath any retail dealer, his agents or employees and any other witnesses as well in investigating alleged violations of this act,

Hearings, witnesses, etc.

or for the purpose of ascertaining facts to enable the commissioner to administer the provisions of this act.

Powers of
subpœna,
etc.

504. The commissioner or any employee of the State Tax Department by him thereunto designated shall have the power by subpœna, signed by the commissioner and served in the same manner as like process in civil actions in the Supreme Court, to compel the attendance of witnesses and the production of any books, records, papers, vouchers, accounts or documents of any retail dealer at any hearing held pursuant to the provisions of this act. The fees of witnesses required to attend any such hearing shall be the same as those allowed to witnesses appearing in the Supreme Court. Such fees shall be paid in the manner provided for the payment of other expenses incident to the administration of this act.

Witnesses'
fees.

Failure to
observe sum-
mons, etc.

505. If a person subpœnaed to attend any hearing under this act refuses to appear, be examined or answer any question or produce any books, records, papers, vouchers, accounts or documents when subpœnaed so to do by the commissioner or by any employee of the State Tax Department designated by the commissioner, the commissioner or such employee of the State Tax Department may apply to the Supreme Court or to any justice thereof who shall have the power of the court for that purpose, upon proof by affidavit of such refusal, to make an order returnable in not less than two nor more than ten days, directing such person to show cause before the court or a justice thereof why he should not obey the command of such subpœna. Upon the return of such order the court or a justice before whom the matter shall come, shall examine the person under oath and the person shall be given an opportunity to be heard and if the court or justice shall determine that he refuses without legal excuse to obey the command of such subpœna or to be examined or to answer any question or to produce any books, papers, vouchers, records, accounts or documents which he was by

Supreme
court to
compel
answer.

subpœna commanded to answer or produce, said court or justice may order said person to comply forthwith with such subpœna or order, and any failure to obey such order of the court or of such justice may be punished by said court or by said justice as a contempt of the Supreme Court.

Order.

506. The commissioner may appoint an assistant or a deputy to administer this act, and such other assistants as he may deem necessary, and may establish, equip and maintain one office at such place in this State as he shall determine, subject always to the appropriations provided therefor. The assistant or deputy appointed under this act and not more than three employees assigned to special and confidential duties in connection therewith or whose duties require them to be attorneys shall be in the unclassified civil service. In case an employee in the classified service is appointed as assistant or deputy, he shall continue to have such rights of tenure in the classified service as he formerly possessed.

Assistant commissioner.

Assistants.

507. Every retail dealer shall keep such records as may be prescribed by orders, rules or regulations of the commissioner and as may be necessary to the determination of whether or not such retail dealer has observed the provisions of this act. All such records shall be safely preserved for a period of one year in such manner as to insure their security and accessibility for inspection by the commissioner or any employee of the State Tax Department engaged in the administration of this act. The commissioner may consent to the destruction of any such records at any time within said period.

Records kept by retailers.

Records preserved

508. The commissioner shall keep a record of all of his official acts and shall preserve copies of all rules, regulations, decisions and orders made by him. Copies of any rule, regulation, decision or order made by him or of any paper or papers filed in any office maintained by him in the administration of this act may be authenticated under his official seal, and when so authenticated shall be evidence

Records kept by commissioner.

Authenticating records.

in all courts of this State of the same weight and force as the originals thereof. For authenticating any such copy the commissioner shall be paid a fee of one dollar (\$1.00).

ARTICLE VI

APPROPRIATION

Appropriation
to enforce act.

601. The sum of sixty-five thousand dollars (\$65,000.00) is hereby appropriated from the State highway fund and shall be credited to the State Tax Commissioner, to be expended in the enforcement of the provisions of this act during the period from the effective date hereof until January first, one thousand nine hundred and thirty-nine. From and after January first, one thousand nine hundred and thirty-nine, the expenses of enforcing the provisions of this act shall be paid out of the moneys received under chapter thirty-nine of Title 54 of the Revised Statutes for license fees.

ARTICLE VII

SEPARABILITY

Validity of
act.

701. If any of the provisions of this act or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect the validity of other provisions or applications of this act, which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared separable.

ARTICLE VIII

LIMITATIONS

Repealer.

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

Title of act.

802. This act shall be cited and referred to as "An act to regulate the retail sale of motor fuels."

When
effective.

803. This act shall take effect July first, one thousand nine hundred and thirty-eight.

Approved May 12, 1938.

CHAPTER 164

AN ACT to require operators of autobuses, commonly called jitneys, school buses, commercial motor vehicles carrying explosive substances or inflammable liquids as cargo or part of a cargo, commercial motor vehicles carrying persons as passengers, and all motor vehicles moving in units of two or more vehicles coupled together, to stop at railroad grade crossings; providing for the enforcement thereof; and amending sections 39:4-128 and 39:5-1 of the Revised Statutes.

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

1. Section 39:4-128 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

39:4-128. All operators of autobuses, commonly called jitneys, or any school bus carrying any school child, or any commercial motor vehicle carrying explosive substances, inflammable liquids or fuel oils as a cargo or part of a cargo, or any commercial motor vehicle carrying persons as passengers, or any motor vehicles moving in units of two or more vehicles coupled together, shall, before crossing the tracks of any railroad or high speed interurban railroad at grade, bring such vehicles to a full stop and shift gears of the same to a neutral position; such stop to be made at a point where the maximum vision of the crossing in both directions can be obtained; *provided*, said point shall not be more than fifty feet from the nearest rail.

Full stop at
rail crossings.

Where made.

Proviso.

Any person violating the provisions of this section shall be punishable by a fine of not more than fifty dollars for the first offense and for the second offense a fine of not more than one hundred dollars,

Penalty.

or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Police regu-
lations.

This section shall not be construed as limiting the authority of any municipality to adopt police regulations governing the operation of autobuses and to provide penalties for their violation, or to relieve the owner or operator of such bus subject to the jurisdiction of the board of public commissioners from any penalty prescribed by the laws of this State for violation of orders of such board.

Section
amended.

2. Section 39:5-1 of the Revised Statutes is hereby amended to read as follows:

Enforcement
of act.

39:5-1. The enforcement of this subtitle shall be vested in the commissioner, the inspectors appointed under his authority, and the police or peace officers of, or inspectors duly appointed for that purpose by, any municipality or county or by the State. The enforcement of section 39:4-128 of this Title shall also be vested in the Board of Public Utility Commissioners, and the inspectors appointed under its authority, and for the purpose of the enforcement of said section 39:4-128, said Board of Public Utility Commissioners and its inspectors, are hereby vested with all power, right and authority conferred on any motor vehicle inspector, police or peace officer, or constable by any provision of chapter 5 of this Title (section 39:5-1 et seq.).

3. This act shall take effect immediately.

Approved May 12, 1938.

CHAPTER 165

AN ACT to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand or name, and amending sections 56:4-5 and 56:4-6 of the Revised Statutes.

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

1. Section 56:4-5 of the Revised Statutes is hereby amended to read as follows: Section amended.

56:4-5. (1) No contract relating to the sale or resale of a commodity which bears, or the label or content of which bears, or the vending equipment from which said commodity is sold to consumers bears, the trade-mark, brand, or the name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of this State by reason of any of the following provisions which may be contained in such contract: Sale of certain commodities not deemed violation.

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

(b) That the producer or vendee of a commodity require upon the sale of such commodity to another, that such purchaser agree that he will not, in turn, resell except at the price stipulated by such producer or vendee. Stipulated price.

(2) Such provisions in any contract shall be deemed to contain or imply conditions that such commodities may be resold without reference to such agreement in the following cases: Implied conditions:

- Selling out; (a) In closing out the owners' stock for the purpose of discontinuing delivering any such commodity;
- Damaged goods; (b) When the goods are damaged or deteriorated in quality, and notice is given the public thereof;
- Court order. (c) By any officer acting under orders of any court.

Section amended. 2. Section 56:4-6 of the Revised Statutes is hereby amended to read as follows:

Unfair competition. 56:4-6. Willfully and knowingly advertising, offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section 56:4-5 of this Title, whether the person so advertising, offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of the producer or distributor of such commodity or at the suit of any retailer selling such commodity at not less than the price stipulated in any contract entered into pursuant to the provisions of section 56:4-5 of this Title.

3. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 166

AN Act concerning licenses and license fees of retail dealers in motor fuels, amending sections 54:39-30 and 54:39-71 and repealing section 54:39-50 of the Revised Statutes.

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

Section amended. 1. Section 54:39-30 of the Revised Statutes is hereby amended to read as follows:

Retail dealers in fuel oil licensed. 54:39-30. Every person engaged in the retail sale of fuels, as herein defined, shall be known as a

retail dealer, and shall, before engaging in said business, procure from the commissioner a license for each establishment operated by such person. A license fee of five dollars shall be paid for the issuing of such license and the commissioner shall supply a license plate containing the number assigned to the licensee, and words denoting the type of license, which the licensee shall publicly display at each establishment in a manner to be regulated by the commissioner. Every person who has heretofore obtained a license as a retail dealer for the year one thousand nine hundred and thirty-eight, and who shall continue to engage in business as such retail dealer after the passage of this act, shall pay to the commissioner, as an additional license fee for the balance of the year one thousand nine hundred and thirty-eight, the sum of three dollars for each such license. All moneys received by the commissioner for such license fees shall be accounted for and forwarded by him to the State Treasurer to be held by the State Treasurer to the credit of the commissioner and disbursed in payment of the expenses incurred in the administration and enforcement of an act entitled "An act to regulate the retail sale of motor fuels, and providing penalties for violations," and all moneys received by the commissioner for all such license fees are hereby appropriated to the commissioner for that purpose.

Fee.

License displaced.

Additional license.

Fee.

Disposition of receipts.

2. Section 54:39-50 of the Revised Statutes is hereby repealed.

Section repealed.

3. Section 54:39-71 of the Revised Statutes is hereby amended to read as follows:

Section amended.

54:39-71. Except as provided in section 54:39-30 of the Revised Statutes, moneys received in accordance with this chapter shall be accounted for and forwarded by the State Tax Commissioner to the State Treasurer, to be paid out and distributed by him as hereinafter in this article provided.

Accounting for money received.

4. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 167

AN ACT concerning counties, and amending section
40:25-2 of the Revised Statutes.

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

Section
amended.

1. Section 40:25-2 of the Revised Statutes is hereby amended to read as follows:

Contract for
purchases
over \$1,000
advertised.

40:25-2. No officer, board, commission, committee, department or other branch of any county government shall enter into any contract for the doing of any work or the furnishing of any materials, supplies or labor, or the hiring of teams or vehicles, where the sum to be expended together with any other sums expended or to be expended for the same immediate purpose and all matters relating thereto exceeds in the aggregate the sum of one thousand dollars, without first publicly advertising for bids therefor. All such contracts shall be awarded to the lowest responsible bidder.

Award.

Penalty for
violation.

Any person authorizing, consenting to, making or procuring to be made any contract or agreement in violation of any of the provisions of this chapter or making or procuring to be made any payment for or on account of any contract or agreement made or entered into in violation of any of the provisions of this chapter shall be guilty of a misdemeanor.

2. This act shall take effect immediately.
Approved May 14, 1938.

CHAPTER 168

AN ACT to add Route S49 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 S49—extending from Route No. 4 at Rio Grande, via Rio Grande avenue, to Park Boulevard in Wildwood.

2. This act shall take effect immediately.
Approved May 14, 1938.

Additional
road.

Route S49.

CHAPTER 169

AN ACT concerning municipal finances, 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*:

1. No municipality of this State which is under the jurisdiction of the municipal finance commission shall hereafter issue any scrip or tax anticipation notes or bonds in payment of payrolls, claims or other obligations or indebtedness of the municipality unless the issuance of such scrip or tax anticipation notes shall be approved, in writing, by the auditor to the municipal finance commission in the same manner as warrants for other like payments are required to be approved.

Expenditures,
etc., to be
approved by
auditor of
municipal
finance
commission.

Violation a
misdemeanor.

2. Any official of any municipality who shall violate the provisions of this act in any municipality under the jurisdiction of the municipal finance commission shall be guilty of a misdemeanor and punished accordingly.

3. This act shall take effect immediately.
Approved May 14, 1938.

CHAPTER 170

AN ACT relating to acknowledgments and proofs of deeds and other instruments, and to amend section 46:14-7 of the Revised Statutes.

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

Section
amended.

1. Section 46:14-7 of the Revised Statutes is hereby amended to read as follows:

Certain
acknowledg-
ments, etc.,
validated.

46:14-7. 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 some other State of the United States, or territory thereof, or in the District of Columbia, whether resident in this State, or in such State, territory or district, 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 in this State before the Chancellor thereof and had been certified by him.

Officers
authorized.

The officers authorized to take acknowledgments or proofs under authority of this section are:

a. The Chief Justice or any associate justice of the Supreme Court of the United States, or a master in chancery or attorney-at-law of New

Jersey, at any place without this State but within the territorial limits of the United States;

b. At any place without this State but within the territorial limits of the United States and within the territorial limits of the jurisdiction of such officer or of his court, by

(1) A judge of any of the United States courts other than the Supreme Court;

(2) The Chancellor of any State of the United States or territory thereof;

(3) Any judge or justice of the Supreme or superior courts of any State of the United States or territory thereof, or the District of Columbia;

(4) Any foreign commissioner of deeds for New Jersey, when his certificate of acknowledgment or proof is duly certified under his official seal;

(5) The mayor or other chief magistrate of any city, borough or corporation, when his certificate of acknowledgment or proof is duly certified under the seal of the city, borough or corporation of which he was or is the mayor or chief magistrate;

(6) A judge of the court of common pleas of any State of the United States or territory thereof, or of the District of Columbia, when his certificate of acknowledgment or proof is duly certified that he was or is such judge under the great seal of such State, territory or district, or under the seal of a court of record of the State, county, city or district in which the acknowledgment or proof was or is made and in and for which he was or is such judge;
or

(7) Any officer of any such State, territory or district, then residing and being anywhere in such State, territory or district, authorized at the time of such acknowledgment or proof by the laws of such State, territory or district to take acknowledgments and proofs, when his certificate of acknowledgment or proof is accompanied by a certificate under the great seal of such State, territory or district, or under the seal of some court

of record in or county clerk of the State, county, city or district in which the acknowledgment or proof was or shall be made, that such officer was, at the time of the taking of such acknowledgment or proof, authorized by the laws of such State, territory or district to take acknowledgments and proofs.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 171

AN ACT validating the sale 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:*

Failure to
advertise
properly not
to invalidate
sale.

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 this State, or any execution or other process issued thereon, shall be invalidated by reason of any omission to advertise such sale or any adjournment thereof in the manner and for the length of time and in the number of newspapers then required by law, or by reason of any other irregularity or defect in such advertisement, but the purchaser or purchasers of such lands, tenements or hereditaments or real estate having paid the price therefor and having received his, her or their deed therefor, the said purchaser or purchasers his, her or their heirs, successors or assigns shall be deemed to have as good and complete title thereto as if such sale or adjournment had been in all particulars duly

advertised; *provided*, that no proceeding shall have heretofore been instituted in any court of law or equity to set aside said sale or the deed or of any proceedings in connection therewith. Proviso.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 172

AN ACT concerning fees on appeals to court of common pleas, and amending section 22:2-22 of the Revised Statutes of New Jersey.

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

1. Section 22:2-22 of the Revised Statutes of New Jersey is hereby amended to read as follows: Section amended.

22:2-22. In cases appealed to the court of common pleas from any magistrate, justice of the peace, criminal court, small cause court and district court the following fees shall be charged by the clerk of the court of common pleas and allowed in the taxed bill of costs as provided by sections 2:27-391 to 2:27-399 of the Title Administration of Civil and Criminal Justice. Fees allowed.

Attorney's fees for trial or arguments, six dollars (\$6.00). Schedule of fees.

Court's fees for hearing appeal or argument, two dollars (\$2.00).

Court's fees for signing judgment, fifty cents (\$0.50).

Filing notice of appeal, two dollars (\$2.00).

Clerk's fees for filing appeal papers, and proceedings before notice of hearing or trial, two dollars (\$2.00).

Filing notice of trial, one dollar and fifty cents (\$1.50).

Order dismissing appeal two dollars and fifty cents (\$2.50).

Recording judgment, three dollars and fifty cents (\$3.50).

Taxing costs, including copy, one dollar and seventy-five cents (\$1.75).

Other fees.

All fees for summoning and swearing witnesses and taking verdict as allowed in other cases in the court of common pleas.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 173

AN ACT concerning the deposit of public moneys by the State Treasurer, and amending section 52:18-18 of the Revised Statutes.

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

Section
amended.

1. Section 52:18-18 of the Revised Statutes is hereby amended to read as follows:

Depositing
public moneys.

52:18-18. The State Treasurer may, when in his judgment it is not compatible with public safety to deposit the public moneys, or portion thereof, upon interest bearing terms, as provided by section 52:18-17 of this Title, deposit the same without interest or open time accounts with interest subject to withdrawal upon thirty days' notice, in such of the national banks located in this State and institutions authorized by this State to carry on a banking business, as he may select, until such a condition has, in his judgment, ceased to exist, but in such a case a deposit of more than one hundred thousand dollars (\$100,000.00) shall not be maintained in any one institution. All interest earned on time accounts opened hereunder shall be credited to the State.

Interest
credited.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 174

AN ACT concerning the registration of vital statistics, and amending sections 26:8-49 and 26:8-51 of the Revised Statutes.

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

1. Section 26:8-49 of the Revised Statutes is hereby amended so as to read as follows: Section amended.

26:8-49. Corrections to birth and stillbirth certificates shall be signed by the person who made the original report or by either of the parents of the child or by any other person having personal knowledge of the matter sought to be corrected which other person shall state such matters on his oath. Corrections to birth certificates.

2. Section 26:8-51 of the Revised Statutes is hereby amended so as to read as follows: Section amended.

26:8-51. Corrections to marriage certificates shall be signed by the person who signed the marriage certificate or by any other person having personal knowledge of the matters sought to be corrected which other person shall state such matters on his oath. Corrections to marriage certificates.

3. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 175

AN ACT concerning the institution of suit for death by wrongful act, and amending section 2:47-2 of the Revised Statutes.

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

Section
amended.

1. Section 2:47-2 of the Revised Statutes is hereby amended to read as follows:

Instituting
suit for
death
damages.

2:47-2. Every action, proceeding or claim brought, instituted or made under this chapter shall be brought, instituted or made in the name of an administrator ad prosequendum of the decedent, for whose death damages are sought to be recovered, except where decedent dies testate and his will is probated, in which event the executor named in the will and qualifying, or the administrator with the will annexed, as the case may be, shall bring the action, proceeding or claim.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 176

AN ACT to alter, change and fix the boundary lines of the counties of Camden, Atlantic and Gloucester.

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

Boundary
fixed.

1. The boundary line between the counties of Camden, Atlantic and Gloucester, between the points hereinafter mentioned is hereby fixed and shall hereafter be stated and described as follows:

Description.

Beginning at a point in the northerly line of Cumberland county, said point bearing S 42°-26'-48.5"

E 1720.656 feet from Cumberland county boundary monument No. 6 and bearing N 42°-26'-48.5" W 990.508 feet from Cumberland county boundary monument No. 7, and said point having the co-ordinates:

$$x=1,910,002.11$$

$$y= 248,380.42$$

and running:

Thence N 42°-00'-16.77" E 105,089.17 feet to a point in the southerly line of Burlington county, said point bearing S 50°-38'-54.2" E 1088.230 feet from Burlington county boundary monument No. 67 and bearing N 50°-38'-54.2" W 1425.277 feet from Burlington county boundary monument No. 65, and said point having the co-ordinates:

$$x=1,980,326.84$$

$$y= 326,471.17$$

Approved May 14, 1938.

CHAPTER 177

AN ACT to add Route 56 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, lay out and construct as an addition to the present State highway system the following described route:

Route No. 56. Beginning at the traffic circle at Laurelton, in the county of Ocean, and thence to the beach highway at Mantoloking, in said county of Ocean.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 178

AN ACT concerning the surrender of certificates authorizing foreign corporations to transact business in this State, and supplementing chapter fifteen of Title 14 of the Revised Statutes.

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

Procedure
for a foreign
corporation
to withdraw
from State.

1. Any foreign corporation which shall have received a certificate authorizing it to transact business in this State may surrender the rights, privileges and franchises conferred upon it by the certificate and withdraw from this State by filing with the Secretary of State (1) a copy of a resolution of its board of directors authorizing such surrender and withdrawal, certified to be a true copy under the hand of the secretary of the corporation and the seal of the corporation, (2) a copy of a certificate of dissolution, issued by the appropriate official of the State of domicile of the foreign corporation, certified to be a true copy under the hand of the official and his official seal, or (3) a copy of an order or a decree of dissolution, made by any court of competent jurisdiction of the State of domicile of the foreign corporation, certified to be a true copy under the hand of the clerk of the court and his official seal. Upon the filing of any such certificate the Secretary of State shall issue a certificate under his hand and official seal evidencing the surrender of the rights, privileges, and franchises conferred upon the foreign corporation and its withdrawal from the State.

Certificate
issued by
Secretary of
State.

Certificate
certifying
payment of
all taxes.

2. No certificate of surrender and withdrawal shall be issued by the Secretary of State, respecting any foreign corporation, until there shall have first been filed with him a certificate issued by the State Tax Commissioner, under his hand and official seal, evidencing the payment by the foreign corporation

of all taxes, fees, penalties, and interest due from it to the State, under any statute imposing State taxes and providing for the collection thereof by the State Tax Commissioner.

3. For filing any such certificate of the State Tax Commissioner and for issuing any certificate of surrender and withdrawal there shall be paid to the Secretary of State a fee of five dollars (\$5.00). Filing fee.

4. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 179

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.

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

1. For the purpose of promoting the development of the agricultural resources of the State and for encouraging the further development of the important poultry industry in the State, the New Jersey State Agricultural Experiment Station is hereby authorized to establish and maintain in the vicinity of Millville a turkey breeding and feeding research farm, and to employ such assistants as may be necessary to carry on the operation of the same. Turkey breeding and research farm to be established.

2. The sum of eighty-five hundred dollars (\$8,500.00) is hereby appropriated to the State Agricultural Experiment Station for the establishment and maintenance of such a farm. Appropriation.

3. This act shall take effect immediately.

Approved May 14, 1938.

New Jersey State Library

CHAPTER 180

AN ACT concerning the issuance of certificates authorizing foreign corporations to transact business in this State, and supplementing chapter fifteen of Title 14 of the Revised Statutes.

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

Taxes, etc., payable by foreign corporations before doing business as consolidated corporation.

1. When any two or more foreign corporations have been merged or consolidated into a single corporation by reason of the law of the State of domicile of any one of such foreign corporations, no certificate shall be issued by the Secretary of State, in accordance with the provisions of chapter fifteen of Title 14 of the Revised Statutes to which this act is a supplement, authorizing the consolidated corporation into which said other contracting corporation or corporations shall have been so merged or consolidated, as the case may be, to transact business in this State, until all corporations included in such merger or consolidation, which prior to such consolidation or merger were authorized by any law of this State to transact business in this State, shall have first filed with the Secretary of State certificates issued by the State Tax Commissioner under his hand and official seal evidencing the payment by such corporations of all taxes, fees, penalties, and interest due from them to the State under any statute imposing State taxes and providing for the collection thereof by the State Tax Commissioner.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 181

AN ACT to create a commission to represent the State of New Jersey at the forty-first annual encampment and convention of the United Spanish War Veterans to be held during the month of September, one thousand nine hundred and thirty-nine, and providing an appropriation therefor.

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

1. The Governor of the State of New Jersey is hereby authorized and empowered and he shall within thirty days after the National Encampment, United Spanish War Veterans, select Atlantic City, New Jersey, as the place of holding its national encampment for the year one thousand nine hundred and thirty-nine, appoint a commission of three persons, residents of the State of New Jersey, which commission shall be known as the United Spanish War Veterans Encampment Commission.

United
Spanish War
Veterans
Encampment
Commission
created.

2. Immediately after appointment the commissioners so appointed by the Governor of the State of New Jersey shall file a bond, each separately and individually, with two sureties in the sum of ten thousand dollars (\$10,000.00) each for the faithful performance of such duties as may be hereinafter prescribed.

Bonds.

3. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated out of such money in the treasury not otherwise appropriated and this money shall be and is hereby made available to the said commission. All moneys to be disbursed by the State Treasurer upon warrants drawn upon the Comptroller and approved by the Governor.

Appropriation.

Disbursements.

4. The said commission shall represent the Governor and the State of New Jersey at the said encampment to be held at Atlantic City, New Jersey, during the month of September, one thousand nine

Commission
to represent
State.

hundred and thirty-nine, and shall provide for military and other display and entertainment as may seem to them fitting to uphold the dignity and patriotism of the State of New Jersey.

5. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 182

AN ACT to license and regulate persons engaging in the business of selling, trading-in, receiving, installing, or repairing condemned, rebuilt or used weighing or measuring devices, and providing penalties for the violation thereof.

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

Terms
defined:

1. Definitions: For the purpose of this act, the following words shall be deemed to have the meaning herein given them:

Department;

(a) "Department" shall mean the State Department of Weights and Measures.

Person;

(b) "Person" or "persons" shall be construed to include any individual, partnership, association, corporation or other form of business enterprise.

Weights and
measures
officer;

(c) "Weights and measures officer" shall be construed to mean and include the State Superintendent of Weights and Measures or his assistants or inspectors, county or assistant county superintendents of weights and measures or inspectors, and municipal or assistant municipal superintendents of weights and measures or inspectors.

Weighing or
measuring
devices;

(d) "Weighing or measuring devices" as used in this act shall be deemed to mean and to include any scale, weight, scale beam, patent balance, computing scale, spring scale, person weighing scale operated for profit, steel-yard, liquid measure,

gasoline dispensing device, grease dispensing device, counter measure, or any other instrument or apparatus, and accessories connected therewith used in trade and commerce in the State of New Jersey in weighing or measuring any commodity, fluid, or article of merchandise, or person; *provided*, the term shall not include any meter, measure or scale used by a public utility subject to the jurisdiction of the Board of Public Utility Commissioners of this State for measuring any commodity or service furnished or sold by such public utility.

Proviso;

(e) "Repair," "repairing," and "repaired," shall be construed to mean any partial or complete construction or reconstruction, repair, alteration, installation or adjustment of any weighing or measuring devices used in trade and commerce in the State of New Jersey.

Repairing;

(f) "Repairman" shall mean any person engaging in the partial or complete constructing or reconstructing, repairing, altering, installing or adjusting of any weighing or measuring devices used in trade and commerce in the State of New Jersey.

Repairman;

(g) "Adjustment" and "adjusting." The moving of any part of a weighing or measuring device to obtain a correct zero indication only shall not be construed to come within the meaning of these terms.

Adjusting;

(h) "Magistrate" shall be deemed and understood to mean and include all justices of the peace, judges of the city criminal courts, police judges, recorders, mayors, and other officers having powers of a committing magistrate; *provided, however*, that no justice of the peace shall sit as magistrate under this act within the corporate limits of any municipality within this State having a police judge, police justice, recorders' court or city criminal court.

Magistrate;

Proviso;

(i) "Engaging in business" or "engaged in business" shall be deemed and understood to mean and include any single transaction, act, or sale.

Engaging in business.

2. It shall be unlawful for any person to engage in the business of selling, trading-in, receiving, in-

License to deal in second hand weighing devices.

stalling or repairing condemned, rebuilt or used weighing or measuring devices in this State without first obtaining from the State Superintendent of Weights and Measures a license and registration to so engage in any said business.

Application.

3. Application for the said license and registration shall be made to the department upon the form prescribed and furnished by the State Superintendent of Weights and Measures, and shall be verified by the applicant under oath, or if the applicant shall be a partnership, association, or corporation, under the verification and oath of a duly elected officer or official representative thereof.

Investigation
of applicant.

4. Upon the application being filed, the State Superintendent of Weights and Measures shall examine into the same and cause an inquiry to be made concerning the person making such application, and if it should appear satisfactory to him therefrom, he shall issue to the applicant a license and registration; it being *provided, however*, that any person engaging in the practical operations of repairing any device subject to the provisions of this act, shall, upon the approval of his application by the State Superintendent of Weights and Measures, be notified to report at a place and time to be designated by the said State Superintendent of Weights and Measures, and to there undergo an examination into his technical qualifications to engage in such business.

License issued.
Proviso,
examination.

Conducting
examinations.

5. Examinations shall be conducted by the State Superintendent of Weights and Measures, his duly authorized assistants, or by any competent weights and measures officer or officers of this State, whom the said State Superintendent of Weights and Measures may designate or assign to conduct such examinations.

Rules and
regulations.

6. The State Superintendent of Weights and Measures shall issue rules and regulations governing the examination of applicants for licenses to repair weighing and measuring devices. The regulations shall specify the qualifications for limited

and unlimited licenses, and shall declare the conditions under which licenses will be revoked.

7. The State Superintendent of Weights and Measures may, at his discretion, issue to any applicant, under the terms of the regulations authorized by this act, a license to repair limited classes or kinds of weighing and measuring devices. Limited licenses.

8. Any person who qualifies in the form and manner prescribed by the regulations authorized under the terms of this act to repair weighing or measuring devices shall receive a license to repair the classes or kinds of weighing devices for which he qualifies. Applicants who do not qualify shall not receive a license, it being *provided, however*, License limited to qualifications. that the denial of a license at any time shall not prejudice the issue of a license at any later examination. Proviso.

9. Licenses and registrations shall be issued for a term of one year from the date of issue and shall be renewable at the expiration thereof. Each license issued shall state the name, business address of the person to whom it is issued, whether it is a limited or unlimited license, and if limited, the classes or kinds of weighing or measuring devices the licensee is authorized to repair, and shall continue in effect for the prescribed period unless revoked or suspended for reasons hereinafter specified in this act. Term of license. Contents.

10. The State Superintendent of Weights and Measures may revoke or suspend the license of any person convicted of any violation of this act or for any of the following reasons: willful fraud or misrepresentation practiced in procuring any such license or renewal of the same; dishonesty; gross incompetency; and conduct of a character likely to deceive or defraud the public; the loaning of his license or registration by the licensee to any person; the obtaining of a fee or compensation by fraud or misrepresentation; the willful advertising or publishing by the licensee of grossly false, fraudulent or misleading statements of his busi- Suspending or revoking licenses. Reasons.

Hearing.	ness, skill, knowledge or methods of operation; and for any conduct or practice at variance with the purpose of this act. No certificate of license shall be revoked or suspended until after a hearing before the State Superintendent of Weights and Measures of which hearing the holder of said certificate of license shall have at least ten days' notice, either personally or by registered mail, sent to the holder at his or her address as contained in the records of the department.
Report of repairman.	11. Any person licensed to repair weighing or measuring devices shall report to the department or to the weights and measures officer of his county or municipality, work for which compensation was received or is receivable. The report shall contain the name and address of the person for whom the work was done, identification of the weighing or measuring device, nature of the work performed and the date the work was completed.
Contents.	12. Every person engaged as in this act provided shall within ten (10) days, after the making of a repair, or the sale and delivery of a repaired, rebuilt, exchanged, or used weighing or measuring device, in writing, notify the department or the county or municipal superintendent of weights and measures in whose jurisdiction the said device is located, giving the name and address of the person for whom such repair has been made or to whom a repaired, rebuilt, exchanged, or used weighing or measuring device has been sold or delivered, and a statement shall be made by the licensee that the same has been so altered, rebuilt, or repaired as to conform to the standard specifications and regulations of the department.
Department notified of repair or sale of equipment.	13. Any person who accepts any weighing or measuring device which has been condemned by any weights and measures officer, in trade for a new or used weighing or measuring device, and which is intended to be repaired, rebuilt, dismantled or destroyed, shall upon receipt thereof remove the condemned tags and such condemned tags shall be returned to the department or to a
Department notified of disposition of condemned devices.	

weights and measures officer within ten (10) days thereafter, with a statement describing the weighing or measuring device, giving the number of the device if obtainable, and the name and address of the person from whom it was received together with a statement of what disposition has been made of the weighing or measuring device.

14. Every person engaged in any business covered by the provisions of this act shall submit their testing equipment at least once a year to a weights and measures officer for comparison and calibration with the standards maintained by such officer. After comparison and calibration with such standards, the weights and measures officer shall issue to such person a statement or a certificate of his findings.

Inspection
yearly.

Certificate
of findings.

15. Every person licensed and registered pursuant to the provisions of this act shall maintain a record or register in which the following information shall be kept:

Record kept.

(a) The name and address of every person for whom weighing or measuring devices are repaired.

(b) The name and address of every person to whom a repaired, rebuilt, exchanged, or used weighing or measuring apparatus or device has been sold or delivered.

(c) Such records shall at all times be open for inspection by any weights and measures officer.

Open to
inspection.

16. Every person who maintains or carries on the business of selling, trading-in, receiving, or engaging in the repairing of condemned, rebuilt, or used weighing and measuring devices, shall for the license and registration prescribed by this act, pay a license fee of twenty-five dollars (\$25.00) per annum. Every person engaging only in the repairing of weighing and measuring devices shall for the license and registration prescribed in this act pay a fee of five dollars (\$5.00) per annum,

License fees.

which fees shall be paid to the State Superintendent of Weights and Measures, and by this officer shall be turned over to the State Treasurer.

Administra-
tion of act.

17. The State Superintendent of Weights and Measures shall have general supervision of the administration of this act and shall make such rules and regulations as he may deem necessary for its enforcement.

Enforcement.

18. The State Superintendent of Weights and Measures, his duly authorized assistants and inspectors, county and assistant county superintendents of weights and measures and inspectors, and municipal and assistant municipal superintendents of weights and measures and inspectors, are hereby charged with the enforcement of this act.

Penalties.

19. Any person violating any of the provisions of this act, shall, upon being found guilty of a first offense, pay a fine of not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), and shall, upon being found guilty of a second offense pay a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and shall, upon being found guilty of any subsequent offense pay a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00); *provided, however*, that any person unable to pay a fine imposed under the provisions of this act shall be committed to jail for a period of not less than ten (10) days nor more than ninety (90) days.

Proviso.

Action to
recover
penalty.

20. An action to recover any penalty incurred under the provisions of this act may be brought in the name of the State of New Jersey by any duly appointed weights and measures officer by complaint in writing, duly verified by such weights and measures officer, which verification may be upon information and belief, or may be verified by the complaining witness to be filed with any magistrate of any municipality in this State alleging the violation in said municipality of any of the provisions of this act or acts supplementary thereto or amendatory thereof, who is hereby authorized to

issue a summons returnable in from one to ten days from the date thereof, same to be served not less than two days prior to the return thereof, or a warrant directed to any weights and measures officer, or to any constable or police officer, commanding him to cause the person or persons so complained of to be summoned or arrested and brought before such magistrate, who shall at the return of the said summons or warrant forthwith in a summary way hear and determine the guilt or innocence of such person or persons, and upon conviction shall impose upon such person or persons so convicted the penalty or penalties prescribed for such offense, together with the costs of prosecution of the proceedings before such magistrate, and if any person or persons shall fail to pay the penalty or penalties, so imposed, together with the costs of prosecution, execution shall be issued against his or their goods and chattels, body or bodies without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of said defendant or defendants in his bailiwick to make the amount of said judgment and costs, he shall take the body of the defendant or defendants and deliver him or them to the keeper of the common jail of said county for a period not to exceed ten days, except as may be otherwise in this act in this respect provided; or until said penalty and costs are sooner paid; *provided, however*, that the defendant or defendants may be released upon order of the magistrate before the expiration of any imprisonment, prescribed in default of payment of any judgment, upon the written order of the committing magistrate or a justice of the Supreme Court, in the discretion of said judicial officer, after one day's notice of time and place of application for such order to the State Superintendent of Weights and Measures. It shall be the duty of the city attorney of any municipality wherein such violation shall take place to assist in the prosecution of the same, unless such

Proviso.

Disposition of fines.	municipality has no such municipal superintendent of weights and measures as provided for in section 51:1-43 of the Revised Statutes, in which case the public prosecutor or the county wherein such violation shall take place shall assist in such prosecution. All fines and penalties collected from persons offending against the provisions of this act shall be paid by the magistrate receiving the same, when recovered by a State weights and measures officer, to the State Treasurer; when recovered by a county weights and measures officer, to the county collector of such county; and when recovered by a municipal weights and measures officer, to the municipality which such officer represents.
Power of arrest.	For violation of any of the provisions of this act, done within the view of any weights and measures officer, such weights and measures officer is authorized, without warrant, to arrest the offender or offenders and to conduct him or them before any magistrate having jurisdiction in such county wherein such arrest is made and offense committed, and such magistrate is hereby authorized and required on verified complaint in writing, setting forth the nature of the offense for which said arrest was made, to be filed then and there with such magistrate, before the commencement of the hearing, to hear and determine in a summary way the guilt or innocence of such person or persons, and inflict the penalties provided by law.
Appeal.	Any party to any proceeding instituted under this act may appeal from the judgment or sentence of the magistrate to the court of common pleas of the county in which the said proceedings take place; <i>provided</i> , that the party appealing shall, within ten days after the date of the said judgment, file a written notice of appeal with the magistrate, pay the costs of such proceedings, and deliver to such magistrate 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 said appeal and to stand to and abide by such further order or judgment as
Proviso.	

may hereinafter be made against said party, which appeal shall act as a stay of execution, unless said appeal shall be dismissed for want of jurisdiction in the court appealed to, in which case the magistrate may issue execution as in this act provided upon the remanding and dismissal of the appeal papers to said magistrate with certified copy of the order of dismissal as aforesaid.

Whenever an appeal shall be taken as aforesaid, it shall be the duty of the magistrate, 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 said county, if at least five days shall intervene between the rendition of said judgment and the commencement of said term of court; but, if otherwise, then said proceeding shall be brought on and heard at the next subsequent term of said court which court shall hear and determine such appeal in the same way and manner as said case was heard and determined by such magistrate, who shall render final judgment therein, upon which judgment in case of affirmance of conviction, execution directed to the sheriff as herein provided, may issue; *provided, however,* that if the defendant shall be committed to jail under any execution provided for in this act, 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.

Transcript
of proceedings
sent to court
of common
pleas.

Proviso.

21. The provisions of this act shall not be applicable to any person or to a bona fide employee solely and exclusively employed by such person, who repairs or installs any weighing or measuring device owned, operated or used by the said person in connection with his business in the sale of commodities in trade and commerce in the State of New Jersey.

Application
of act.

22. All other acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

23. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 183

AN ACT to add route 29-B to the State highway system.

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

Additional
road.

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 29-B.

Route No. 29-B. Beginning at Frenchtown and thence by way of Milford, Spring Mills, Warren Glen and Alpha and connecting with Route No. 28 near Phillipsburg.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 184

AN ACT concerning the New Jersey Home for Disabled Soldiers, and amending section 30:6A-3 of the Revised Statutes.

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

Section
amended.

1. Section 30:6A-3 of the Revised Statutes is hereby amended to read as follows:

Contents of
application for
admission.

30:6A-3. Application for admission to the New Jersey Home for Disabled Soldiers shall state facts showing his eligibility under section 30:6A-2 of this Title and in addition shall show applicant's place of residence at the time of entering the serv-

ice, the company and regiment, or vessel, in which he served, the captain and colonel under whom he served, the time of his service and discharge and that he has been a resident of the State two years previous to the date of application. Such application shall also contain a pledge that applicant will conduct himself properly and submit to the rules, regulations and discipline of the home.

This section shall not be construed to prevent an applicant who actually served in a New Jersey military or naval organization in the United States army, navy or marine corps and who is otherwise qualified, from admission to the home but preference shall be given to persons who have been residents of the State two years previous to application.

Construing.

Preference given to residents.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 185

AN ACT concerning banks and trust companies, and amending sections 17:4-29 and 17:4-31.8 of the Revised Statutes.

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

1. Section 17:4-29 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:4-29. No bank or trust company shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless the purchase or holding is necessary to prevent loss upon a debt previously contracted in good faith or unless such stock has been or is acquired as the result of a consolidation or merger to which such bank or trust company was or is a party. Stock so purchased

Not to own or loan on own capital stock.

Approval of
commissioner
to hold longer
than year.

or acquired shall, within one year from the time of its purchase or acquisition, be sold or disposed of at public or private sale. When any bank or trust company has heretofore acquired or shall hereafter acquire shares of its own capital stock as security or as additional security for a loan previously made or as the result of a consolidation or merger to which such bank or trust company was or is a party, such bank or trust company may, with the written approval of the commissioner, hold such shares of its own capital stock for such length of time beyond the one year period as the commissioner may, in his discretion, permit.

Section
amended.

2. Section 17:4-31.8 of the Revised Statutes is hereby amended to read as follows:

Statement on
renewal note
or instrument.

17:4-31.8. Each note or other instrument evidencing a loan made and each note discounted under the provisions of sections 17:4-31.1 to 17:4-31.8 of this Title and each renewal note or other renewal instrument renewing any such loan or note shall bear thereon a statement substantially to the following effect, as the case may be:

"The loan evidenced by this instrument was made under the provisions of sections 17:4-31.1 to 17:4-31.8 of the Revised Statutes," or

"This note was discounted under the provisions of sections 17:4-31.1 to 17:4-31.8 of the Revised Statutes."

Any such statement on any such renewal note or other renewal instrument need not refer to the same as a renewal.

No reference
made.

In case of amendment of or supplement to said sections 17:4-31.1 to 17:4-31.8 no reference need be made thereto in any such statement.

3. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 186

AN ACT concerning annual returns to be made by domestic corporations to the State Tax Commissioner, and amending section 54:13-2 of the Revised Statutes.

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

1. Section 54:13-2 of the Revised Statutes is hereby amended to read as follows: Section amended.

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 make annual return to the State Tax Commissioner on or before the first Tuesday of February in each year stating the amount of capital stock of such corporation 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. Annual return to show issued and outstanding capital stock.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 187

AN ACT concerning divorce from the bond of matrimony, and amending section 2:50-2 of the Revised Statutes.

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

Section
amended.

1. Section 2:50-2 of the Revised Statutes is hereby amended to read as follows:

Causes for
divorce:

2:50-2. Divorce from the bond of matrimony may be decreed for the following causes:

Adultery;

Adultery. a. Adultery by either of the parties;

Desertion;

Desertion. b. Willful, continued and obstinate desertion for the term of two years;

Extreme
cruelty.

Extreme cruelty. c. Extreme cruelty by either of the parties, whether the acts of cruelty have been heretofore or are hereafter committed; *provided*, that no petition for divorce on the ground of extreme cruelty shall be filed until after six months from the date of the last act of cruelty complained of in the petition, but this proviso shall not be held to apply to any counterclaim.

Proviso.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 188

AN ACT concerning the use of a name by a wife after divorce, and amending section 2:50-34 of the Revised Statutes.

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

1. Section 2:50-34 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:50-34. The court, upon or after granting a divorce from the bonds of matrimony to either spouse, may allow the wife to resume any name used by her before the marriage; and may also order the wife to refrain from using the surname of the husband as her name. Use of name of a wife after divorce.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 189

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

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

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

2:27-124. Subject to rules, any defense to the whole or to any part of the complaint which defense is insufficient in law or sham may be struck out, or, if it appears probable that the defense is insufficient in law or sham, defendant may be allowed Defense, etc., may be struck out.

to defend on terms. Defendant, after final judgment, may appeal from any order made against him under this section.

Section
amended.

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

Complaint,
etc., may be
struck out.

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

Section
amended.

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

Court allowed
discretion in
issuing order
to strike out
complaint, etc.

2:27-126. The court, in passing on a motion to strike out, in whole or in part, a complaint or counterclaim as insufficient in law or sham, may, in its discretion, determine whether such striking out shall be with or without prejudice to the institution of another proceeding at law, based on the same cause or causes of action as were set forth in the complaint or counterclaim or part or parts thereof struck out, which discretion shall be exercised by the court and be indicated in the order to strike out.

Section
amended.

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

Plaintiff may
appeal from
order to
strike out.

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

5. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 190

AN ACT concerning the power of the Supreme Court with respect to the extraordinary writs, and supplementing chapter eighty of Title 2 of the Revised Statutes.

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

1. The Supreme Court shall have full power, from time to time, to make, alter and repeal general rules or special rules in particular cases, prescribing and regulating the form of writs and processes, pleadings, judgments and the like, the time and manner of service and return, the time for pleading, and the practice and procedure in all matters with respect to certiorari, mandamus, quo warranto, prohibition and habeas corpus in so far as applications therefor may be made to the Supreme Court or a justice thereof, or to a law court or a judge thereof, which said rules shall, to the extent that they do not conflict with the Constitution of the United States, or of this State, supersede the statutory or common law provisions for the time that such rules may be in existence.

Supreme court
empowered to
alter, repeal,
etc., rules
relative to
writs and
processes.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 191

AN ACT concerning the acquisition of jurisdiction by the Court of Chancery in cases of divorce and nullity of marriage.

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

Jurisdiction
of Court of
Chancery in
divorce and
nullifying
marriage
cases.

1. In all suits for nullity of marriage or divorce, if a defendant, as to whom an order of publication shall have been made, shall, whether before, during or after publication, appear by the filing of an answer or otherwise, the court shall be deemed to have acquired jurisdiction, notwithstanding that no publication has been made, or, if made, it has not been completed, and the cause may proceed against such defendant in the same manner as if personal service of a citation had been made upon such defendant, but only after service upon such defendant of the petition and such order of publication, or notice thereof, in the manner prescribed by section 2:50-12 of the Revised Statutes, and in such case no publication, or further publication, as the case may be, need be made after such appearance.

2. This act shall take effect immediately.

Approved May 14, 1938.

CHAPTER 192

AN ACT concerning the civil service, and amending
section 11:2-2 of the Revised Statutes.

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

1. Section 11:2-2 of the Revised Statutes is hereby amended to read as follows: Section amended.

11:2-2. The chief examiner and secretary shall hold no other public office or employment, except that nothing contained in this Title shall prohibit him from serving in any other unpaid public office or as director of any quasi-public or other corporation. Chief examiner and secretary not to hold other public office.

2. This act shall take effect immediately.
Approved May 14, 1938.

CHAPTER 193

AN ACT to improve the condition of tenement houses in this State and to amend sections 55:2-1; 55:2-3; 55:2-6; 55:3-1; 55:3-2; 55:3-6; 55:3-24; 55:3-25; 55:3-39; 55:3-45; 55:3-59; 55:4-4; 55:5-1; 55:5-2; 55:5-10; 55:8-12; 55:10-8 and 55:10-9, of the Revised Statutes.

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

1. Section 55:2-1 of the Revised Statutes is hereby amended to read as follows: Section amended.

55:2-1. Except as otherwise provided in chapter thirteen of this Title (55:13-1 et seq.) a building not erected for use as a tenement house, if converted Construction to comply with requirements.

	or altered to such use after March twenty-fifth, one thousand nine hundred and four, shall thereupon become subject to all the provisions of this subtitle affecting tenement houses thereafter erected. When it shall appear to the board to be impractical to comply strictly with all the provisions of this subtitle affecting such building, the board may require an equivalent form of construction; <i>provided</i> , such construction conforms with the spirit of this subtitle.
Proviso.	
Section amended.	2. Section 55:2-3 of the Revised Statutes is hereby amended to read as follows:
New rooms and hallways to comply with requirements.	55:2-3. No tenement house shall be altered so as to increase the number of rooms, nor its hallways changed unless such new rooms or hallways shall be made to conform to the requirements of this subtitle for buildings constructed at the time of such alteration, except that the ceiling height of new rooms may be the same as existing rooms.
Section amended.	3. Section 55:2-6 of the Revised Statutes is hereby amended to read as follows:
Minimum size of yard.	55:2-6. After March twenty-fifth, one thousand nine hundred and four, no tenement house shall be enlarged or its yard be diminished so that its yard shall be less in depth than the minimum depth required for tenement houses erected after said date. Where the first floor is used exclusively for business the yard may start at the second tier of beams.
Section amended.	4. Section 55:3-1 of the Revised Statutes is hereby amended to read as follows:
Fireproof stairways required.	55:3-1. A fireproof stairway is a stairway which is constructed of iron, steel, concrete or other fireproof material approved by the board. Every fireproof tenement house erected after March twenty-sixth, one thousand nine hundred and twenty-eight, shall be provided with an open outside fireproof stairs and balcony which shall be directly accessible through a door from the public hall on each floor.
Outside stairways.	In lieu of an open outside fireproof stairs there may be substituted outside inclosed fireproof stairs which shall be inclosed in masonry walls at least

eight inches thick. There shall be no opening in any wall separating them from the building. Access shall be provided to the stairway from the main hall of every floor of the building by means of an outside balcony or vestibule of steel, iron or masonry. Every such balcony or vestibule shall have an unobstructed width of at least thirty-six inches and shall be provided with a fireproof floor and a railing of incombustible material not less than three feet high. Access to such balconies from the building and to the stairway from the balconies shall be by means of fireproof doors. The level of the balcony floor shall be not more than seven inches below the level of the door or sill of the building. The doors shall be not less than thirty-six inches wide and shall swing outward on to the balcony from the hall and inward from the balcony to the stairway and shall be provided with latches with visible fastenings requiring no key to open them in leaving the building. The landings shall be of such width that the doors in opening into the stairway shall not reduce the free passageway of the landings to a width less than the width of the stairs which shall be three feet (3') in the clear. Such stairways shall be provided with a window to the outer air furnishing adequate light and also provided with electric light. An approved auxiliary lighting system shall also be provided. All stairs shall be provided with access to the street as set forth in sections 55:3-6 or 55:3-23 of this Title. If said house is to be arranged for more than eighty-four apartments above the entrance floor two such stairs shall be required. Where the tenement house is not more than three stories in height the provisions of this subtitle shall not apply.

5. Section 55:3-2 of the Revised Statutes is hereby amended to read as follows:

55:3-2. Every nonfireproof tenement house erected after March twenty-sixth, one thousand nine hundred and twenty-eight, three stories or more in height, unless provided with outside fireproof stairways directly accessible through a door

Access to
stairways.

Specifications:

Balconies;

Landings;

Stairways;

Entrances.

Provisions not
to apply.

Section
amended.

Fire escapes
required.

Not to apply.	<p>or window of a private hall within the apartment or of at least one room, other than a bathroom or water-closet compartment in each apartment, shall have fire escapes located and constructed as hereafter described. The provisions of this subtitle relating to outside fire escapes shall not, except as provided elsewhere in this section, apply to any house not more than three stories in height which shall be provided with two independent stairways, as remote from each other as possible, leading from the top floor of the said house to the first floor thereof, to both of which stairways all of the persons occupying the second and third floors, shall have access without entering any apartment other than the one occupied by such tenants, one of which said stairways may be an outside stairway, if said stairway is, in the opinion of said board, substantially constructed. If an additional stairway is constructed, egress to the street must be provided as directed by the board. Every nonfireproof tenement house two stories in height erected after said date, shall be provided with two stairways as required by this section for three-story tenement houses which are not arranged for more than two families on a floor. Every nonfireproof tenement house three stories in height erected after said date, which is arranged to be occupied by more than four families on any floor above the first floor shall be provided with fire escapes as required by this subtitle or in lieu thereof there shall be provided an additional stairway which shall be directly accessible by a doorway from a private hall within the apartment or at least one room in each apartment other than a bathroom or water-closet compartment.</p>
Outside entrance required.	
Requirements for three-story tenements.	
Section amended.	<p>6. Section 55:3-6 of the Revised Statutes is hereby amended to read as follows:</p>
Specifications for fire escapes.	<p>55:3-6. All fire escapes erected after March twenty-sixth, one thousand nine hundred and twenty-eight, on any tenement house shall be directly accessible through a door or window of a private hall within the apartment or of at least one</p>

room, other than a bathroom or water-closet compartment, in each apartment at each story above the ground floor. Fire escapes may project into the public highway or not more than four feet into a court not less than one hundred and fifty square feet in area. Where fire escapes are placed in a court or in a yard, either of which is inclosed on all sides there shall be an unobstructed fireproof passageway extending in a straight and direct line to the street. If, however, one side of the building is provided with an outer court extending from street to yard, the fireproof passageway from the inclosed court may extend to the yard. Such passageway shall be not less than three feet wide and seven feet high and be constructed with unpierced side-walls and roof of brick, stone or concrete; such passageway may have a metal door, hung so as to open outwardly, constructed of grill work. Such door shall have no lock but may have a hook placed on its inner face. On a corner lot if access to the street is through a door or gate in any fence, such door or gate must open outward and may be fastened with a hook or movable bolt but must not be locked with a key lock. The inside sill of any window providing egress to a fire escape shall be not more than two feet six inches above the floor of the room.

7. Section 55:3-24 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

55:3-24. In all nonfireproof tenement houses erected after March twenty-sixth, one thousand nine hundred and twenty-eight, which are occupied or arranged to be occupied by more than two families on any floor, stairs leading from the entrance floor to the cellar may be constructed inside the building if they are inclosed in the cellar with an eight-inch fireproof wall with a self-closing fireproof door hung in a fireproof frame, set three feet from the lowest step. The inclosing partitions on the first floor shall be plastered on both sides over metal lath or approved plaster board and have a self-closing fireproof door hung in a fireproof

Specifications
for stairs in
nonfireproof
tenements.

Fireproof
doors.

New stairs
not to apply.

Section
amended.

Specifications
for stairs
in fireproof
tenements.

frame at the top; and that portion of the cellar or other lowest story, into which said stairs lead must be entirely shut off by fireproof walls from those portions of the cellar in which heating appliances, boilers or machinery are located. All openings in such walls shall be provided with self-closing fireproof doors. If such stairs are placed under the stairs leading to the upper stories, then the flight of stairs under which they are placed shall be fireproof. In nonfireproof tenement houses erected after said date, which are not occupied or arranged to be occupied by more than two families on any floor, stairs leading from the entrance floor to the cellar may be placed inside the building, if they are inclosed with fireproof walls in the cellar, with a self-closing fireproof door hung in a fireproof frame three feet from the lowest step and a self-closing fireproof door hung in a fireproof frame at the top of the stairs and the inclosing partition on the first floor must be plastered on both sides over metal lath or approved plaster board, except that in tenement houses arranged to be occupied by not more than three families in all, the fireproof door and inclosure at the top may be omitted if the stairs to cellar are not located under the main stairway. If new stairs are constructed from the entrance floor to the cellar in a tenement house existing on said date, such stairs shall be inclosed as directed by the board. The provisions of this subtitle shall not apply where the stairs extend from the entrance floor to a masonry inclosed section of a lower floor used for other than cellar purposes. This section may have not more than one entrance into the cellar proper and must be separated therefrom with a fireproof self-closing door hung in a fireproof frame.

8. Section 55:3-25 of the Revised Statutes is hereby amended to read as follows:

55:3-25. In every fireproof tenement house erected after March twenty-first, one thousand nine hundred and twenty-five, the stairs communicating between the lowest cellar or other lowest story, if

said lowest story is used for cellar purposes, and the next floor above, may be placed inside of the said building. All such inside stairs shall be inclosed in the cellar with eight-inch fireproof walls with a self-closing fireproof door located three feet from the lowest step and the inclosing partitions on the first floor shall be fireproof with self-closing fireproof door at the top. The portion of the cellar or other lowest story into which such inside stairs lead shall be entirely shut off by fireproof walls from those portions thereof which are used for the storage of fuels, or in which heating appliances, boilers, or machinery are located. All openings in such walls shall be provided with self-closing fireproof doors. The provisions of this subtitle shall not apply where the stairs extend from the entrance floor to a masonry inclosed section of a lower floor used for other than cellar purposes. This section may have not more than one entrance into the cellar proper and must be separated therefrom with a fireproof self-closing door hung in a fireproof frame.

Fireproof
doors.

9. Section 55:3-39 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

55:3-39. Within the fire limits no wooden tenement houses shall be erected after March twenty-fifth, one thousand nine hundred and four, and no wooden building so situated and not then used as a tenement house shall thereafter be altered or converted to such use.

Wooden
construction
prohibited.

Outside of the fire limits wooden tenement houses not exceeding three stories in height, nor more than forty feet in height, may be erected; but if three stories in height, shall not provide accommodations for, or be occupied by, more than six families in all or more than two families on any floor; and if built within three feet of any division or party line the side walls shall have the spaces between the studding filled in solid with brick laid in cement mortar, or other approved fireproof material, and in no case shall any such side wall, if built partially or entirely of frame, be used as a

Wooden
construction
permitted
in certain
localities.

Specifications.

party wall. A building converted into a tenement house may have a stud party wall provided the space between studs is filled with fireproof material and the studs plastered over metal lath. All supplementary windows in any lot line wall, except street lot line, shall be in fireproof frames and glazed with a good quality wire glass.

Section
amended.

10. Section 55:3-45 of the Revised Statutes is hereby amended to read as follows:

Construction
where in-
flammables
stored.

55:3-45. All doors, transoms and windows opening into public halls from any portion of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purposes of sale or otherwise, shall be removed and closed up as solidly as the rest of the wall. In lieu of removing the doors specified in this subtitle, such doors may be made fireproof self-closing and hung in fireproof frames.

Section
amended.

11. Section 55:3-59 of the Revised Statutes is hereby amended to read as follows:

Specifications,
party-line
walls.

55:3-59. In all tenement houses except frame tenement houses erected after March twenty-fifth, one thousand nine hundred and four, all party-line walls shall be carried up to form parapet walls not less than eight inches in thickness and to a point not less than two feet above the roof. All such walls shall be coped with stone, terra cotta or cast-iron.

Requirements
for yards.

12. Section 55:4-4 of the Revised Statutes is hereby amended to read as follows:

55:4-4. Behind every tenement house erected after April twenty-first, one thousand nine hundred and thirty, there shall be a yard extending across the entire width of the lot and, except upon a corner lot, or a lot as set forth in section 55:4-8 and section 55:2-6 of this Title, at every point from the ground to the sky unobstructed, except that fire escapes and uninclosed outside stairs may project not over five feet from the rear line of the house. The depth of the said yard measured from the extreme rear wall of the house to the rear line of the lot shall be as set forth in sections 55:4-6 and 55:4-7 of this Title. Where a garage is erected

within or adjoining a tenement house the yard may be as provided in section 55:4-10 of this Title.

13. Section 55:5-1 of the Revised Statutes is hereby amended to read as follows: Section amended.

55:5-1. In every tenement house erected after March twenty-first, one thousand nine hundred and twenty-five, every room except water-closet compartments and bathrooms shall have at least one window opening directly upon the street or upon a yard or court of the minimum dimensions specified in this subtitle and such windows shall be so located as to properly light all portions of such rooms. Whenever a room in such tenement house opens upon an inner court having an area of less than one hundred and fifty square feet, such room shall be properly provided with a sash window, communicating with another room in the same apartment, such window to contain not less than ten square feet of glazed surface, and to be made so as to readily open or a sash door with a movable transom may be substituted. A portion of any apartment hereafter erected, used or arranged to be used as an entrance hall within such apartment, may be designated a foyer. Such foyer shall not be deemed a room if its superficial floor area does not exceed ten per centum of the total area of such apartment and provided such foyer opens to at least one adjacent room through an arched opening, the minimum dimension of which shall be five feet by seven feet. Window specifications.

14. Section 55:5-2 of the Revised Statutes is hereby amended to read as follows: Section amended.

55:5-2. In every tenement house erected after March twenty-fifth, one thousand nine hundred and four, the total window area in each room, except water-closet compartments and bathrooms, shall be at least one-tenth of the superficial area of the room, and the top of at least one window shall not be less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width; no such window shall be less than twelve square feet in area between the stop beads. Required window area.

Skylight in
lieu of
window.

Where the ceiling height is less than nine feet, the top of such window shall not be more than eighteen inches below the ceiling of such room. In buildings being converted into tenement houses, a ventilating skylight containing a glazed area of one-tenth the area of the room may be approved in lieu of a window at the discretion of the board.

Section
amended.

15. Section 55:5-10 of the Revised Statutes is hereby amended to read as follows:

Access to
certain rooms.

55:5-10. In every apartment of four or more rooms in a tenement house erected after March twenty-fifth, one thousand nine hundred and four, access to every living room and bedroom and to at least one water-closet compartment shall be had without passing through any bedroom.

Section
amended.

16. Section 55:8-12 of the Revised Statutes is hereby amended to read as follows:

Specifications
for sinks and
closets.

55:8-12. Every sink in every tenement house shall be of a durable, nonabsorbent material, supported on legs or brackets of a similar material, and shall not be inclosed in any way; and where such sinks are now inclosed said inclosure shall be completely removed. Where metal cabinets are used a closet may be provided under the sink, if the bottom of the closet is at least three inches above the floor, and further ventilation shall be provided in a manner satisfactory to the board. No solid shelving or other obstruction shall be placed immediately under the sink.

Section
amended.

17. Section 55:10-8 of the Revised Statutes is hereby amended to read as follows:

Schedule of
fees for new
construction.

55:10-8. Upon the approval of any plan for the construction of a new tenement house, or building converted into a tenement house, the owner of any such house, or his architect or other lawful agent, shall pay to the board a fee which shall be as follows for each building:

Where the cost is \$20,000.00 or less, \$10.00; where the cost exceeds \$20,000.00, an additional fee of 50 cents shall be paid for each \$1,000.00, or fraction thereof, in excess of the first \$20,000.00.

18. Section 55:10-9 of the Revised Statutes is hereby amended to read as follows: Section amended.

55:10-9. Upon the approval of the plan for any alteration to an existing tenement house, the owner of any such house, or his architect or other lawful agent, shall pay to the board a fee which shall be as follows for each building altered: Schedule of fees for alterations.

	Fee
Under \$200.00	No. fee
From 201.00 to \$500.00	\$2.00
From 501.00 to 1,500.00	3.00
From 1,501.00 to 3,000.00	4.00
From 3,001.00 to 5,000.00	5.00
From 5,001.00 to 7,000.00	6.00
Over \$7,000.00 the fee shall be as provided in section 55:10-8 of this Title for new buildings.	

19. Section 55:10-10 of the Revised Statutes is hereby amended to read as follows: Section amended.

55:10-10. For each special inspection made where a report is furnished for the purpose of transferring title, securing mortgage loans, or other similar purpose, a fee of five dollars shall be charged. Fee for special inspections.

20. This act shall take effect immediately.

Approved May 16, 1938.

CHAPTER 194

AN ACT concerning settlement and relief of poor, county referendum law, and amending sections 44:4-20, 44:4-23, 44:4-28 and 44:4-33 of the Revised Statutes.

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

1. Section 44:4-20 of the Revised Statutes is hereby amended to read as follows: Section amended.

44:4-20. In every county wherein the provisions of this chapter have been adopted, there shall be County welfare board.

Membership.	constituted and appointed a county welfare board composed as follows: five citizens of each respective county not holding the office of freeholder, at least two of whom shall be women, to be appointed by the board of chosen freeholders, with two designated members of the board of chosen freeholders, and the county adjuster, when not serving as director of welfare, as ex-officio members. Such boards
Corporate entities.	are hereby created corporate entities with power to sue and be sued, to use a common seal, and to make by-laws. The holding of any other office by any member of the welfare board shall not constitute such holding as incompatible with his office as member of such welfare board.
Section amended.	2. Section 44:4-23 of the Revised Statutes is hereby amended to read as follows:
Organization.	44:4-23. The county welfare board shall elect from among its members a chairman and vice-chairman and a secretary-treasurer who shall furnish a suitable bond to be approved by the board of chosen freeholders.
Section amended.	3. Section 44:4-28 of the Revised Statutes is hereby amended to read as follows:
Meetings.	44:4-28. The county welfare board shall meet regularly once each month and at such other times as may be necessary or as it may by rule provide. When a welfare-house has been established the board shall meet at such welfare-house at least once in every month, and at such other times and places as may be prescribed in the by-laws or rules of the board. The board shall hold its annual meeting within two months after the close of the fiscal year.
Annual meeting.	
Section amended.	4. Section 44:4-33 of the Revised Statutes is hereby amended to read as follows:
Term of director.	44:4-33. The director of welfare shall hold office for the term of five years and until the 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 county welfare board, subject to the ap-

proval of the board of chosen freeholders, 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 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, said probationary appointment shall become permanent as director of welfare for the remainder of the five-year term prescribed herein.

Probationary
period.

5. This act shall take effect immediately.

Approved May 16, 1938.

CHAPTER 195

AN ACT to regulate the production, processing, collection, storage, transportation, importation and sale of goats' milk.

WHEREAS, Legislation now existing, dealing with milk, its production, handling and sale, is specifically restricted to cow milk; and

Preamble.

WHEREAS, The production of goat milk in this State, although now small in volume, is increasing and is engaged in without uniform and necessary regulations; and

Preamble.

WHEREAS, It appears that the milk goat and its present problems different from those treated in legislation covering cows and their milk; and

Preamble.

WHEREAS, It appears that goat milk is consumed largely by persons of unsound health and by infants as a substitute for human milk, and that its food and medicinal uses require that goat milk should be standardized and regulated by a

Preamble.

State-wide code, to the end that the industry may be developed under proper supervision, avoiding conditions which might tend to introduce into this type of milk producing animal, presently healthy and generally immune, various types of animal diseases; and

Preamble. WHEREAS, It appears advisable for the purposes aforesaid to enact legislation here following for the purpose of furnishing a lawful background for the guidance of those interested in the development of this industry, and for the protection of the public health; therefore,

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

Terms defined: 1. Definitions. For the purpose of this act the following definitions are set up:

- Goat milk;** (a) Goat milk. Goat milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy goats properly fed and kept, excluding that obtained within fifteen days before and seven days after kidding, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than eleven and four-tenths per centum (11.4%) of milk solids, and not more than eighty-eight and six-tenths per centum (88.6%) of watery fluids, or less than three per centum (3%) of milk fats.
- Milk;** (b) All reference to milk in this act shall be construed to mean goat milk.
- Milk fat;** (c) Milk fat. Milk fat or butterfat is the fat of milk.
- Dairy;** (d) Dairy. A goat dairy or goat farm is any place or premises where four or more goats are kept, a part or all of the milk from which is sold or delivered to any person.
- Milk plant.** (e) Milk plant. A milk plant is any place, premises, or establishment where milk from more than one goat dairy is collected, handled, processed, manufactured, stored, bottled, or prepared for distribution.

2. Permits, inspection and fees.

(a) On and after October one, one thousand nine hundred and thirty-eight, no person shall distribute, sell or hold for sale or manufacture into cheese or powdered, evaporated or condensed milk, any milk which has been collected or assembled from a goat dairy or dairies into any milk plant or other establishment in which milk is handled, processed or stored or manufactured into cheese or powdered, evaporated or condensed milk, which milk, or said products are shipped, transported, or handled for the purpose of distribution, sale or resale; and no person shall distribute, sell or hold for sale any milk which for any other purpose has been collected or assembled from a goat dairy or dairies, within the State of New Jersey unless such person shall first have obtained a permit from the Department of Health of the State of New Jersey to engage in such business, in the manner hereinafter set forth. All such permits shall expire on June thirtieth unless an earlier date is specified in the permit.

Permits.

Examination
of permits.

(b) Every proprietor of a goat dairy shall apply for a permit to operate the same, giving in said application particulars as to livestock, buildings, equipment, location and such other details as shall be specified by the State Board of Health on forms supplied by it. No goat dairy shall be operated for the production and sale of goat milk if the application for a permit is denied. An inspection of the premises, the livestock and the equipment and general sanitary conditions shall be made by said department and if said inspection discloses compliance with the provisions of this act and other applicable laws, such permit shall be issued for a term expiring on the succeeding thirtieth day of June. The fee for such permit, to defray the cost of inspection, shall be ten dollars (\$10.00) per year, and shall be apportioned for the period it has to run. The permit shall be posted in the dairy building. Renewals shall be applied for in the form

Application,
contents.

Not to operate.

Inspection.

Fee.

Posted.

Renewals.

and at a time required by the State Board of Health.

Temporary
permits.

(c) The Department of Health of the State of New Jersey may also issue temporary or emergency permits for limited periods, or for limited quantities of milk or restricted to a limited area or to a particular city or to a particular market or markets in order that a sufficient supply of milk shall always be available for the inhabitants of this State.

Sundry
inspections.

(d) The State Board of Health, in addition to the inspection to be made upon the application for a permit or the annual renewal thereof, shall also be entitled to make other inspections without prior notice, and the holder of every permit shall permit free access by officially identified inspectors to the building and premises, equipment and livestock of the permit holder, as well as the permit, certificates or other official documents issued to him in connection therewith.

Fee for
permit.

(e) For the purpose of providing funds to defray the cost of inspection, as hereinafter provided for in this act, the Department of Health of the State of New Jersey is authorized and directed to collect from each applicant for each permit issued under the provisions of this act a fee of ten dollars (\$10.00) for each milk plant or other establishment in which milk is collected, handled, or stored, or from which they are shipped, transported or imported for the purpose of distribution, sale or resale in the State of New Jersey; *provided, however*, that no fee shall be charged if such applicant has applied for and received a permit for cow milk or cow milk products.

Proviso.

Facts to be
ascertained
before issuing
permit.

(f) The Department of Health of the State of New Jersey, before it issues any permit as prescribed in section two of this act, shall be satisfied of the following facts:

- (1) That said milk is of the standard quality required by and
- (2) is produced, handled, processed and

transported in accordance with the rules and regulations established by the Department of Health of the State of New Jersey as well as the statutes of New Jersey with relation thereto.

(3) Unapproved milk shall not be allowed to enter a milk plant from which milk is distributed, sold or held for sale in this State.

3. Tags and labels. All milk collected, assembled, stored, shipped, transported or imported under permit issued as aforesaid shall, until the same reaches the place at which the same is prepared for distribution to the consumer (if intended for consumption as fluid milk), or the place at which the same is used in the manufacture of powdered, evaporated or condensed milk or cheese, have attached to the container or affixed thereon, printed in legible type, a tag, label or cap bearing the permit number and such other identification mark as may be designated by the Department of Health of the State of New Jersey. Any container of milk offered for sale to consumers may display a symbol or device certifying to the quality, purity or food value of the milk contained therein. Any person using such symbol or device on a container of milk shall first file with the Department of Health of the State of New Jersey a statement acceptable to said department certifying to the meaning and significance of such symbol or device and the minimum food value of such milk in terms of total solids or milk fat or of milk, minerals or salts or some or all of them. A distributor or seller of any container of milk displaying such symbol or device shall furnish on demand to any purchaser of such container a copy of the statement on file with the Department of Health of the State of New Jersey. The use of any such symbol or device in a manner that is false or misleading shall be deemed misbranding.

Milk to be labeled.

Permit number in label.

Symbol filed.

Minimum food value.

Misbranding.

Necessary
forms
furnished by
department.

4. Forms. The Department of Health of the State of New Jersey is hereby authorized and directed to establish such form or forms as in its judgment may be necessary to ascertain the facts that said milk is of standard and quality required by, and was produced, handled, processed and transported in accordance with the pertinent rules, regulations or statutes of this State, and such other forms as may be necessary to the proper administration of this act. Such forms shall be supplied by the Department of Health of the State of New Jersey.

Revoking
permits.

5. Revocation of permit. Upon evidence duly ascertained by the Department of Health of the State of New Jersey, or furnished to said department by any local board of health, or other body exercising the powers thereof, that the person authorized under the permit provided for by this act to engage in the business of producing, collecting, assembling, manufacturing, processing, shipping, transporting, or importing milk for the purpose of distributing, selling or reselling the same within this State, is violating any of the rules, regulations or statutes as hereinbefore provided governing the standard, quality, production, handling, processing or transporting of milk, then it shall be the duty of the Department of Health of the State of New Jersey, upon hearing (of which hearing the person involved shall have five days' notice by registered mail), to revoke said permit, and no permit shall be renewed or restored until the Department of Health of the State of New Jersey is satisfied that all of the provisions of this act are strictly complied with; *provided, however*, that the Department of Health of the State of New Jersey, when in its judgment the protection of the public health warrants may, before hearing, suspend said permit pending said hearing and in the event that said permit is suspended, it shall be unlawful for said person to engage in producing, collecting, assembling, manufacturing, processing during such period of suspension.

Proviso.

6. Source inspection. All milk, including milk used for said processing and manufacture, within this State, and when intended for use within this State, and all milk, including milk used for such purposes produced outside hereof, shall be subject to inspection and testing at its source of supply, and all dairies, milk plants and transportation equipment wherein such milk, or products and all milk used in said products are produced, handled, processed, manufactured or transported shall likewise be subject to inspection to determine if it, or they meet the following minimum requirements, and on and after October first, one thousand nine hundred and thirty-eight, any milk which fails to meet said requirements shall not be sold, offered or exposed for sale, distributed or held in possession with intent to sell or distribute or for manufacturing into food for human consumption.

Milk inspected
at source.

7. Standards, production and handling.

(a) Content. Milk shall not contain less than eleven and four-tenths per centum (11.4%) of milk solids, or more than eighty-eight and six-tenths per centum (88.6%) of watery fluids, or less than three per centum (3%) of milk fat.

Contents of
milk.

(b) Added elements forbidden. Milk shall not contain any water, drug, chemical, preservative, or coloring matter, which has been added thereto or mixed therewith.

Adulteration
prohibited.

(c) Specific tests. No milk shall be collected, sold, processed or used in manufacture, stored, shipped, transported or imported within this State excepting that produced by goats which have successfully passed a Brucella test and a tuberculin test within one year, made by a licensed veterinarian of this State or other jurisdiction where the goats are maintained, and a certificate in duplicate shall be issued showing results of such tests and the examination provided in paragraph (e) of this section. One copy of such certificate shall be kept by the owner; the other shall be placed and kept on file for a period of one year at the milk plant to which the milk is delivered by the producer.

Annual
Brucella and
tuberculin test
required.

Certificate of
test.

Use of
certificates.

Health of
workers.

Department
notified of
contagious
disease.

Diseased goats
to be isolated.

Physical
examination
yearly.

Records open
to inspection.

Males isolated.

Exception.

(d) Health of workers. No person affected with typhoid fever, scarlet fever, diphtheria, sore throat, diarrhoea or suppurative process or infectious skin eruption or communicable disease or condition which may be transmitted through milk, or who is a carrier of the causative agent of any such disease, shall handle or be employed in the handling of goats or milk. Persons conducting the business of producing, processing, manufacturing, collecting, storing, shipping, transporting or importing milk or its manufactures by virtue of permits issued under the provisions of this act shall notify the Department of Health of the State of New Jersey immediately when any case of contagious, infectious or communicable disease occurs or when a carrier of the causative agent of any such disease is found on any dairy or in any milk plant where their supplies of milk are produced, handled or manufactured.

(e) Health of goats. Any goat failing to pass the test provided in paragraph (c) hereof, or that from any cause is determined by a licensed veterinarian to be a menace to the health of the consumers of the milk, or likely to spread disease among the herd, shall not be used in the production of milk for human consumption and shall be isolated immediately from the milk herd. Goats shall be physically examined by a licensed veterinarian of the State or other jurisdiction where the goats are maintained, at least once a year and a certificate issued and filed as provided in paragraph (c) of this section. Said records shall at all times be open to inspection by the State and local departments of health or other bodies exercising the powers thereof.

(f) Males isolated. Every buck or male goat above the age of five months shall be isolated from the milking stock, and kept at such distance and under such confinement as to prevent disturbance, indiscriminate breeding and the transmitting of odor to the does. Altered males are excepted.

8. Floor area of barns. Milk goats shall be housed in buildings wherein the quarters in which they are kept, confined or accommodated, shall have a floor area of not less than sixteen square feet for each goat over the age of five months, and ten square feet for each goat under the age of five months. This ratio shall also apply to the area of pens partitioned off from the larger area of said quarters for the occupancy of two or more goats. Head room shall not be less than six feet three inches. Individual stalls or stanchions in rows shall be not less than two feet in width and two feet nine inches in depth for each goat, and shall be sloped for drainage.

Specifications
barns and
pens.

9. Windows. The quarters in such building as referred to in section eight hereof shall have therein windows with movable glazed sash, which sash shall have an area of four per centum (4%) of the floor area. Every pen or box stall which is enclosed by solid partition to a height exceeding four feet from the floor level, shall have a window, the sash area of which shall not be less than two square feet. All windows required by this section shall be entirely above the ground level and communicate directly with outdoor light and air.

Ratio of
window to
floor space.

10. Interiors and drains. The interiors of said quarters shall be constructed in a manner conducive to sanitation, including the following requirements as to the quarters used for the milking stock: (1) Floors shall be of concrete, tile, or other impervious material and shall be sloped to one or more drains. (2) Side walls and partitions shall be of concrete, concrete block, tile, hard plaster, metal, well painted, sound wood or other hard-surfaced, water-resisting material. Ceilings shall be finished tight, excepting one or more vents may be provided, extending to the outdoor air. (3) Stanchions, window sash, doors and other frames may be constructed of sound, well-painted wood or of sheet metal. (4) A flushing and draining system shall be provided and kept clean and in good repair. It shall

Interiors and
drains.

connect with a trap and lead to a sump, septic tank or cesspool of suitable capacity to avoid surface moisture. Such receptacle and its discharge drains or trenches shall be covered with not less than one foot of earth and no part thereof shall be within twenty feet from the nearest building used for the purposes named in this act. (5) Clean water for flushing shall be supplied in adequate quantity preferably by hose, and floor drains shall be fitted with perforated metal covers.

Interior finish.

11. Interior finish. All parts of the interior of said quarters unless finished in tile or a glazed material, shall be painted with white or light colored oil paint, renewed as necessary, or shall be kept well covered with whitewash, mixed and applied to avoid scaling, and the whole shall be kept clean and free from large cracks, holes or other similar defects. Said interior shall also be so constructed as to avoid the ready entrance of rodents and vermin.

Waste removed daily.

12. Waste. Manure shall be removed daily to a point at least twenty-five feet from any building used for purposes described in this act. Gutters and drains shall be flushed daily and the floors and any wood-slat, metal or other platform or surface in said goat quarters traversed by goats shall be cleaned daily and shall be disinfected not less frequently than once in each calendar week. All wet or soiled bedding shall be removed daily and discarded.

Other animals not to be kept in same quarters.

13. Other animals. No other animal or fowl shall be kept, fed, bedded or milked in the goat quarters or in an immediate or closely connecting part of any building used for goat dairy purposes. Manure, bedding, remains of food or unsterilized feeding pans or food containers coming from the barns, stables, coops or houses of any other animals or fowl, shall not be brought into or used in that part of any building used for goat dairy purposes.

Yards graded and cleaned.

14. Yards or runs. Goat yards or runs shall be graded and drained so that liquid wastes will not

accumulate, and they shall be kept reasonably clean. Any abnormal discharges shall be removed upon discovery.

15. Milking compartment. (a) Goats shall be milked at all times in a compartment set aside for that purpose only, and separated from the quarters in which goats or in which any other animal or fowl is housed, stabled or fed, by solid partition constructed as hereinbefore required. Said milking compartment, if adjacent to the goat quarters, may have a tightly fitted self-closing door or doors connecting with said goat quarters and shall have an exit door not connecting with the goat quarters.

Separate
milking com-
partment.

(b) The interior of said milking compartment shall be constructed and finished in a method prescribed for the interior of the goat quarters in paragraph ten hereof and with the following additional requirements. Whitewash will not be permitted. The sidewalls and ceiling shall be finished flush and smooth, showing no studs, joints or rafters. Projections on which waste or dust may accumulate shall be avoided. Said compartment shall be well lighted, tightly screened and well ventilated by one or more windows opening directly to the outdoor air and the floor shall slope to a trapped drain with a perforated metal cover. A milking stand shall be provided, consisting of a raised platform and stanchion and may include a milker's seat. Said stand may be constructed of tile, concrete, metal or sound, closely joined wood or a combination of said materials, and if other than tile, said milking stand shall be painted with a light colored hard surfaced paint and shall be kept clean and free from all waste matter. Said milking compartment shall be properly flushed with clean water, and shall be kept clean and in sanitary condition at all times.

Construction
of milking
compartment.

Milking stand.

16. Washbowl. A sink or washbowl with an adequate supply of clean water, soap, and clean individual or one time use towels shall be installed in, or close to, the milking compartment and connected with trap drainage. The hands of every person,

Hands washed
before milking.

milking or handling milk or the utensils used for milk shall be washed clean and dried before handling utensils or commencing to milk, after visiting toilet and at such intervals during the milking or handling of milk as may be necessary to prevent contamination or impurity in the milk. Wet hand milking is prohibited.

Privy to be provided.

17. Toilet. A toilet or privy shall be provided at a reasonable distance from the dairy buildings and from any stream or other water course which through proximity might be contaminated thereby. Said toilet or privy shall be kept clean and fly proof. Privies shall also have a tight receptacle for excreta and be disinfected at frequent intervals.

Washing and strip test.

18. Washing and strip test. The udder, teats and proximate parts of each goat shall be thoroughly cleaned with sponge, brush or fabric and water and dried before milking. The first stream from each teat shall be discharged into a separate screened strip cup of approved type as waste. Such milk shall not be used for human consumption and shall not be spilled on the floor or in the drain. If any thick, stringy or sticky milk is discharged upon said screen and does not readily pass through, the animal producing same shall be immediately removed from the herd and examined by a veterinary and no milk from said animal shall be used until a certificate of health shall be given by a veterinary.

Garments of handlers.

19. Milkers or milk handlers shall wear clean washable outer garments while engaged in their duties.

Utensils.

20. Utensils. Milking pails, cans and other utensils used in the handling or storage of milk shall not be used for any other purpose and shall be made of smooth, well finished metal or other approved materials and of such construction as to be easily cleaned and shall be kept in good repair. Joints and seams shall be flush. Metal receptacles or utensils which are rusted on the surfaces which come in contact with the milk shall not be used in the handling of milk. No milk containers shall be collected from any premises where there exists a

case of infectious, contagious or communicable disease, except under such conditions and regulations as are specified by the board of health or other bodies exercising the powers thereof having jurisdiction.

21. Cleaning of utensils. All containers, milking machines and other utensils used in the handling, storage or transportation of milk shall be thoroughly cleansed after each use and shall be scalded with hot water, or by some other method which will result in the same degree of cleanliness, before milk is again allowed to come in contact with them. All containers and other utensils used in the handling, storage or transportation of milk shall be stored so as not to become contaminated before again being used. Non-rusting racks for the draining and storage of containers and utensils shall be provided.

Cleaning
utensils.

22. The general sanitary conditions of any place wherein milk or milk products are produced, stored or handled and its immediate surroundings, shall be such as to insure a safe supply of milk or milk products.

General sani-
tary conditions.

23. Straining and cooling. Immediately after milking each goat, the milk shall be strained into a sterilized container through an approved single service strainer element destroyed after using. Said milk shall thereafter be cooled by approved and sanitary cooling equipment to a temperature not higher than fifty degrees Fahrenheit within one hour. The cooling and storing of said milk shall be done in a room, building or compartment close to or connecting with the milking compartment by solid self-closing doors and shall be constructed in the same manner required for the milking compartment. No animal shall be permitted therein at any time. Said cooling and storing room or building shall be cleansed and maintained the same as required as to said milking compartment.

Straining and
cooling.

24. Storing milk. All milk shall be kept in said milk room or building in cooling tanks with running water up to the neck of the can or other con-

Storing.

tainer or in mechanical or iced refrigerators and at a temperature not higher than fifty degrees, and shall be tightly covered within three hours after milking. Every tank, refrigerator or other cooling device and the compartment or building in which they are located shall be kept scrupulously clean and shall be used for no other purpose whatsoever, excepting, however, that cow milk in separate containers marked in accordance with the requirements of law may be kept therein.

Requirements
for shipment
and containers.

25. Shipment and containers. No milk shall be shipped or sold (1) unless the same has been kept at a temperature not higher than fifty degrees Fahrenheit; and (2) unless shipped or sold within thirty-six hours after milking; and (3) unless shipped in cans, tanks or other large quantity equipment, and under icing or refrigeration; and (4) unless sold (as to retail sales) in standard half pint, pint and quart containers tightly capped by mechanical capping machines; hand capping is prohibited; and (5) unless all other provisions of this act and all acts included herein by reference have been complied with.

Specifications
for containers.

26. Containers. Cans for wholesale or quantity sale of goat milk may be the standard ten gallon cans prescribed by law for cow milk or may be of similar type of one, three or five gallon capacity. Retail or small quantity sales may be made in glass bottles or in sound, durable, single use wood pulp containers.

Other acts
applicable.

27. Other acts applicable. Milk plants where goat milk is handled, as defined in this act, shall be subject to all applicable provisions of section 24:10-16, of the Revised Statutes.

Construing.

28. Sections of law applicable. Goat dairies and milk plants, their products and their operation, shall be subject to the provisions of this act so far as specific provisions are herein included, but it shall not be construed that this act shall restrict, limit or render inapplicable any of the following sections of the Revised Statutes, viz.: 24:5-1; 24:5-8; 24:5-12; 24:5-16; 24:5-17; 24:5-22; 24:6-5;

24:15-1; 24:15-2; 24:15-3; 24:15-4; 24:15-5;
 24:15-6; 24:15-7; 24:15-8; 24:15-9; 24:15-10;
 24:15-11; 24:15-12.

29. Department of Agriculture. Nothing in this act contained shall be construed to limit or conflict with powers and duties vested by law in the State Department of Agriculture so far as the same are applicable to the subject matter of this act.

Construing.

30. Authority. No municipality or any board or other authority thereunder shall adopt or enact any rule, regulation or ordinance with respect to the production, handling or sale of goat milk without first submitting such matter, in the form prepared for passage, to the State Board of Health and receiving its written approval.

Approval of
municipal
regulations.

31. Notice to local boards. The Department of Health of the State of New Jersey shall within sixty days after the passage of this act notify all local boards of health in the State as to the provisions of this act.

Local boards
notified.

32. Penalty. Any person violating any of the provisions of this act shall be liable to a penalty of not less than twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for any subsequent offense, which penalty shall be recovered in an action of debt in the name of the Department of Health of the State of New Jersey or other body exercising the powers thereof, as the case may be. Such action may be maintained in the district court of any city or judicial district or small cause court of any county and jurisdiction is conferred upon said courts to hear and determine actions brought hereunder. The practice and procedure in all such actions shall conform to the practice and procedure prevailing in the court in which the action is instituted, and the penalties, when recovered shall be paid to the State Treasurer.

Penalty.

Recovery of
penalty.

33. Failure to pay penalty. The proceeding under the foregoing paragraph shall be summary in nature, and upon conviction, the penalty fixed by the foregoing section shall be imposed and judg-

Commitments
upon failure
to pay penalty.

ment rendered therefor with costs. Upon the failure of any person so convicted, to pay such penalty and costs within three days, the judge, justice or magistrate of the court in which such conviction and judgment were found, shall commit such person to the common jail of the county where such conviction was had, for a period not exceeding sixty days unless the judgment for said penalty and costs shall be sooner paid.

Act
effective.

34. This act shall take effect October first, nineteen hundred and thirty-eight.

Approved May 16, 1938.

CHAPTER 196

AN ACT relative to investments by fiduciaries, and amending section 3:16-1 of the Revised Statutes.

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

Section
amended.

1. Section 3:16-1 of the Revised Statutes be and the same hereby is amended to read as follows:

Investments
authorized:

3:16-1. Investments authorized in general. A fiduciary whose duty it may be to loan or invest money entrusted to him in his fiduciary capacity may, without special order of any court, invest such money, or any part thereof, in any of the following securities:

United States
bonds;

United States bonds. a. In stocks or bonds or interest bearing notes or obligations of or guaranteed by the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof;

State bonds;

State bonds. b. In bonds or interest bearing notes or other obligations of or guaranteed by this State or bonds authorized by its laws issued or to

be issued by any commission appointed by the Supreme Court by virtue of any law of this State:

Bonds of other States. c. In bonds of any State in the Union which has not, within five years next preceding such investment, defaulted in the payment of any part of either principal or interest on any of its bonds issued by authority of the Legislature of such State; Bonds of other states;

Municipal or school bonds. d. In bonds or interest bearing notes or obligations of any county, city, town, township, borough, village or other municipal or political subdivision of this State issued under authority of a law of this State, or in permanent bonds of any public school district, water district, union-graded school district or regional board of education of this State, or in refunding or renewal bonds of any such school district, water district or board of education issued under authority of a law of this State; *provided*, that at the time of making any such investment the issuer of such bonds shall not be in default in the payment of any principal of or interest upon any bonds issued by it; Municipal and school bonds;

Bonds of counties, municipalities and school districts of other States. e. In the stocks, bonds or interest bearing notes or obligations of any county, city, town, township, borough, village or school district of any other State of the Union issued pursuant to the authority of any law of such State; *provided*, that such county, city, town, township, borough, village or school district shall not have been in default in the payment of any principal or interest on any of its stocks, bonds or interest bearing notes for more than one hundred and twenty days during the five years next preceding such investment; *provided*, that such county shall have a population of not less than twenty thousand and that any such city, town, township, borough, village or school district shall have a population of not less than five thousand; *provided, further*, as to any such county with a population of less than one hundred thousand that its debt less sinking Municipal and school bonds of other states;

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Proviso; funds shall not exceed five per centum, and as to any such county with a population of more than one hundred thousand its debt less sinking funds shall not exceed seven per centum of the assessed valuation of all taxable real property within the county; *provided, further*, that the net debt, determined as hereinafter provided, of such city, town, township, borough, village or school district shall not exceed twelve and one-half per centum of the assessed valuation of all taxable real property therein, except that where a city has a population of more than two hundred and fifty thousand, the net debt of such city shall not exceed fifteen per centum of the assessed valuation of all the taxable real property therein.

Method of
determining
net debt;

Net debt of any city, town, township, borough, village or school district shall be determined as follows: to the gross debt which shall include all debt except tax anticipation notes and current liabilities there shall be added stocks, bonds, notes or other obligations by whomever issued for the payment of the principal and interest of which taxes may be levied upon taxable real property within such city, town, township, borough, village or school district excepting any such stocks, bonds, notes or other obligations issued by the State and by the county or counties in which such city, town, township, borough, village or school district is situated: to the gross debt of any city, town, township, borough or village, any part or all of which is within a school district which includes territory of more than one city, town, township, borough or village there shall be added that proportion of the notes or bonds of such school district which the assessed valuation of the taxable real property of that portion of the school district located within such city, town, township, borough or village bears to the total assessed valuation of all the taxable real property of such school district: to the gross debt of any school district which includes territory of more than one city, town, township, borough or village there shall be added that proportion, com-

puted individually, of the net debt of each of such cities, towns, townships, boroughs or villages which the assessed valuation of the taxable real property of that portion of each such city, town, township, borough or village located within such school district bears to the total assessed valuation of the taxable real property within each such city, town, township, borough or village: there shall be deducted from the gross debt self-supporting utility debt and sinking funds except sinking funds for self-supporting utility debt; to the extent that any utility shall not be self-supporting the amount of deficit in the income of such utility applicable to interest and debt retirement shall be capitalized at five per centum and the capital sum so determined shall not be deductible from the gross debt.

Railroad bonds and equipment obligations.
f. (1) In mortgage bonds issued, guaranteed or assumed by a railroad corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States, the balance available for fixed charges of which as reported to the Interstate Commerce Commission has been sufficient for the three fiscal years next preceding such investment to cover total fixed charges on an average of one and three-quarters times, and at least one and one-half times in the fiscal year preceding such investment, or which has paid dividends of not less than four per centum on its entire capital stock for the three fiscal years next preceding such investment, or which such a railroad corporation has otherwise covenanted or agreed to pay or to cause to be paid, whether by lease, endorsement, supplemental indenture, or otherwise, and secured by a first lien upon not less than three-fourths of the rail mileage included in said mortgage or by a refunding mortgage under which bonds may be issued for the retirement or refunding of all prior lien mortgages on the property covered by such refunding mortgage, or by liens prior to any such refunding mortgage; or in bonds secured by any first or any

Railroad
bonds and
equipment
obligations;

- such refunding or any such underlying mortgage upon a railroad terminal, depot, tunnel or bridge used by two or more railroad corporations which have jointly and severally guaranteed the payment of principal and interest of such bonds or have otherwise covenanted or agreed to pay the same;
- Proviso;** *provided*, that the balance available for fixed charges of at least one of such guarantor railroad corporations has been sufficient to cover total fixed charges on an average of one and one-half times in the three fiscal years next preceding such investment and at least one and one-quarter times in the fiscal year next preceding such investment; or in the bonds of any railway terminal or dock company of this State, secured by first mortgage on terminal or dock property fronting on the Hudson river or New York bay and having an assessed value for the purpose of taxation in excess of the amount of the entire issue of bonds, and used and occupied as a dock or terminal by any railroad now operating in this State; *provided*, that no part of the principal or interest of such bonds shall have been in default for more than six months at any time during the five years next preceding the investment and that no part thereof is in default at the time of making the investment.
- Railroad mortgage bonds;** f. (2) In mortgage bonds of a railroad corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States the balance available for fixed charges of which as reported to the Interstate Commerce Commission has been sufficient for the three fiscal years next preceding such investment to cover total fixed charges on an average of at least one and one-half times and at least one and one-quarter times in the fiscal year next preceding such investment; *provided*, that such bonds shall be a direct or collateral first lien on at least two-thirds of the mileage covered; *and provided*, at least fifty per centum of the rail mileage as to which the bonds are a first lien shall be classified as main line.
- Proviso;**
- Proviso;**

f. (3) In mortgage bonds of a railroad corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States which are a first lien or a collateral first lien on at least two-thirds of the mileage covered, of which at least one-half said rail mileage shall be main line mileage and the earnings of which allocable to such mileage are estimated to be on the average at least one and one-half times interest charges on such bonds for the three fiscal years next preceding such investment and at least one and one-half times in the fiscal year next preceding such investment; *provided*, that such a railroad corporation shall not have been in default on any part of the principal or interest of any of its bonds within the five years next preceding such investment and shall not be in default on any part of the principal or interest of any of its bonds at the time of making such investment. For the purpose of this paragraph, should the earnings of a railroad not be susceptible to exact allocation under the ordinary accounting methods of a railroad, information as to earnings may be obtained from any financial, statistical, investment or other publication or service referred to in paragraph w. of this section.

Mortgage bonds which are first lien on two-thirds of mileage;

Proviso;

f. (4) In equipment obligations or certificates of a railroad corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States, secured by railroad equipment under equipment or car trust, lease or conditional sale, or by first lien thereon, the principal amount of which does not exceed eighty per centum of the purchase price of the equipment and which mature within fifteen years from the date of issue, serially or in equal annual or semiannual installments beginning not later than three years after the date of issue.

Equipment obligations of railroads;

Bonds secured by first mortgage. g. In bonds or other obligations secured by first mortgages on improved real estate in this State or in the States of New York or Pennsylvania if not more than

First mortgage bonds;

twenty-five miles from this State, including improved farm lands in this State or in the States of New York or Pennsylvania if not more than twenty-five miles from this State; *provided*, the amount of any such bond or other obligation and mortgage shall not at the time of making the investment therein exceed sixty per centum of the estimated worth of the real estate covered by the mortgage and the rate of interest shall not be more than six per centum per annum;

Mortgage
bonds of
camp meeting
associations;

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Bonds secured by mortgage on leasehold of camp meeting associations. h. In bonds, secured by first mortgage on leasehold estates of real property in this State of camp meeting associations; *provided*, *however*, that such real estate in this State, except as to such leasehold is free and clear of all liens and encumbrances of every kind and character whatsoever; *provided, further*, that such leasehold at the time of the giving of said bond and mortgage has an unexpired term of not less than twenty-five years, and is a lease of the entire interest in such real estate in this State, except the reversion thereof; *provided, further*, that no investment shall be made in excess of sixty per centum of the appraised value of such leasehold estate and the improvements thereon, which appraisement may be made by a committee of any such savings bank, banking institution, trust company or insurance company, and, in the case of an individual, by two persons appointed by any such individual for such purpose; *provided, further*, that any such camp meeting association shall consent to the giving of such bond and mortgage, subject, nevertheless, to all the conditions of the lease; *provided, further*, that no savings bank, banking institution, trust company or insurance company, organized under the laws of this State, or any person or corporation acting as executor, administrator, guardian or trustee shall make loans on leasehold estates of any such camp meeting association until the camp meeting association shall first have been ap-

proved for such purpose by the Commissioner of Banking and Insurance of the State of New Jersey.

Dominion of Canada bonds. i. In bonds, notes or other interest bearing obligations constituting the direct and general obligation of the Dominion of Canada. Dominion of
Canada bonds;

Utility bonds. j. In bonds issued, or fully guaranteed as to both principal and interest, or assumed as to both principal and interest by a public utility corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States not less than eighty per centum of the gross operating revenues of which is, at the time of making such investments derived from the operation of one or more of the following utility services, viz.: artificial gas, the sale of natural gas or of a mixture of natural and artificial gas to consumers through a distribution system owned or leased by it, steam, electric light or power, telephone or telegraph, or water, or which such corporation has otherwise covenanted or agreed to pay or to cause to be paid, whether by lease, endorsement, supplemental indenture, or otherwise; *provided*, that such bonds are secured by a first mortgage or by a refunding mortgage under which bonds may be issued for the retirement or refunding of all liens prior thereto on the property covered thereby or by a mortgage prior in lien to any such refunding mortgage or secured by pledge of collateral consisting of such first mortgage bonds or such refunding bonds or such prior lien bonds; *provided, further*, that any such mortgage shall be a lien on real estate, rights or interests therein, leaseholds, plant, equipment, transmission or distribution system, or other fixed assets and franchises and that the outstanding principal amount of bonds, except bonds pledged as collateral thereunder, secured by such mortgage and any and all other mortgages thereon, the lien of which is equal therewith or prior thereto, shall not, at the time of making such investment, exceed two- Utility bonds;

Proviso;

Proviso;

thirds of the book value of the fixed assets subject to the lien thereof, less reserves for depreciation and renewals, as shown on the books of such corporation, including the value of fixed assets leased to such corporation and operated by it under lease not expiring, by its terms, prior to the maturity of the bonds, if such lease be subject to the lien of such mortgage; or that such mortgage shall be prior in lien to or shall underlie a refunding mortgage which meets the foregoing requirement; *provided, further*, that the gross operating revenues of such corporation, including those of predecessor and constituent corporation shall have averaged not less than two million dollars per annum for the five fiscal years next preceding such investment; *provided, further*, that the net operating revenues of such corporation, including those of predecessor and constituent corporations, after all operating expenses, but before deducting charges for depreciation, renewals and State and Federal income and profits taxes, available for fixed charges for rentals and interest on all outstanding mortgage debt, shall have averaged annually for the three fiscal years next preceding such investment not less than twice the average annual requirement during such period for such fixed charges excluding intercompany items.

Water company bonds. k. In the bonds, notes or other evidences of indebtedness issued, guaranteed, or assumed by a public utility corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States not less than eighty per centum of the revenues of which are, at the time of making such investment, derived from the sale of water to consumers through a distribution system owned or leased by it, or which such corporation has otherwise covenanted or agreed to pay or to cause to be paid, whether by lease, endorsement, supplemental indenture or otherwise; *provided*, that such bonds are secured by a first mortgage, or by a refunding mortgage under which bonds may

be issued for the retirement or refunding of all liens prior thereto on the property covered thereby, or by a mortgage prior in lien to any such refunding mortgage; *provided, further*, that any such mortgage shall be a lien on real estate, rights or interests therein, leaseholds, plant, equipment, distribution system, or other fixed assets or franchises and that the outstanding principal amount of bonds secured by such mortgage and any and all other mortgages thereon, the lien of which is equal therewith or prior thereto, shall not, at the time of making such investment, exceed three-fourths of the book value of the fixed assets subject to the lien thereof, less reserves for depreciation and renewals, as shown on the books of such corporation, including such value of fixed assets leased to such corporation and operated by it under lease not expiring, by its terms, prior to the maturity of the bonds if such lease be subject to the lien of such mortgage; or that such mortgage shall be prior in lien to or shall underlie a refunding mortgage which meets the foregoing requirements; *provided, further*, that the gross operating revenues of such corporation, including those of predecessor and constituent corporations, shall have averaged not less than five hundred thousand dollars per annum for the five fiscal years next preceding such investment; *provided, further*, that the net operating revenues of such corporation, including those of predecessor and constituent corporations, after all operating expenses, but before deducting charges for depreciation, renewals and State and Federal income and profits taxes, available for fixed charges for rentals and interest on all outstanding debt, shall have averaged annually for the three fiscal years next preceding such investment, not less than one and three-quarters times the average annual requirement during such period for such fixed charges excluding intercompany items.

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Utility debentures, et cetera. 1. In the bonds, notes or other evidences of indebtedness issued, guaranteed or assumed by a public utility corpora-

Sundry utility debentures;

tion organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States, or which such corporation has otherwise covenanted or agreed to pay, or to cause to be paid, whether by lease, endorsement, supplemental indenture, or otherwise, not less than eighty per centum of the revenues of which are derived from the operation of one or more of the following utility services, viz.: artificial gas, the sale of natural gas or of a mixture of natural and artificial gas to consumers through a distribution system owned or leased by it, steam, electric power or light, telephone, telegraph, or water, or from income received on the stocks and bonds of operating utility corporations, not less than eighty per centum of the revenues of which are derived from the aforesaid services and not less than ninety-five per centum of the common stocks of which are owned by the parent corporation; *provided*, that all bonds, plus all equally or better secured indebtedness, including current liabilities, subsidiary debt and subsidiary preferred stock and minority interests, shall not exceed two-thirds of the book value of all tangible assets, less reserves for depreciation and renewals, as shown on the consolidated balance sheet of such corporation on a consolidated basis; *provided, further*, that the gross operating revenues of such corporation, including those of predecessor and constituent corporations, shall have averaged not less than three million dollars per annum for the five fiscal years next preceding such investment on a consolidated basis; *provided, further*, that the net operating revenues of such corporation, including those of predecessor and constituent corporations, after all operating expenses, but before deducting charges for depreciation and renewals and State and Federal income and profits taxes, available for fixed charges for rentals and interest on all outstanding debt, shall have averaged annually for the five fiscal years next preceding such investment not less than three times the average

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annual requirement during such period for fixed charges excluding intercompany items.

Telephone company bonds, et cetera. m. In Telephone company bonds;
bonds, debentures, notes or other evidences of indebtedness of, or bonds, debentures, notes, or other evidences of indebtedness unconditionally assumed or guaranteed as to the payment of both principal and interest by, any corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States, engaged in furnishing telephone service as a holding and operating company both directly and indirectly through one or more subsidiary corporations or as a holding company through one or more subsidiary corporations; *provided*, that the said corporation and some or all of such subsidiary corporations on a consolidated basis shall have reported gross revenues averaging at least four hundred million dollars per annum for the five fiscal years, and at least four hundred million dollars for the one fiscal year next preceding such investment; *and provided, further*, that the said corporation and some or all of such subsidiary corporations on a consolidated basis shall have reported earnings available for fixed charges, after deducting operating expenses, including depreciation, for each respective fiscal year, averaging at least seventy-five million dollars per annum for the five fiscal years, and at least seventy-five million dollars for the one fiscal year next preceding such investment; *and provided, further*, that the said corporation and some or all of such subsidiary corporations on a consolidated basis shall have earned their total fixed charges, after deducting operating expenses, including depreciation, as reported for each respective fiscal year, an average of at least one and three-fourths times for the five fiscal years, and at least one and one-half times for the one fiscal year next preceding such investment; *and provided, further*, that the consolidated balance sheet for the said corporation and some or all of such subsidiary corporations at the end of the fiscal

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year next preceding such investment shall have shown total assets amounting to at least two billion dollars; fiscal year means any year covered by a regular annual report of said corporation whether on a calendar or fiscal year basis.

Utility preferred stocks;

Utility preferred stocks. n. In preferred stocks issued, guaranteed, or assumed by a public utility corporation organized and existing under the laws of any State of the United States or of the District of Columbia or of the United States, not less than eighty per centum of the gross operating revenues of which is, at the time of making such investment, derived from the operation of one or more of the following utility services, viz.: artificial gas, the sale of natural gas or of a mixture of natural and artificial gas to consumers through a distribution system owned or leased by it, steam, electric light or power, telephone, telegraph, or water; *provided*, that the total of all funded debt and such preferred stock together with all other preferred stocks issued, guaranteed or assumed by the corporation having claims on earnings or assets ranking equally with such preferred stock of the corporation shall not exceed two-thirds of the book value of the fixed assets of the corporation on a consolidated basis, less reserves for depreciation and renewals, as shown on the books of such corporation; *provided, further*, that such preferred stock shall be cumulative as to dividends and shall not be preceded, as to claim on dividends or assets of the corporation, in case of liquidation or dissolution, by any other class of stock; *provided, further*, that the gross operating revenues on a consolidated basis of such corporations, including those of predecessor and constituent corporations shall have averaged not less than five million dollars per annum for the five fiscal years next preceding such investment; *provided, further*, that the mortgage bonds and debentures of the corporation, if such are outstanding, shall be legal investments under this act; *provided, further*, that the net income of the corporation on a consolidated basis

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Proviso;

Proviso;

shall have averaged annually, for the five fiscal years next preceding such investment, not less than five times the average annual dividend requirement on such preferred stock and any other equally ranking preferred stock during such period and shall have been at least five times such dividend requirement during the next preceding fiscal year.

Industrial bonds, et cetera. o. In the bonds, notes or other evidences of indebtedness of any industrial corporation organized under the laws of any State of the United States or of the District of Columbia or of the United States; *provided*, that in each of the five fiscal years next preceding such investment, the gross revenues on a consolidated basis of the said industrial corporation shall not have been less than ten million dollars; *provided, further*, that the balance of income available for the payment of interest, after deducting all operating expenses, depreciation, reserves and taxes, except State and Federal income and profits taxes, shall have averaged annually three times the average annual fixed charges for the five fiscal years next preceding such investment, and shall not have been less than two and one-half times such fixed charges in the fiscal year next preceding such investment; *provided, further*, that the current assets of said industrial corporation on a consolidated basis, as shown by its latest published statement prior to the making of such investment, shall be at least three times the current liabilities; *provided, further*, that the total debt, including current liabilities, shall not exceed forty per centum of the book value of the assets, less depreciation and reserves on the consolidated balance sheet of the corporation.

Industrial preferred stocks. p. In preferred stocks of any industrial corporation organized under the laws of any State of the United States or of the District of Columbia or of the United States; *provided*, that such preferred stock shall be cumulative as to dividends and shall not be preceded, as to claim on dividends or assets of the corporation,

Proviso;	in case of liquidation or dissolution, by any other class of stock; <i>provided, further</i> , that the gross revenues of such corporation on a consolidated basis, including those of predecessor and constituent corporations, shall have been not less than ten million dollars in each of the five fiscal years
Proviso;	next preceding such investment; <i>provided, further</i> , that the balance of income available for the payment of interest and dividends on the preferred stock in question and on any other preferred stock ranking equally, after deducting all operating expenses, depreciation, reserves and taxes, except Federal profits taxes, shall have averaged annually at least four times the average annual fixed charges and dividend requirements for the five fiscal years, and at least three times such fixed charges and dividend requirements for the one fiscal year, next
Proviso;	preceding such investment; <i>provided, further</i> , that the current assets of the said industrial corporation on a consolidated basis, as shown by its latest published statement prior to the making of such investment, shall be at least three times the current
Proviso;	liabilities; <i>provided, further</i> , that the total debt, including current liabilities, and the preferred stock together shall not exceed forty per centum of the book value of the assets on a consolidated basis, less depreciation and reserves.
Bonds of joint stock or Federal land bank;	Bonds of joint stock or Federal land bank. q. In bonds issued by a joint stock land bank authorized to do business in this State, or by a Federal land bank, organized pursuant to an act of Congress entitled "An act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create government depositories and financial agents for the United States, and for other purposes," approved July seventeenth, one thousand nine hundred and sixteen.
Consolidated bonds of Federal land banks;	In consolidated bonds of the twelve Federal land banks issued under and pursuant to the above men-

tioned act of Congress as now or hereafter amended and known as the "Federal Farm Loan Act."

Bonds of home owners' loan corporation. r. In bonds issued or hereafter issued by the home owners' loan corporation created under an act of Congress entitled "An act to provide emergency relief with respect to home mortgage indebtedness, to refinance home mortgages, to extend relief to the owners of homes occupied by them and who are unable to amortize their debt elsewhere, to amend the Federal home loan bank act, to increase the market for obligations of the United States and for other purposes," approved June thirteenth, one thousand nine hundred and thirty-three, and a fiduciary may accept such bonds in lieu of cash, in reduction or in payment of indebtedness due such fiduciary or in part payment or in full payment of the purchase price on the sale or transfer of any asset held by such fiduciary provided such sale or transfer is otherwise lawful.

Bonds of
home owners'
loan corpora-
tion;

Certificates of deposit and savings accounts. s. In interest bearing time certificates of deposit of or by depositing as interest bearing time deposits in savings or special interest accounts, in any bank, trust company, mutual savings bank or stock savings bank or national bank doing business in this State, including, where the fiduciary is such a corporation, such certificates of deposit of or such deposits with itself in its banking department; *provided, however*, that a fiduciary shall not invest more than five thousand dollars of any one trust or estate in time certificates of deposit of, or deposit more than five thousand dollars of any one trust or estate as a time deposit in, any one bank, trust company, mutual savings bank, stock savings bank or national bank doing business in this State including itself where the fiduciary is such a corporation.

Certificates
of deposit
and savings
accounts;

Proviso;

Investments legal for savings banks. t. In any loans or securities which are or hereafter may be made lawful investments under the statutes of this State, for savings banks of this State.

Investments
legal for
savings banks.

Continuing
legality.

Investments legal when made continued legal.
u. Any investment made by a fiduciary, legal under the laws of this State when made, shall continue to be legal anything in this section to the contrary notwithstanding.

Fiduciary not
liable for loss.

A fiduciary, who, in the exercise of good faith and reasonable discretion, continues to hold any investment made by the fiduciary which was legal under the laws of this State or under a will, deed of trust or order of court having jurisdiction governing the investment when made, shall not be accountable for any loss by reason of such continuance.

Not to apply.

Where section not applicable. v. The provisions of this section shall not apply where the deed of trust, or the will, or any court having jurisdiction of the matter, specially directs in what securities the trust fund shall be invested, and every such court shall have the power to specially direct by order or orders, from time to time, additional securities, in its discretion, in which trust funds may be invested. An investment made in accordance with such special direction shall be legal, and no fiduciary shall be held liable for a loss in any such case.

May rely on
financial pub-
lications.

Fiduciary may rely on financial publications.
w. A fiduciary, in determining if any bond, debenture, stock or other security meets the requirements of this section or of a deed of trust, will or order of court having jurisdiction, governing the making of the investment, may rely and be fully protected in relying upon statistical, financial, corporate or other information as to such bond, debenture, stock or other security, and upon ratings or other opinion as to the financial or other status thereof, contained in or offered by any financial, statistical, investment, rating or other publication or service published for the use of and accepted as reliable by investors in like investments.

Fiscal years
defined.

Definition of fiscal years. x. Wherever the term "fiscal years" is mentioned in this section, a fiduciary may, at its option, use consecutive twelve-month periods, of the same duration as the specified

number of fiscal years, ending within six months preceding the investment, and, if it elects to use other than fiscal years, wherever the term "the fiscal year next preceding the investment" is mentioned, it shall use the last twelve-month period of such consecutive twelve-month periods.

Definition of debt. y. Wherever in this section a restriction has been placed on the amount of debt a corporation may have outstanding, the amount of the debt which has been called for redemption or which otherwise matures within six months and for the payment of which funds have been specifically set aside in trust shall be excluded from the computation of the total debt of said corporation.

Debt defined.

2. This act shall take effect immediately.

Approved May 17, 1938.

CHAPTER 197

AN ACT to regulate the occupation of barbering, to provide for the licensing of persons to carry on such occupation and to create the State Board of Barber Examiners to provide rules regulating the proper conduct and sanitation of the occupation of barbering for the protection of the public health and to provide penalties for violation thereof.

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

1. On and after the passage of this act no person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act by the State Board of Barber Examiners.

Certificate of
registration
required.

To hire
registered help.

On and after the passage of this act no proprietor, manager or supervisor of any barber shop, barber school, or barber college shall employ, engage or hire any person who does not hold a certificate of registration as a registered barber, registered teacher, a permit as a journeyman barber or a certificate as a registered apprentice, issued pursuant to the provisions of this act by the State Board of Barber Examiners.

Apprentices
permits.

On and after the passage of this act, no person shall serve or attempt to serve as an apprentice barber without a certificate of registration as a registered apprentice issued by the State Board of Barber Examiners.

Shop to be
run by
registered
barber.

On and after the passage of this act, it shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber, it shall be unlawful for a permit holder to manage, supervise or own a barber shop.

Health
certificate to
accompany
application.

On and after the passage of this act, all new applicants for certificates of registration as registered barbers, journeyman's permits, apprentice barber's certificates, et cetera, shall be accompanied by a certificate from a practicing medical doctor of this State dated not more than ten days prior to the date of application, attesting that the applicant is free from any contagious or infectious disease.

Price list
not to be
displayed.

On and after the passage of this act, it shall be unlawful to display any price list for barber services in or upon any part of premises of a barber shop, barber school, or barber college.

Barbering
defined.

2. Any one or any combination of the following practices when done upon the scalp, face or neck for cosmetic purposes, and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly or without payment for the public generally, constitutes the practice of barbering. Shaving or trimming the beard or cutting the hair; giving facial and scalp massage or treatment with oils,

creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or dyeing the hair or applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.

3. No registered apprentice shall independently practice barbering, but he may, as an apprentice, do any or all of the acts constituting the practice of barbering under the immediate supervision of a registered barber, and only one such apprentice shall be employed in any barber shop. Each apprentice shall be registered with the State Board of Barber Examiners by the master barber employing such apprentice. The apprentice shall pay the fee as hereinafter provided.

Apprentice not to practice independently.

Apprentice to pay fees.

4. The following persons are exempt from the provisions of this act while in the proper discharge of their professional duties:

Persons exempt from provision of act:

(a) Persons authorized by the law of this State to practice medicine and surgery;

Doctors;

(b) Commissioned medical or surgical officers of the United States Army, Navy or Marine Hospital Service;

U. S. army, etc., doctors;

(c) Registered nurses;

Nurses;

(d) Male and female persons practicing hair and beauty culture in beauty shops, catering to female persons;

Beauty shop operators.

However, the provisions of this section shall not be construed to authorize any of the persons to shave or trim the beard or cut the hair of any male person for cosmetic purposes; *provided, however*, that any person holding a license from the New Jersey State Board of Beauty Culture Control shall have the right to cut the hair of any female person.

Construing.

Proviso.

5. A person is qualified to receive a certificate of registration to practice barbering.

Qualifications required to receive certificate.

(1) Who is qualified under the provisions of section six of this act;

(2) Who is at least eighteen years of age;

(3) Who is of good moral character and temperate habits;

(4) Who has practiced as a registered apprentice for a period of eighteen months under the personal supervision of a registered barber; and

(5) Who has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his fitness to practice barbering.

Re-examina-
tion upon
failure after
6 months.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the State Board of Barber Examiners, must continue to practice as a journeyman barber or as an apprentice barber, as the case may be, for an additional six months before he is again entitled to take the examination for a registered barber.

6. Each applicant for an examination shall:

Application.

(1) Make application to the State Board of Barber Examiners on blank forms prepared and furnished by the board, such application to contain proof, under the applicant's oath, of the particular qualifications of the applicant;

Signed photo-
graphs to
accompany
application.

(2) Furnish to the State Board of Barber Examiners, two signed photographs of the applicant, one to accompany the application and one to be returned to the applicant to be presented to the examiners when the applicant appears for examination; and

Fee.

(3) Pay to the State Board of Barber Examiners the required fee.

Examinations.

7. The State Board of Barber Examiners shall conduct the examination of applicants for certificates of registration to practice as registered barbers not less than three (3) times each year at such times and places as the State Board of Barber Examiners may determine. The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written and oral test, and shall embrace the following subjects: Scientific fundamentals for barbering; hygiene, bacteriology, histology of the hair, skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics,

Scope.

diseases of the skin, hair, glands, and nails, hair cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair.

8. Whenever the provisions of this act have been complied with, the State Board of Barber Examiners may issue a certificate of registration as a registered barber.

Certificate issued.

9. To any person who has practiced barbering in New Jersey for a period of at least eighteen months and who is at least eighteen years of age, the State Board of Barber Examiners may, at its option, in the interim between stated examinations of applicants for certificates of registration to practice as registered barbers, issue to applicants a permit to practice barbering upon the payment of a fee of ten dollars (\$10.00) and the payment of such fee shall entitle such applicant to a certificate of registration as a licensed barber; *provided*, such applicant successfully passes the required examination within one year from the date of issuance of such permit. The holder of such permit shall be permitted to practice as a journeyman barber only for the term of said permit, unless he has sooner qualified by examination for a certificate of registration as a registered barber. All permits shall expire one year from the date of issuance. Such permits are not renewable.

Fee for temporary permit to practice.

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Expiration.

Permits not renewable. Reciprocity granted upon payment of fee.

Any person having practiced barbering in another State or country for a period of at least eighteen months, and who is at least eighteen years of age, and of good moral character and temperate habits, or who has a license or certificate of registration as a practicing barber from another State or country which has substantially the same requirements for licensing or registering barbers as required by this act, may, upon payment of the required fee, be issued a permit to practice as a journeyman barber only until he is called by the State Board of Barber Examiners for an examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the required examination he will be

	<p>allowed to practice as a journeyman barber until he is called by the State Board of Barber Examiners for the next term of examinations.</p> <p>Such notification may be by ordinary mail addressed to the applicant at his last address available from existing records.</p>
Notice of examination.	
Failure to take examination 3 times to void permit.	<p>Should any permit holder or apprentice be notified and fail to appear at three (3) consecutive scheduled examinations, his or her permit shall become null and void. Should an applicant fail to appear after being duly notified, it shall constitute a failure by default. All applicants who fail three consecutive times must cease to practice barbering in this State. This shall apply to apprentices as well as journeymen barbers.</p>
Application of section.	
Granted certificate without examination.	<p>10. Any person, resident of this State, who for three years immediately preceding the passage of this act, was continuously engaged in the practice of barbering at one or more established places of business in this State, and who is not the holder of a permit or apprentice certificate, shall be granted a certificate of registration as a registered barber, without examination; <i>provided</i>, such application has been presented for approval to the State Board of Barber Examiners, not later than sixty (60) days after the effective date of this act, by making application to the State Board of Barber Examiners, and there is paid the same fee as is required of an applicant for an examination to determine his fitness to receive a certificate of registration.</p>
Proviso.	
Certificate displayed.	<p>11. Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair.</p>
Certificate to be renewed annually.	<p>12. Every registered barber who continues in active practice or service shall annually, during the month of July of such year, renew his certificate of registration and pay the required fee. Every certificate of registration which has not been renewed during the month of July in any year shall expire on the first day of July in that year. A registered barber whose certificate of registration</p>

has expired may have his certificate restored immediately, upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than two years, may restore his certificate upon payment of the required restoration fee, without examination. After the expiration of the aforementioned time an applicant is subject to an examination by the Board of Barber Examiners.

13. Barber Schools. After the adoption of this act, no person, persons, firm or corporation shall attempt to teach the fundamentals of barbering unless he first obtain from the State Board of Barber Examiners a certificate of registration for each barber school or barber college he operates in this State. Wherever barbering is taught in such school or college only a registered teacher, who has procured a license from the State Board of Barber Examiners, shall have the authority to teach the regularly enrolled students for such schools or colleges, and only four (4) students, or a fraction thereof, shall be allowed to any one teacher.

Barber schools
to be re-
gistered.

Teachers to be
registered.

Each barber school and college shall display a sign, clearly legible with letters at least six inches in height, indicating that it is a barber school or college—said sign to be displayed at the main entrance of such place, and said sign must indicate that all work performed in said place is done by barber school students.

Sign displayed
by school.

Any student, graduated from a barber school or barber college, in this or any other State, shall not be entitled to take the prescribed examination unless he has fully served the required eighteen (18) months, in accordance with this act.

Apprenticeship
of 18 months
required.

Any person may own or operate a barber school or college who has had at least five years of continuous experience as a barber; *provided*, such person shall first secure from the Board of Barber Examiners a license to do so and shall keep the same prominently displayed, and shall before commencing business, file with the Secretary of State a bond to the State, approved by the Attorney-

Experience
and license
required to
operate school.
Proviso.

Bond filed.

	General, in the sum of five hundred dollars (\$500.00), conditioned upon the faithful compliance of said barber school or college with all the provisions herein and to pay all judgments that may be obtained against said school or college or the owner or managers or their agents thereof on account of fraud, misrepresentations or deceit practiced by them or their agents; <i>provided, further</i> , that in all barber schools or colleges there shall be kept prominently displayed a substantial sign as
Proviso.	barber school or college; <i>provided, further</i> , that all barber schools or colleges, upon receiving students shall immediately apply to the board for a certificate as a registered apprentice for each such student upon blanks for the purpose furnished by the board.
Proviso.	
Fee with application.	Every applicant for a certificate as a registered apprentice shall accompany his application with a fee as herein or hereinafter stated.
Causes for refusal or revoking license:	14. The State Board of Barber Examiners may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:
Conviction of felony;	(1) Conviction of a felony shown by a certified copy of the record of the court of conviction;
Malpractice;	(2) Gross malpractice or gross incompetency;
Infectious disease;	(3) Continued practice by a person knowingly having an infectious or contagious disease;
False advertising;	(4) Advertising by means of knowingly false or deceptive statements;
Drink or drug addict;	(5) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;
Improper conduct;	(6) Immoral or unprofessional conduct;
Violation of sanitary rules;	(7) For repeated violation of sanitary rules;
Sundry offenses.	and,
Notice of charge.	(8) The commission of any of the offenses described in sections fifteen and sixteen.
	15. The State Board of Barber Examiners may neither refuse to issue nor refuse to renew, nor suspend, nor revoke any certificate of registration, however, for any of these causes, unless the person

accused has been given at least fifteen (15) days' notice in writing of the charge against him and a public hearing by the State Board of Barber Examiners. Hearing.

Upon the hearing of any such proceeding the State Board of Barber Examiners may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, before them, relating to the refusal, suspension or revocation of certificate of registration. Conduct hearing.

16. No person shall obtain or attempt to obtain a certificate of registration by fraudulent representations, nor obtain or attempt to obtain any money, or any other thing of value for a certificate of registration other than the required fee. Obtaining license by false means.

17. No person shall use any room or place of barbering which is also used for residential purposes (except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, confectionery, and such commodities as are used and sold in barber shops) unless a substantial partition of ceiling height separates that portion used for business purposes from that used for residential purposes. Use of residence for barbering.

18. Fees. The fee to be paid by an applicant for examination to determine his fitness to receive a certificate of registration to practice barbering is ten dollars (\$10.00). Fees:
Barbering;

The fee for the annual renewal of a certificate of registration to practice barbering is three dollars (\$3.00). Renewal;

The fee for the restoration of an expired certificate of registration to practice barbering is six dollars (\$6.00). Restoration of expired certificate;

The fee for an apprentice certificate is one dollar and fifty cents (\$1.50). All apprentice certificates on file when this act becomes effective shall expire July first, one thousand nine hundred and thirty-eight, and any person who continues to practice as an apprentice shall file for a renewal of such cer- Apprentice;

	tificate for the fee of one dollar and fifty cents (\$1.50) as provided for herein.
Schools or colleges; Fees.	The fee to be paid for barber schools and barber colleges. The fee for a license to operate a barber school or college in accordance with the provisions of this act shall be two hundred and fifty dollars (\$250.00) per annum and such license to be renewed on or before the first day of July of each year, the renewal fee thereof to be two hundred and fifty dollars (\$250.00).
Teachers.	The fee to be paid for a license as a registered teacher in approved barber schools and colleges shall be twenty-five dollars (\$25.00) per annum, such license to be renewed on or before the first day of July of each year, the renewal fee thereof to be twenty-five dollars (\$25.00).
Perjury.	19. The willful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this act is perjury and punishable as such.
Board of examiners.	20. Board of Barber Examiners. The Board of Barber Examiners to consist of four (4) persons and is hereby created to carry out the purposes and to enforce the provisions of this act. Said members of the board shall be appointed by the Governor; as follows: At least two (2) of the appointees shall be journeymen barbers and two (2) appointees shall be master barbers. One journeyman barber and one master barber respectively shall be recommended by the State Association of Journeymen and Master Barbers respectively. The other two (2) appointees shall be the choice of the Governor. Each member of said board shall have for at least ten (10) years prior to their appointment, followed said occupation as a barber and have been a resident of the State of New Jersey for a period of
Qualifications.	ten (10) years. Each member of said board shall serve a term of three (3) years and shall be continued in office until his successor is appointed and qualifies; <i>provided, however</i> , that members of the Board of Barber Examiners last appointed under an act entitled "An act to regulate the occupation
Term.	
Hold over.	
Proviso.	

of barbering, and to provide for the licensing of persons to carry on such occupation and to provide rules regulating the proper conduct and sanitation of the occupation of barbering for the protection of the public health, and to provide penalties for violation thereof," and known as chapter one hundred and seventy-five, laws of one thousand nine hundred and thirty-three, approved May twenty-fourth, one thousand nine hundred and thirty-three, and amendments thereto, known as chapter two hundred and sixty-six, laws of one thousand nine hundred and thirty-five, approved June tenth, one thousand nine hundred and thirty-five, shall be continued in office and constitute the board created by the aforesaid act and shall serve out the balance of the term for which each was originally appointed unless sooner removed by the Governor for cause; *provided*, whenever such removal takes place that vacancy shall be filled from the same organization as original appointment; *and provided, further*, that said board shall immediately meet and organize when this act shall take effect and in accordance with its provisions.

Proviso.

Proviso.

21. Said Board of Barber Examiners shall have the authority to appoint deputies, agents, clerks and other employees and prescribe the duties of such employees and to fix their compensation, all in accordance with civil service statutes.

Deputies and assistants.

Civil Service employees of the Health Department presently employed in the regulation and licensing of the business and occupation of barbering shall, upon the passage of this act, be considered as having been transferred to the commission created hereby with status unchanged and for the purpose of continuing the performance of the same or comparable duties.

Employees transferred.

22. Said Board of Barber Examiners shall organize and elect a chairman and a secretary-treasurer from its own members. It shall adopt and use a common seal for the authentication of its audit and records. The secretary-treasurer shall keep a

Organization

Seal.

Minutes.

record of all proceedings of the board and shall remit all funds received to the Treasurer of the State of New Jersey.

Secretary-treasurer bonded.

The secretary-treasurer shall be bonded in the sum of three thousand dollars (\$3,000.00) which sureties be approved by the Secretary of State, conditioned for the faithful performance of his duties, and shall take the oath provided by law for such public office.

Compensation of secretary-treasurer.

The secretary-treasurer of the board shall receive a compensation of three thousand dollars (\$3,000.00) per annum and devote his full time to the supervision of office and field workers.

Quorum.

A majority of the board in meeting duly assembled may perform and exercise all the duties and powers developed upon the board.

Pay of board members.

The other members of the board shall receive a compensation of ten dollars (\$10.00) per day for each day of actual service in the discharge of their duties as such and they shall work not less than two hundred and forty days per annum and in addition thereto, all members of the board, including the secretary-treasurer, shall be reimbursed and receive their necessary traveling expenses, which shall include only the cost of transportation to and from the place of performance of their duties, incurred in the proper discharge of their duties.

Expenses paid.

Expenses paid from receipts.

All expenses, salaries, et cetera, shall be paid only from the receipts received for barber fees, and at no time shall the expenses exceed the receipts received from the barber fees.

Appropriation.

23. All moneys received pursuant to the provisions of this act shall be paid into the treasury of this State. Of said revenues, a sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated the first year and every succeeding year thereafter to pay the expenses incurred by the State Board of Barber Examiners in the administration of this act and shall be paid from the moneys so received as aforesaid. All such expenditures shall be made by the treasurer on warrant of the comptroller after approval by the secretary-treasurer of

Expenditures.

the State Board of Barber Examiners; *provided*, Proviso.
however, that any such expense of administration shall at no time exceed the moneys so received to the end that the commission created by the provisions of the act shall, at all times, be self-sustaining; *and provided, further*, that any surplus remaining in such fund 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. The Proviso.
 board shall report annually to the Governor of its receipts and expenditures and also, a full statement of its work during the year together with such recommendations as it may deem expedient. Report.

24. The State Board of Barber Examiners shall Records kept.
 keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber, journeyman barber and registered apprentice, and barber school and barber college or barber school or barber college teacher, and the date and number of each certificate of registration. This record shall be open to public inspection at all reasonable times.

25. The Board of Barber Examiners, or its designated representatives, shall have authority to enter upon and to inspect any barber shop, barber school or barber college at any time during business hours. Inspection of shops.

26. The following regulations pertaining to sanitation shall apply to all barber shops, barber schools and barber colleges in New Jersey and to the practice of barbering in this State. A copy of these regulations shall be furnished by the State Board of Barber Examiners to the person in charge of each barber shop, barber school and barber college in the State and a copy shall be kept posted in a conspicuous place in each such establishment. Sanitary regulations for schools:

(1) All barber shops and barbers schools or colleges shall be well lighted and ventilated, and all furniture, equipment, tools and utensils therein and Lighting and equipment.

the floors, walls and ceilings thereof, shall at all times be kept clean.

Conditions and requirements to operate school:

(2) It shall be unlawful to own, manage, operate or control any barber shop, barber school or barber college except under the following conditions:

Hot and cold water;

(a) There shall be readily available at such shop, school or college an adequate supply of hot and cold water and where a public water supply under pressure and a sewerage system is available, there shall be provided in such shop, school or college, a supply of hot and cold running water under pressure.

Towels;

(b) No towel shall be used on any patron which has been used upon another patron unless the towel has been relaundered and thoroughly dried after such last prior use.

Head rests;

(c) The head rest of a barber chair shall be covered with a clean covering such as a towel or paper before used on any patron.

Neck towel;

(d) There shall be placed about the neck of each patron served a clean towel or other clean material to prevent the hair cloth touching the skin of the patron.

Tools;

(e) Any tool or part thereof which comes into contact with the head, face or neck of the patron such as razors, scissors, tweezers, combs and parts of vibrators shall be immersed in boiling water or in alcohol of a strength of seventy per centum (70%) or higher or treated by some other equally effective method before being used on each patron.

Shaving mug and brush;

(f) Any shaving mug and shaving brush shall be thoroughly rinsed in hot water immediately before use in serving a patron.

Cuspidors;

(g) If any cuspidor is provided it shall be thoroughly cleaned at least once each day and there shall be kept in such receptacle a disinfecting solution.

Receptacles for soiled towels;

(h) At least two receptacles for soiled towels and waste shall be provided. Only used towels shall be deposited in one and wastes

such as used shaving paper shall be deposited in the other.

(i) No styptic pencil, finger bowl, sponge, lump alum or powder puff shall be used except of the individual applicator type. Styptic pencils, etc.;

(j) No room used as a barber shop or barber school or college shall be used as a sleeping room, and shall not be located in any sleeping room, feed store, restaurant or lunch room unless separated therefrom by a substantial partition extending from floor to ceiling. Sleeping on premises prohibited.

(3) All barbers and apprentice or student barbers while engaged in barbering shall wear clean outer garments. Outer garments.

(4) Each barber and apprentice or student barber immediately before serving a patron shall thoroughly wash his hands with soap and water. Wash hands before serving patron.

(5) No barber or apprentice or student barber shall engage in barbering nor be employed in a barber shop or barber school or college who is affected with any infectious or contagious diseases in a communicable stage. Infectious disease.

(6) No common drinking cup or glass shall be maintained, kept or used. Common drinking cup prohibited.

27. Nothing contained in this act shall be construed to prevent the Department of Health of the State of New Jersey, or any local board of health or other board or body, exercising the powers of such local board, from enacting and enforcing ordinances, codes, rules and regulations pertaining to sanitation in barber shops, in excess of the provisions of section twenty-six of this act, for which authority they have been or may be granted by law. Construing.

28. All certificates and permits issued by the Department of Health of the State of New Jersey under the provisions of "An act to regulate the occupation of barbering, and to provide for the licensing of persons to carry on such occupation and to provide rules regulating the proper conduct and sanitation of the occupation of barbering for Permit issued under act.

the protection of the public health, and to provide for violation thereof," and known as chapter one hundred seventy-five, laws of one thousand nine hundred and thirty-three, approved May twenty-fourth, one thousand nine hundred and thirty-three, and amendments thereto known as chapter two hundred sixty-six, laws of one thousand nine hundred and thirty-five, approved June tenth, one thousand nine hundred and thirty-five, and under chapter four of Title 45 of the Revised Statutes, shall be considered as issued under the provision as relate to certificates and permits which may be issued under this act. The Board of Barber Examiners is authorized to make rules and regulations for the purpose of carrying into effect the provisions of this act.

Rules and
regulations.

Penalties.

29. Penalties. Any person, corporation or their agents, violating any of the provisions of this act, shall be liable to a penalty of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), and for the second and each subsequent offense to a penalty of not less than fifty dollars (\$50.00) to be recovered by and in the name of the New Jersey State Board of Barber Examiners. Any person, corporation or their agents violating the provisions of section twenty-six of this act shall be liable to a penalty of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and for the second and each subsequent offense to a penalty of not less than fifty dollars (\$50.00), to be recovered by the New Jersey State Board of Barber Examiners. Every district court, justice of the peace, and police magistrate is hereby empowered, upon filing of a complaint in writing, duly verified, which said verification when made by any member or members, their agents or duly authorized employee of the said New Jersey State Board of Barber Examiners, or in the case of any violation of any provision of section twenty-six by any member or duly authorized agent or employee of the New Jersey State Board of Barber Examiners may be made upon information and be-

Recovery of
fines.
Courts of
jurisdiction.

lief that any person has violated any provision of this act, to issue process at the suit of the New Jersey State Board of Barber Examiners, or in the case of any violation of any provision of section twenty-six, to issue process at the suit of the New Jersey State Board of Barber Examiners be either in the nature of a summons or warrant, which warrant may issue without any order of the court or judge first being obtained against the person or persons so charged, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than two nor more than five entire days; such process shall state what provision of the law is 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 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; that said district court, justice of the peace, or police magistrate shall have power to adjourn the hearing or trial in any case from time to time, but in such case, except in cases in which the first process was a summons, it shall be the duty of the judge of the district court, justice of the peace, or police magistrate to detain the defendant in safe custody, unless he shall enter into bond to the plaintiff therein, with at least one sufficient surety in double the amount of the penalty claimed, conditioned for his appearance on the

Process.

Contents of
process.

Adjournment.

Bond.

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. Commitment.

Any penalty recovered in any action brought under the provisions of this act shall be paid to the plaintiff therein for the use of the township, city, borough, town or other local municipal government within which the violation occurred. Use of penalties.

30. If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not effect the validity of the remainder of the act which can be given effect without the invalid portion. Constitutionality.

31. All acts and parts of acts or supplement acts inconsistent herewith are hereby repealed. Repealer.

32. This act shall take effect July first, one thousand nine hundred and thirty-eight. Effective.

Approved May 17, 1938.

CHAPTER 198

AN ACT concerning workmen's compensation by providing for a method of procedure, by defining the period and extent of payments and by permitting the Rehabilitation Commission to use some of the moneys, all under the one per centum fund, and amending sections 34:15-94 and 34:15-95 of the Revised Statutes.

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

Section
amended.

1. Section 34:15-94 of the Revised Statutes is hereby amended to read as follows:

Payment into
the one per
cent fund.

1. 34:15-94. Each mutual association or stock company writing compensation or employers' liability insurance in this State, and each self-insurer, shall annually, on or before the February fifteenth of each year, pay to the Commissioner of Labor a sum equal to one per centum of the total compensation paid out by such mutual association, stock company or self-insurer during the calendar year next preceding the due date of such payment. Such sum shall be paid by the Commissioner of Labor to the State Treasurer.

Maximum
fund.

When the total amount of all such payments into the fund, together with the accumulated interest thereon, equals or exceeds two hundred thousand dollars (\$200,000.00), no further contributions to said fund shall be required to be made; but whenever, thereafter, the amount of such sum shall be reduced below two hundred thousand dollars (\$200,000.00) by reason of payments out of such funds pursuant to section 34:15-95 of this Title, then such contributions to such fund shall be resumed forthwith, and shall continue until such sum shall again amount to two hundred thousand dollars (\$200,000.00), together with accumulated interest thereon.

Contributions
resumed.

2. Section 34:15-95 of the Revised Statutes is hereby amended to read as follows:

2. 34:15-95. The sums collected under section 34:15-94 of this Title shall constitute a fund out of which a sum shall be set aside each year by the Commissioner of Labor from which compensation payments in accordance with the provisions of paragraph (b) of section 34:15-12 of this Title shall be made to persons totally disabled, as a result of experiencing a subsequent permanent injury under conditions entitling such persons to compensation therefor, when such persons had previously been permanently and partially disabled from some other cause. In such cases the compensation payable from such fund shall cover that portion of the period for which the employer is not legally responsible due to the permanent and partial disability suffered or possessed by the employee at the time that the employee sustained the injury as a result of which the employee became totally and permanently disabled. Payments to such totally disabled employees shall be made from said fund by the State Treasurer upon warrants of the Commissioner of Labor. This section shall be applicable to any accident occurring since July fourth, one thousand nine hundred and nineteen, in so far as the eligibility of such employee of this class is concerned; *provided, however*, that nothing contained herein shall affect those persons now receiving or who have received the benefits under this section or proceedings now pending on appeal. All payments from the fund herein created shall be made by semimonthly installment payments. The Rehabilitation Commission may use a sum not to exceed fifteen thousand dollars (\$15,000.00) in any one fiscal year from the sums collected under this section for rehabilitation of persons who are handicapped as a result of a compensable industrial accident.

Section
amended.

Payments
from fund.

Payments to
totally disabled
persons.

Application
of act.

Proviso.

Semimonthly
payments.

New section.

3. A new section is hereby added to read as follows:

Application
for benefits.

3. Application for benefits under this act shall be made by a verified petition filed in duplicate within two years after the date of the last payment of compensation by the employer or the insurance carrier addressed to the Commissioner of Labor of the State of New Jersey who shall refer it to a Deputy Commissioner of Workmen's Compensation to hear testimony and for an advisory report as to findings. The decision, however, as to whether the petitioner shall or shall not be admitted to the benefits shall be rendered by the said Commissioner of Labor. Review of said decision shall be in accordance with section 34:15-66 of the Revised Statutes. In all proceedings affecting the fund under this act the Commissioner of Labor shall be a necessary party.

Decision.

Decision
reviewed.

4. This act shall take effect immediately.

Approved May 18, 1938.

CHAPTER 199

AN ACT to validate bonds and notes of municipalities heretofore issued.

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

Validating
certain municipal
bonds and
notes.

1. All bonds and notes of any municipality heretofore issued and signed by two or more officers thereof are hereby ratified, validated and confirmed as the legal and validly binding obligations of such municipality in accordance with their terms, notwithstanding any defect, omission or irregularity in the ordinances or resolutions authorizing or purporting to authorize their issuance or in the procedure for the adoption of any such ordinance or resolution, or in any statement, notice,

hearing or other matter required to be made, filed, given, done or performed in connection therewith; *provided*, that such bonds and notes bear interest at a rate or rates not exceeding six per centum (6%) per annum and the municipality received in payment of said bonds and notes not less than par and accrued interest. Proviso.

2. This act shall take effect immediately.

Approved May 18, 1938.

CHAPTER 200

AN ACT concerning the limitation of civil actions, and supplementing chapter twenty-four of Title 2 of the Revised Statutes.

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

1. Any person holding, or who has held, any office, position or employment under the government of this State, or any county, municipality, or school district thereof, whose compensation is, or has been paid by any such board of chosen freeholders, the governing body of any such municipality or school district, and such compensation was reduced by ordinance, resolution or motion, pursuant to any statute of this State, shall bring his or her said action for the recovery of such moneys alleged to be due by reason of such reduction within six months from the time of the passage of this act. To bring action in six months.

2. This act shall take effect immediately.

Approved May 18, 1938.

CHAPTER 201

AN ACT concerning cemeteries, and amending section 8:3-1 of the Revised Statutes.

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

Section amended.	1. Section 8:3-1 of the Revised Statutes is hereby amended to read as follows:
Limits number of cemeteries.	8:3-1. No more than five cemeteries shall be located or placed under and by virtue of this title in any one city, township, borough or town in any county of this State, except that any religious society duly incorporated pursuant to the laws of this State, may establish a cemetery, to be used exclusively for the burial of persons of its religious faith, in any municipality of this State in which it does not maintain a cemetery, notwithstanding there are five or more cemeteries located in any such municipality, and except that, in any township of this State where the capacity of an existing cemetery is exhausted, so that no further plots or lots can be purchased, an additional cemetery may be created or placed at a distance of not less than three miles from any other existing cemetery in such township, subject to all laws or provisions thereof governing and regulating cemeteries in this State.
Exception.	
Limits area.	Not more than three per cent of the area of any city, town, township, borough, village or other municipality shall be devoted to cemetery purposes.
Act not to apply.	Nothing in this section contained shall prevent any cemetery association incorporated prior to March twenty-sixth, one thousand nine hundred and twenty-nine, from continuing, maintaining, enlarging and conducting any cemetery in any township of this State where such cemetery has been located and used for cemetery purposes since such incorporation.
	2. This act shall take effect immediately.
	Approved May 18, 1938.

CHAPTER 202

AN ACT to amend sections 52:27-23.1 and 52:27-29.1 of the Revised Statutes, in relation to the powers and duties of the Municipal Finance Commission and of municipalities in which it may be functioning.

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

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

52:27-23.1. Authorized provisions in resolutions authorizing issuance of notes or bonds enumerated; enforcement. 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: Provisions in resolution relative to issuance of bonds:

a. The amount to be included in any budget or tax ordinance or to be appropriated by or raised by taxation in the municipality in each year for debt service and for reserve or sinking funds, which amount may be expressed in dollars, percentage of total assessed valuations or both, or otherwise; Amount to be included in budget for debt service;

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

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; Amount to be pledged for payment of principal;

d. The pledging of taxes, special assessments and other revenues or moneys of the municipality, which are due or to become due, Pledging of taxes to amortization;

directly to the payment of the principal of and interest on the notes or bonds, or to reserve or sinking funds;

Use of un-
anticipated
income;

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

Debt
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 for
uncollected
taxes;

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;

Compliance
with
budgetary
requirements;

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;

Financial
practice;

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;

Terms for
repealing, etc.,
authorizing
resolution;

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

Acts to im-
prove credit.

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

Any municipality adopting a resolution containing any provision authorized hereunder shall have and possess all of the powers necessary and appropriate for the performance thereof. The provisions of any such resolution shall be enforceable by mandamus or other appropriate action or proceeding at law or in equity instituted by the commission or by the holder of any note or bond on behalf of all the holders of such notes or bonds, whether or not there shall have been any default in the payment of the principal of or interest on any such notes or bonds.

To have appropriate powers.

Enforcing provisions.

2. Section 52:27-29.1 of the Revised Statutes is hereby amended to read as follows:

Section amended.

52:27-29.1. Certificate of tax sale or tax title; real estate; sale, exchange, lease or other disposition. The governing body of any municipality in which the commission is or may be functioning may, upon the express consent in writing of the commission, sell, exchange or otherwise dispose of any certificate of tax sale or tax title, standing in the name of the municipality, or sell, exchange, lease or otherwise dispose of any real estate or rights or interests therein owned by the municipality and determined by the governing body to be not needed for public use. Any such sale, exchange, lease or other disposition may be authorized by resolution of the governing body and, subject to the consent of the commission as aforesaid, may be at public or private sale, through a broker, agent or otherwise, for cash or upon credit, for such consideration, and subject to such conditions and commissions, as the governing body in its discretion may determine. All moneys received by the municipality from any such sale, exchange, lease or other disposition shall, if the commission so provide, be paid only to the account of the reserve fund referred to in section 52:27-25 of this Title.

May sell certificates of tax sale, etc.

Sale authorized by resolution.

Use of moneys.

The governing body of any municipality in which the commission is or may be functioning may, upon the express consent in writing of the commission, adopt an ordinance providing for the establishment

May establish liquidation board.

Function and powers.	of a board in the municipality to manage and effect the liquidation of assets theretofore acquired by the municipality (and accruals thereto) consisting of real estate or rights or interests therein acquired by virtue of the enforcement of taxes or special assessments and certificates of tax sale or tax titles standing in the name of the municipality. The function of said board shall be to exercise its powers and perform its duties in such fashion as to liquidate such assets as soon as reasonably possible by the realization of reasonable amounts thereon in cash. Without limitation of the foregoing, the powers and duties of said board to manage and effect such liquidation may include power to require the sale or other disposition of such assets or the compromise of sums due to the municipality in respect thereto, subject to such restrictions as such ordinance may provide.
Compensation.	The ordinance shall set forth in particularity the powers and duties of said board and shall determine the size of the membership of the board, and shall fix the terms of office of the members of the board and their qualifications and compensation and the method of computing and paying their compensation and the expenses of the board. The ordinance may provide that the compensation of the members of the board shall be determined, in whole or in part, by the justice of the Supreme Court presiding in the courts of the county in which the municipality is located, and it shall be the duty of said justice of the Supreme Court from time to time to make such determination in accordance with the terms of the ordinance.
Residents.	The members of said board may or may not be residents of the municipality and their terms of office may extend for such period as the ordinance may provide. The ordinance may provide that for all the purposes of the local budget law (R. S. section 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 the compensation of the members of the board and the expenses of the board may

be paid out of the proceeds of such liquidation without further budget or other appropriation or tax levy therefor. Upon the adoption of the ordinance, the clerk of the municipality shall file a certified copy thereof with the justice of the Supreme Court presiding in the courts of the county in which the municipality is located, and it shall thereupon and thereafter be the duty of said justice of the Supreme Court to appoint the members of said board, and their successors from time to time, in accordance with the terms of the ordinance. It shall be the duty of the governing body and all other officers of the municipality to do and perform all such acts and things as may be required by said board in order for said board to fulfill its function in accordance with the terms of the ordinance and of this section except when, with respect to any particular such act or thing, the governing body shall adopt a resolution questioning the necessity or advisability thereof in order for said board to fulfill its function in accordance with the terms of the ordinance and of this section. Such resolution shall become of no further force and effect ten days after the adoption thereof unless the clerk of the municipality shall have filed a certified copy thereof with the justice of the Supreme Court presiding in the courts of the county in which the municipality is located. Upon such filing it shall be the duty of said justice of the Supreme Court, upon such notice to the board and other interested parties as said justice may direct, to make a summary investigation into the facts and for that purpose he shall have the power to subpoena witnesses and call before him any officers or employees of the municipality or of the board. Said justice shall determine whether said particular act or thing required by the board is necessary or advisable in order for the board to fulfill its function in accordance with the terms of the ordinance and of this section. He shall embody his determination in an order and file the same, together with the said resolution, in the office of the clerk of the Supreme

Certified
copy of
resolution.

Resolution
noneffective.

Action by
justice of
Supreme
Court.

Court. Upon the filing of such order embodying an affirmative determination, the said resolution of the governing body shall be of no further force and effect, and the governing body and other officers of the municipality shall proceed to do and perform such act or thing. If his determination is in the negative the requirement of the board shall be without force or effect and neither the governing body nor any officer of the municipality shall be under any duty to do and perform such act or thing.

3. This act shall take effect immediately.

Approved May 18, 1938.

CHAPTER 203

AN ACT to amend the body of an act entitled "An act authorizing the sale or leasing of park lands in certain cases," approved April fourth, one thousand nine hundred and thirty-eight, being Pamphlet Laws of one thousand nine hundred and thirty-eight, chapter eighty-seven, and to amend the title thereof to read "An act authorizing municipalities to sell or lease park lands in certain cases."

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 authorizing the sale or leasing of park lands in certain cases," approved April fourth, one thousand nine hundred and thirty-eight, being Pamphlet Laws of one thousand nine hundred and thirty-eight, chapter eighty-seven, is hereby amended to read as follows:

New title.

"An act authorizing municipalities to sell or lease park lands in certain cases."

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

Par. 1
amended.

1. Whenever a municipality has reclaimed lands under water, fronting or abutting park lands and such reclaimed lands have been bulkheaded and filled and are now used for park purposes, the municipality may sell any part or parts, parcel or parcels of park lands not so reclaimed whether contiguous or not contiguous to such reclaimed park lands; *provided*, that the total area of park land so sold shall not exceed in area the area of such reclaimed lands.

May sell
reclaimed
park land.

Proviso.

3. This act shall take effect immediately.

Approved May 18, 1938.

CHAPTER 204

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 and sixty-three.

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

1. Section eight hundred and three of the act of which this act is amendatory, is hereby amended to read as follows:

Section 803
amended.

803. This act shall take effect June first, one thousand nine hundred and thirty-eight.

Act effective.

2. This act shall take effect immediately.

Approved May 18, 1938.

CHAPTER 205

AN ACT to equalize the salaries of the district court clerks in counties of the first class, except in cities of the first class located therein, amending an act entitled "Title 2, Administration of Civil and Criminal Justice, 2:8-23, 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. Salaries of clerks. The annual salaries of the clerks of the district courts, which shall be in lieu of all fees whatsoever, shall be as follows:

a. In counties of the first class—

First class
counties.

(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.

b. In counties other than counties of the first class—

Other than
first class
counties.

(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.

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.

Judge to fix
salary.

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

Payment of
salary.

or may be incorporated, in monthly installments, to be computed from the date of the appointment of such clerks, or their increase in salary, if any.

Section not to
apply.

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 May 18, 1938.

CHAPTER 206

AN ACT to provide for the examination and licensing of superintendents and operators and other persons in charge of water purification or treatment plants and sewage treatment plants and superintendents of water supply systems under the direction of the Department of Health of the State of New Jersey, and supplementing article five of chapter eleven of Title 58 of the Revised Statutes.

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

Terms
construed

1. Where the words "superintendents or operators" are used in this act, they shall be construed to include, in addition to the classifications already established by the Department of Health of the State of New Jersey, all persons under any title or designation who are now or shall hereafter be in direct general charge of water supply systems, as distinguished from subordinate persons or employees engaged in the direction or operation of such water supply systems or of water purification or treatment plants.

2. All of the provisions of sections 58:11-14 to 58:11-18 of the Revised Statutes shall apply to the additional persons hereinbefore designated, in so far as may be, and the Department of Health of the State of New Jersey is hereby authorized to adopt such additional rules and regulations for this purpose as may be required.

Provisions to apply.

3. Nothing herein contained either by reason of any defect or inconsistency in the title or sections of this act, or for any other reason, shall be held to abate or render invalid any notice or proceeding, or suit at law or in equity, which may have been served, begun or instituted by the Department of Health of the State of New Jersey, prior to the date hereof, in accordance with the powers and duties heretofore conferred upon it, but the same shall continue in full force and effect and be further advanced and prosecuted in the name of the Department of Health of New Jersey. Nothing in this act shall be construed to in anywise affect the tenure, term or status of any person holding a position requiring a license under the provisions of this act at the time of the passage of this act.

Not to invalidate suit.

Construing as to tenure.

4. The Department of Health of the State of New Jersey shall issue a license upon payment of a license fee as provided in this act and the act to which this act is a supplement, to any applicant who, in the opinion of the Department of Health of the State of New Jersey, has satisfactorily met all the requirements of sections 58:11-14 to 58:11-18 of the Revised Statutes and the provisions of this act. The license fee shall be five dollars (\$5.00), of which two dollars (\$2.00) shall accompany the application, the remainder to be paid upon notification that the applicant is entitled to a license. Should the department deny the issuance of a license to any applicant the initial fee of two dollars (\$2.00) shall be retained. Licenses shall expire on the thirtieth day of September following issuance or renewal and shall become invalid on that day unless renewed. Licensees shall apply for renewal on or before the thirtieth day of Septem-

License issued.

Fee.

Expiration.

Renewals.

ber of each year. Renewal may be effected at any time during the month of September by the payment of a fee of five dollars (\$5.00). The failure on the part of the licensee to renew his license annually in the month of September as required shall not deprive such person of the right of renewal during the ensuing year but the fee to be paid for the renewal of a license after the thirtieth day of September shall be increased one dollar (\$1.00) for every three months or fraction thereof that payment of renewal is delinquent.

Exemptions.

5. Holders of licenses to operate sewage treatment plants or water supply systems, privately owned or maintained by any person, shall be exempt from the payment of all fees provided in this act except the fee of one dollar (\$1.00) for every three months or fraction thereof that the application for renewal is delinquent. The failure on the part of the licensee to renew his license within three years from the date of the expiration of said license will automatically revoke such license.

Failure to
renew.

Repealer.

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

Approved May 18, 1938.

CHAPTER 207

AN Act designating the State souvenir of deceased 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:*

Poppy a
souvenir.

1. After the passage of this act the poppy or its replica in any material form shall be the recognized souvenir of the deceased veterans of the World War.

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 veterans' projects during the periods hereinafter designated any poppy or poppies made up in any material forming a replica of the natural poppy except as hereinafter provided. Unlawful to sell.

3. The sale and offering for sale of such poppy or poppies as heretofore mentioned shall be restricted to nationally recognized veterans' organizations and their auxiliaries, where such funds are devoted exclusively for the benefit of World War veterans and their families. Sale restricted.

4. The period of such restricted sale designed to provide funds for such charitable purposes shall be the seven days immediately preceding and including Memorial Day, commonly known as Decoration Day of each year. Period of sale.

5. All such poppies or any poppy as heretofore designated shall bear a label approved and sanctioned by such organizations as heretofore set forth. Labeled.

6. 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 poppies 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 extend the period of sale in section four of this act, nor shall permit the sale of poppies other than those designated in section five of this act. Municipal control not restricted.

7. The sale or offering for sale of any such poppies or poppy 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. Proviso.

8. This act shall take effect immediately. Penalty for violation.

Approved May 18, 1938.

CHAPTER 208

AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

Preamble.

WHEREAS, Alcoholic beverage licensees have been unduly stimulating the sale of alcoholic beverages by indiscriminate price cutting, resulting in price wars, and by excessive advertising of bargain values and cut prices; these practices 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*:

Commissioner
may regulate
liquor
industry.

1. The State Commissioner of Alcoholic Beverage Control is hereby vested with the following powers to be exercised in such manner as will assist in properly supervising the liquor industry and promoting temperance: The commissioner may, in his discretion, by rule or regulation, prohibit or regulate the sale of alcoholic beverages within this State in violation of any fair trade contract entered into pursuant to the legislative sanction afforded by Revised Statutes, Title 56, chapter four.

2. This act shall take effect immediately.

Approved May 19, 1938.

CHAPTER 209

AN ACT concerning intoxicating liquor, and amending section 33:1-21 of the Revised Statutes.

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

1. Section 33:1-21 of the Revised Statutes is hereby amended to read as follows: Section amended.

33:1-21. Anything hereinbefore or hereinafter to the contrary notwithstanding, in all counties of the sixth class, all the powers conferred and all the duties imposed upon issuing officials in and for each municipality in said county by this chapter and the rules and regulations made pursuant thereto, in respect to all the several classes of retail licenses for the sale and for the distribution of alcoholic beverages, shall reside in and be imposed upon and performed by the judge of the court of common pleas of such county, and said judge shall be empowered and under a duty to fix the fees for such licenses in and for each municipality in said county in accordance with this chapter and may, as regards each respective municipality, limit the number of licenses to sell alcoholic beverages at retail and the hours between which the sales of alcoholic beverages at retail may be made, prohibit the retail sale of alcoholic beverages on Sunday, provide that no more than one retail license shall be granted to any person and that any one or more of the various types of retail licenses shall not be granted, and, subject to the approval of the commissioner first obtained, regulate the conduct of any business licensed to sell alcoholic beverages at retail and the nature and condition of the premises upon which any such business is to be conducted. Licensing and regulating sale of, in sixth class counties. The aforesaid limitations of number of licensees Appeal. and of hours of sale shall be subject respectively to appeal to the commissioner as hereinafter provided.

Licensing in
certain coastal
municipalities.

The judge of the court of common pleas shall have power to grant retail licenses which shall be operative only in that portion or part of any such municipality situate between the Atlantic ocean and the inland waterway, notwithstanding any ordinance or resolution of the governing body thereof regulating, restricting or prohibiting retail sales and which license shall fix the days and hours of sale and the license fee to be charged therefor.

2. This act shall take effect immediately.

Approved May 23, 1938.

CHAPTER 210

AN ACT to amend an act entitled "An act relating to the creation of local housing authorities, including the definition of their functions and powers, and to public housing projects undertaken by public bodies, and adding a new chapter to the Revised Statutes, to be known as chapter fourteen-A of Title 55," approved March eighth, 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 five of the act of which this act is amendatory is hereby amended to read as follows:

Creation of
municipal
housing
authorities.

5. 55:14A-4. Creation of housing authorities. Any governing body may, by resolution in the case of counties, or ordinance in the case of municipalities, create a body corporate and politic to be known as the "Housing Authority of" inserting the name of the municipality or county creating such authority. Such authority shall constitute an agency and instrumentality of the municipality or county creating it.

Commissioners.

Thereupon the governing body shall appoint five

persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of five years, except that all vacancies shall be filled for the unexpired term. The governing body of two or more municipalities may by joint action or ordinances create a public body corporate and politic to be known as "..... Regional Housing Authority," with such additional designation as may be provided in the joint ordinances. Such regional authority shall constitute an agency and instrumentality of the municipalities creating it. Upon the adoption of a joint ordinance as aforesaid, a copy thereof certified by the clerk of each of the municipalities shall be filed with the director. Thereupon the respective clerks shall promptly notify the respective governing bodies of such adoption. Upon receiving such notice, each governing body shall appoint two persons as commissioners of the regional authority for a term of five years except that all vacancies shall be filled for the unexpired term. The governing body of the municipality which has the greatest population of any of the municipalities creating the regional authority shall appoint one additional person as commissioner of the authority for a like term. The clerks of the governing bodies shall file with the director the names of persons appointed as commissioners of an authority. The director may appoint a person as a member ex-officio of each housing authority, who shall receive no compensation or expenses from such local housing authority. Said person shall not be entitled to vote in affairs of the authority, but shall be entitled to all other privileges of membership on such authority. The director may remove such person and designate a new one at any time or may fill the vacancy caused by the death or resignation of such person. No municipality which has created an authority pur-

Terms.

Vacancies.

Regional
housing
authority.Ordinance
filed with
director.

Commissioners.

Names of com-
missioners
filed.Ex-officio
member.Not to create
more than one
housing
authority.

County may
create a
housing
authority.

suant to this section shall thereafter join in the creation of a regional authority. No municipality which has been included (with its consent) within the area of operation of a county housing authority shall thereafter create an authority or join the creation of a regional authority. Where there is no housing authority in existence in any municipality of a county, the governing body of said county may create a housing authority, provided the director shall certify that there is a need for housing within said county; thereafter, no municipality within said county shall create an authority or join in the creation of a regional authority without the consent of the governing body of said county and without the consent of the county housing authority.

2. This act shall take effect immediately.

Approved May 24, 1938.

CHAPTER 211

AN ACT to amend an act entitled "An act authorizing counties, cities, towns, townships, boroughs, and villages to aid housing projects of housing authorities of the United States of America by furnishing funds, parks, playgrounds and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid, and adding a new chapter to Title 55 of the Revised Statutes to be known as chapter 55:14B," approved March eighth, 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 eight of the act of which this act is amendatory is hereby amended to read as follows:

Powers to be
authorized by
resolution.

8. 55:14B-7. How powers exercised; procedure. The exercise by a public body of the powers herein

granted may be authorized by resolution of the governing body of such public body adopted by a majority of the members of its governing body present at a meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

2. This act shall take effect immediately.

Approved May 24, 1938.

CHAPTER 212

AN ACT concerning guaranteed mortgages and interests in or obligations secured by mortgages issued by or guaranteed by any insurance company, mortgage guaranty company, bank, trust company or other company of this State, and conferring powers upon the Commissioner of Banking and Insurance with respect thereto, and upon such companies.

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

1. It is hereby declared that a public emergency exists by reason of the abnormal disruption of economic and financial processes affecting the conduct of the business of mortgage guaranty companies; and it is further declared that it is essential, in the public interest, that the integrity of mortgage investments be preserved, that unnecessary foreclosure of mortgages be avoided, that the liquidation of mortgage investments be conducted in an orderly manner, that opportunity be afforded for the readjustment of mortgages to meet changed conditions; and it is further declared that it is essential, in the public interest, that assets securing

Public
emergency
exist in
relation to
mortgage
guaranty
companies.

mortgage investments be held, administered and conserved in the interest of the holders of such mortgage investments in such manner that such assets be held available for their security ratably and equitably; and it is further declared that for the effectuation of these ends it is necessary and in the public interest that holders of mortgage investments and mortgage guaranty companies be empowered, subject to regulation by the Commissioner of Banking and Insurance, to make readjustments and to take all steps appropriate thereto.

Previous
enactment
validated.

2. All general and special orders issued by the Commissioner of Banking and Insurance of this State pursuant to the provisions of an act entitled "An act concerning guaranteed mortgages and interests in or obligations secured by mortgages issued by or guaranteed by any insurance company, mortgage guaranty company, bank, trust company or other company of this State, and conferring powers upon the Commissioner of Banking and Insurance with respect thereto, and upon such companies," approved March sixteenth, one thousand nine hundred and thirty-three, as amended by chapter nineteen of the laws of one thousand nine hundred and thirty-six, together with all acts done by the commissioner pursuant to said act, are hereby validated.

Chap. 45,
P. L. 1933 to
apply.

3. It is hereby declared and enacted that the provisions of chapter forty-five of the laws of one thousand nine hundred and thirty-three, being sections App. A:7-1 and App. A:7-2 of the Revised Statutes, are intended to and shall apply to the conduct of the business of insurance against loss by reason of the nonpayment of principal and interest of bonds and mortgages, including the issue of bonds, debentures or certificates against mortgages by any insurance company, mortgage guaranty company, bank or trust company or other company of this State (hereinafter called, for the purposes of this act, "mortgage guaranty company"), incorporated under any general or special law of

this State, which has issued or guaranteed bonds and mortgages, or shares or parts of mortgages, or mortgage participation certificates, or shares or parts of bonds secured by mortgage, or bonds secured by trust mortgage, or participation certificates or coupon bonds entitling the holder to a proportionate share in a series or number of mortgages and bonds, or extensions or renewals thereof, or other obligations directly or indirectly secured by bonds and mortgages (hereinafter called "mortgages or interests in mortgages"), and are intended to and shall apply to the conduct of such business by any subsidiary of any such company, and, to the extent to which the provisions of this act are properly applicable, to any such company now in the possession of the Commissioner of Banking and Insurance of this State.

4. The Commissioner of Banking and Insurance, Commissioner empowered: in addition to all other powers vested in him under the act mentioned in the preceding section, or otherwise, shall have power, from time to time, and whenever he shall think it expedient for the purpose of the conservation of the assets of any such mortgage guaranty company, or for the purpose of securing a ratable and equitable application of the capital, surplus and reserves of such company among persons entitled to claims against the same as security for or in payment of the obligations of such company in respect of such mortgages and interests in mortgages, or otherwise in the public interest, after such notice or hearing in any case as he shall deem appropriate, by general or special orders or regulations, in general or particular instances, from time to time by him made and promulgated, extended, modified or revoked, and enforced:

(a) To suspend, in whole or in part, the payment of interest by any such mortgage guaranty company to the holders of mortgages or interests therein, except such part thereof as shall be or shall have been actually paid to Suspend payment of interest;

such company by mortgagors, tenants or others from whom such payments are due, in whole or in part, and shall be available for payment to such holders, and to regulate the amount, time and method of the payment or distribution of such interest, including such receipts, to such holders;

Suspend
payment of
principal;

(b) To suspend, in whole or in part, the payment of principal by any such mortgage guaranty company to the holders of mortgages or interests therein, except such part thereof as shall be or shall have been actually paid to such company by mortgagors, tenants or others from whom such payments are due, in whole or in part, and shall be available for payment to such holders, and to regulate the amount, time and method of the payment or distribution of such principal including such receipts, or proceeds of sale of real estate, to such holders;

Suspend
payment of
claims, etc.;

(c) To suspend the prosecution or enforcement of, or payment of, any claim by any such holder against such company upon any guaranty or other obligation or claim in respect of such mortgages or interests in mortgages, and to regulate the time, method, ascertainment and establishment of the amount of any such claim and its enforcement, except with respect to moneys actually paid to such company by mortgagors, tenants, obligors or others from whom the same may be due, or proceeds of sale of real estate, and which shall be available for payment to such holders entitled thereto, and to regulate the amount, time and method of the payment or distribution of assets available for payment, including such receipts or proceeds of sale of real estate, to such holders;

Require
holders of
guaranteed
mortgages to
accept assign-
ment, etc.;

(d) To authorize or require any holder of any such guaranteed mortgage to elect either to accept an assignment of such mortgage, or a deed of the mortgaged premises if foreclosed, or of the decree if in the process of foreclosure,

and to surrender any claim against such company on its guaranty or other obligation in respect thereto, on such terms and conditions as the commissioner shall determine, or to consent to and be bound by all of the provisions of this act and of all orders or regulations made under the terms thereof;

(e) With the consent of the respective holders of not less than two-thirds of the face amount of shares or parts of mortgages or mortgage participation certificates, or shares or parts of bonds secured by mortgage, or bonds secured by trust mortgage or participation certificates or coupon bonds entitling the holder to a proportionate share in a series or number of mortgages and bonds, or extensions or renewals thereof, or obligations secured directly or indirectly by mortgages (hereinafter called "interests in mortgages"), exclusive of such interests in mortgages as are held by the company guaranteeing the same or obligated upon the same, or any subsidiary thereof, to authorize or require the alteration or amendment or waiver of any of the terms and provisions of the same, or of the mortgage or trust mortgages or indentures securing the same, including the maturity of and the rate of interest on the same, or provisions relating to defaults on the same, in which such holders are respectively interested;

Waive obligations on participation certificates;

(f) With like consent, to authorize or require that a portion, not exceeding forty per centum (40%), of the claims against or obligations of such company with respect to the principal of such interests in mortgages in which such holders are respectively interested, be converted into income bonds or debentures or deferred obligations or preferred stock of such company, cumulative or noncumulative, in series or otherwise, entitling the holder, upon ultimate payment or retirement or upon the

Conversion of claims into other obligations;

dissolution and liquidation of the company, to a principal amount equivalent to the portion so converted, which preferred stock may be with or without par value, in whole shares or in fractions, with such voting powers, preferences, relative, participating, optional or other special rights, qualifications, limitations or restrictions thereof, as shall be determined on the issuance thereof;

Adopt plan of reorganization;

(g) With like consent, and also with the consent of two-thirds of all of the stockholders of such company having voting power thereon, to authorize or require the adoption of a general or partial plan of reorganization and/or readjustment of all or a part of the obligations, capital stock, assets and liabilities, and affairs, of any such company;

Modify, etc., deposit requirements;

(h) With like consent of such holders, to authorize or require the modification or suspension of requirements for the substitution of properties or assets held as security for or deposited against such interests in mortgages;

Suspend foreclosure or deficiency suit;

(i) To suspend the enforcement of any obligation or duty of any such company with respect to instituting or continuing the foreclosure of any mortgage or the sale of any real estate acquired through foreclosure or conveyance, or the enforcement of any deficiency upon any bond secured by mortgage;

Modify or suspend obligations under trust agreements;

(j) For the preservation of the trust and the protection of those interested therein, to suspend the enforcement of any of the provisions of, or remedies provided by, or to relax provisions of, or to authorize or require the departure from the terms or provisions of and vary or modify the operation of the provisions of, any trust mortgage or trust indenture or collateral trust mortgage or indenture, made by any mortgage guaranty company, securing bonds or debentures or shares or parts of bonds or debentures, or bonds or debentures or

(k) To initiate and promote measures for the sound readjustment of the respective interests of such companies, the holders of guaranteed mortgages and interests in mortgages, and mortgagors and owners;

(m) To allocate, prohibit or suspend the disbursement of funds by any such company, and to regulate the amount, time and method of distribution of proceeds of mortgages, or of foreclosures, or of sales of real estate;

(n) With the consent of the holders of not less than two-thirds of the face amount of the interests in mortgages and of the policies, agreements or mortgage guaranty policies guaranteeing the payment in whole or in part of bonds and mortgages, hereinafter called mortgage guaranties, upon which such company is obligated, exclusive of such interests in mortgages and mortgage guaranties as are owned by the company guaranteeing the same or obligated upon the same or any subsidiary thereof, to authorize or require the alteration or amendment or waiver of any of the terms and provisions of said interests in mortgages, or of the mortgage or trust mortgages, or trust agreement or indentures securing the same, including the maturity of and the rate of interest on the same, or provisions relating to defaults on the same, and to authorize or require the alteration or amendment or waiver of any of the terms and provisions of the said mortgage guaranties; *provided, however*, that the consents of the holders of mortgage guaranties shall not be required as a prerequisite to the issuance under this paragraph of any order

Waive mortgage guaranties.

Proviso.

Proviso.	of the commissioner which shall concern interests in mortgages only, but the commissioner may, in his discretion, require such consents; <i>and provided, further</i> , that the consents of the holders of interests in mortgages shall not be required as a prerequisite to the issuance under this paragraph of any order of the commissioner which shall concern mortgage guaranties only, but the commissioner may, in his discretion, require such consents.
No bar to court action.	5. Nothing in this act contained is intended to preclude recourse to the courts of this State, by the appropriate remedy, for the review of an order or regulation made by the Commissioner of Banking and Insurance under the provisions of this act.
Enforcement.	6. The Commissioner of Banking and Insurance shall have power to enforce the provisions of this act and any order or regulation made thereunder, in the manner and by the same remedies as are provided in sections 17:30-1 to 17:30-6, inclusive, of the Revised Statutes.
Rules and regulations binding.	7. The orders and regulations made by the Commissioner of Banking and Insurance under the provisions of this act shall be binding upon and effectual as to all persons who may be affected thereby in any manner, including trustees or depositaries of mortgages against which or under which interests in mortgages are issued, and any such trustees or depositaries shall be relieved of responsibility for any act or omission in compliance with orders or regulations made under this act.
Powers vested in mortgage guaranty companies.	8. Every mortgage guaranty company within this State shall have and possess, and may exercise, all of the powers conferred upon corporations under the provisions of Title 14 of the Revised Statutes, including, except in the case of a bank or trust company, the power to issue preferred or special stock, so far as consistent with and incident to the exercise of any of the powers conferred by this act; <i>provided</i> , that nothing in this act contained
Proviso.	

shall impair or diminish any powers heretofore conferred upon such companies.

9. Any such company shall have power to acquire, hold, and retain, secondary or junior parts or portions of mortgages or interests in mortgages, with respect to which it is liable under its guaranty or otherwise, heretofore or hereafter issued, and in each such case any such interest shall be considered, subject to regulations by the Commissioner of Banking and Insurance, a proper, authorized and legal investment of such company.

May secure
secondary
mortgages.

10. Any mortgage guaranty company may, with the approval of the Commissioner of Banking and Insurance, become a member of, and participate in the activities of, any real estate stabilization company or association, or any similar or other league or association or central reserve or underwriting agency, or company operating for the benefit of mortgage guaranty companies, now or hereafter created.

May partici-
pate in real
estate stabili-
zation.

11. The Commissioner of Banking and Insurance shall not be liable in damages or otherwise to any person, or be liable to be called in question, by reason of any error of judgment or mistaken exercise of discretion in the exercise of any of the powers conferred by this act.

Commissioner
not liable.

12. Each order or regulation made by the Commissioner of Banking and Insurance under the provisions of this act shall be filed in the Department of Banking and Insurance. A copy thereof, certified by the Commissioner of Banking and Insurance, shall be lawful evidence in all courts and places.

Orders and
regulations
filed.

13. Any person acting as executor, administrator, trustee or in any other fiduciary capacity, and all banks, savings banks, trust companies, insurance companies and other corporations, within this State, and all officials of this State, the several counties, municipalities and school districts therein, and officials of any public commission or body created under the laws of this State, shall, with

Fiduciaries,
trustees, etc.,
empowered
to act.

respect to any mortgages or interests in mortgages held by them, have power to take any action or give any consent and enter into any agreement or plan authorized by the provisions of this act.

Courts empowered to stay execution of orders, etc.

14. All courts within this State shall have power to, and it shall be the duty of all such courts to, stay or otherwise suspend the enforcement of any decree, order, process or other proceeding therein in conflict with the provisions of this act, or with any order or regulation made or any action taken hereunder, and all such courts shall have power, and it shall be the duty of such courts, to take such other proceedings and make such decrees or orders as shall conform thereto and shall effectuate the purposes thereof.

Use of words.

15. The word "person" wherever used in this act shall include natural persons, partnerships, corporations and associations.

Payment of obligations.

16. Any mortgage guaranty company may, with the consent of the Commissioner of Banking and Insurance, and notwithstanding the provisions of any order issued pursuant to the act referred to in section two hereof and notwithstanding the provisions of any plan contemplating the readjustment of its obligations and adopted pursuant to said act, and with moneys owned by it and deposited, pledged or segregated as security for the payment of interests in mortgages or with its other funds, purchase, redeem or retire any interests in mortgages upon which it is obligated; *provided, however*, that no moneys which shall have been deposited in trust or pledged under the provisions of a trust agreement or under the provisions of any such plan or segregated under such order shall be used to purchase, redeem or retire any interests in mortgages other than those to secure the payment of which such moneys were deposited, pledged or segregated; any such company may, with the consent of said commissioner, accept interests in mortgages, which have been issued by such company, in full or part payment of any sums due or to become due to it on

Proviso.

bonds and mortgages or in full or part payment of any considerations due or to become due to it upon the sale of real estate; *provided, however*, that no sum, due or to become due to any such company on a bond and mortgage which shall have been deposited, trusted or held to secure the payment of interests in mortgages, shall be paid to such company by the transfer and acceptance of interests in mortgages other than those secured by such bond and mortgage; *and provided, further*, that no sum, due or to become due to any such company as consideration for the sale of real estate which shall have been trusted or held to secure the payment of interests in mortgages, shall be paid to such company by the transfer and acceptance of interests in mortgages other than those secured by such real estate.

Proviso.

Proviso.

17. The Commissioner of Banking and Insurance of this State shall have authority, in his discretion, and whenever he shall deem it necessary to carry out the purposes of this act to issue an order modifying, altering or changing the provisions of any plan contemplating the readjustment of all or any of the obligations of any such mortgage guaranty company heretofore made effective by an order issued pursuant to the provisions of the act referred to in section two above or which may be hereafter made effective by an order issued under this act and upon the issuance of such order the provisions of such plan shall be modified, altered or changed accordingly and the holders of such obligations shall be bound by such modification, alteration or change.

Commissioner empowered to alter, etc., plan of readjustment.

18. This act shall become inoperative after seven years from the date of its approval, 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.

Act inoperative.

19. If any section or any portion of this act shall be questioned and shall be declared void, the remainder of the act shall, nevertheless, stand and be unaffected thereby.

Sections severable.

- Inconsistent
act suspended. 20. All acts and parts of acts inconsistent with the provisions of this act are hereby suspended so far as inconsistent herewith, during the operation of this act.
- Construing. 21. This act shall be liberally construed for the effectuation of its purposes in all courts, in all places and by all public officers.
22. This act shall take effect immediately.
- Approved May 24, 1938.

CHAPTER 213

AN ACT concerning financial assistance to certain needy persons, and supplementing section 44:8-26 of the Revised Statutes.

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

Section
amended.

1. Section 44:8-26 of the Revised Statutes is hereby supplemented by adding the following:

Transporta-
tion to be
furnished.

44:8-26. Whenever citizens and residents of any municipality are engaged in performing service, work and labor upon any relief project located beyond the corporate limits of such municipality, the governing body is authorized and empowered to furnish transportation for such persons so employed. The State Financial Assistance Commission is authorized to establish rules and regulations governing such transportation and to formulate schedules regulating the cost thereof. The governing body of any such municipality shall monthly render to the State Financial Assistance Commission sworn statements showing the cost of such transportation and the State Financial Assistance Commission may reimburse any such municipality for the cost so incurred, subject to the

Municipality
reimbursed.

rules, regulations and schedules so to be established.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 214

AN ACT to repeal an act entitled "An act to incorporate the New Jersey Detective Association," approved April fourth, one thousand eight hundred and seventy-one.

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

1. An act entitled "An act to incorporate the New Jersey Detective Association," approved April fourth, one thousand eight hundred and seventy-one, be and the same is hereby repealed.

Chap. 457,
P. L. 1871,
repealed.

2. The repeal of the statute in this act mentioned shall not operate to revive any statute heretofore repealed.

Not to revive
repealed
statutes.

3. Directors of the above-mentioned association whose charter is repealed by this act shall be trustees for the purpose of winding up the affairs of said association with power to sell and dispose of its property and give good and sufficient conveyance in law for land owned by it.

Winding up
the affairs.

4. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 215

AN ACT concerning retirement and pension privileges of State officers and employees, and amending section 43:14-4 of the Revised Statutes.

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

Section
amended.

1. Section 43:14-4 of the Revised Statutes is hereby amended to read as follows:

May become
member of
State
Employees'
Retirement
System.

43:14-4. A person who has been a member of The Teachers' Retirement Fund and who has taken office, position or employment in the State service in any capacity and is now a member of the State Employees' Retirement System shall be entitled, upon application therefor, to prior service credit for the length of his membership in such fund in The State Employees' Retirement System or who shall become a member of the teachers' pension and annuity fund, and who has taken or shall take office, position or employment in the State service in any capacity, shall be entitled, upon application therefor, to membership in the retirement system, upon transferring his interests from the teachers' pension and annuity fund to the retirement system. If he has withdrawn his interest from the teachers' pension and annuity fund, he shall be entitled to membership in the retirement system upon paying into the latter fund such sum as shall be required by the trustees thereof for that purpose. For the purpose of carrying out the provisions of this section the trustees of the retirement system may make all necessary rules and regulations.

Payment into
fund.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 216

AN ACT to add Route S43 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, lay out and construct as an addition to the present State highway system the following described route:

Route No. S43—extending from Route No. 43 at Germania to Route No. 4 at Northfield.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 217

AN ACT to authorize the Quartermaster-General of the State of New Jersey to convey a tract of land owned by the State and situate in the city of Trenton to the city of Trenton.

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

1. The Quartermaster-General of the State of New Jersey is hereby authorized and empowered to convey, by good and sufficient deed, in the name of the State of New Jersey a tract of land owned by the State of New Jersey and situate in the city of Trenton, county of Mercer and State of New Jersey, and more particularly described as follows, to wit: Beginning at a point in the southerly line

Additional
Highway.

Route S43.

Quartermaster-
General
authorized to
convey certain
land.

Description.

of East State street as same formerly existed, said point being also in the line dividing lands of the city of Trenton on the west from lands of the State of New Jersey on the east and being also the northeasterly corner of the tract of land known as the City Hall lot and running thence; (1) by said dividing line south five degrees east a distance of one hundred fifty-seven and ninety-two hundredths feet to a point in the rear line of the said City Hall lot; thence (2) along said rear line of lands of the city of Trenton, said line dividing said lands from lands of the State of New Jersey, south eighty-five degrees five minutes west a distance of one hundred seventeen and eighty-eight hundredths feet to a point; thence (3) south six degrees three minutes east a distance of fourteen feet to a point; thence (4) by a line parallel with the second course and distant fourteen feet southerly therefrom north eighty-five degrees five minutes east a distance of one hundred thirty-two and sixty-two hundredths feet to a point in a line dividing lands of the State of New Jersey from other lands of the city of Trenton conveyed to said city by the United New Jersey Railroad and Canal Company and the Pennsylvania Railroad Company, Lessee, by deed dated August sixteenth, one thousand nine hundred and twenty; thence (5) along said dividing line north five degrees west a distance of one hundred seventy-two and ninety-six hundredths feet to a point in the southerly line of East State street aforesaid; thence (6) by said line of East State street south eighty-one degrees five minutes west a distance of fifteen feet to the point and place of beginning, in exchange by the city of Trenton to the State of New Jersey of a tract of land situate in the city of Trenton, county of Mercer and State of New Jersey and more particularly described as follows, to wit: beginning at a point in the easterly line of Ward alley, said point being distant two hundred seventy-seven and forty-five hundredths feet measured northerly along the aforesaid easterly line of Ward alley from the northerly

line of Front street, and runs thence (1) by a line, being the division line between lands of the city of Trenton on the north and lands of the State of New Jersey on the south, north eighty-five degrees five minutes east a distance of one hundred nine feet to a point; thence (2) still by a line dividing lands of the city of Trenton from lands of the State of New Jersey north six degrees three minutes west a distance of thirty-seven feet to a point; thence (3) by a line parallel with the first course and distant thirty-seven feet northerly therefrom south eighty-five degrees five minutes west a distance of one hundred nine feet to a point in the easterly line of Ward alley aforesaid; thence (4) by said easterly line of Ward alley south six degrees three minutes east a distance of thirty-seven feet to the point and place of beginning.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 218

AN ACT concerning banks and trust companies, and amending section 17:4-59 of the Revised Statutes.

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

1. Section 17:4-59 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:4-59. After providing for all expenses, interest and taxes accrued or due from the bank or trust company, and deducting all losses and bad debts, the board of directors may declare a dividend of so much of the profits of the bank or trust company as they deem expedient, and pay the dividend either in cash or stock. All debts past May pay dividends.
Bad debts.

Surplus fund.

Stock dividends not
invalidated.

due to any bank or trust company, on which interest is past due and unpaid for a period of twelve months, unless the same are well secured, or in the process of collection, shall be considered bad debts within the meaning of this section. Before a dividend is declared, not less than one-tenth of the net profits of the bank or trust company for the preceding half year, or for the period covered by the dividend, shall be carried to a fund designated the surplus fund, until the surplus fund amounts to fifty per centum of its capital stock, and thereafter the surplus fund shall always be equal, at least, to fifty per centum of the capital stock of the bank or trust company, and whenever the same becomes impaired it shall be reimbursed in the manner provided for its accumulation. No dividend heretofore declared and paid by any bank or trust company shall be invalidated solely because it was paid in stock.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 219

AN ACT concerning savings banks, and amending section 17:6-49 of the Revised Statutes.

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

Section
amended.

1. Section 17:6-49 of the Revised Statutes is hereby amended to read as follows:

Rate of
dividends.

17:6-49. The managers of each savings bank shall regulate the rate of interest or dividends, not to exceed five per centum per annum, upon the deposits therewith, so that the depositors receive, as nearly as possible, all the profits of the bank, after deducting necessary expenses and reserving

an amount the managers deem expedient as a surplus fund for the security of depositors, which, to the amount of twenty-five per centum of their deposits, the managers may accumulate and hold, to meet any contingency or loss in its business, from the depreciation of its securities or otherwise. The managers may classify their depositors according to the character, amount and duration of their dealings with the bank, and regulate the interest or dividends allowed so that each depositor receives the same ratable proportion of interest or dividends as all others of his class, and may declare and pay upon so much of the deposit of each depositor as does not exceed one thousand dollars a dividend at a greater rate per annum than that which they declare and pay upon so much of the deposit as exceeds one thousand dollars. The managers shall not declare or allow interest on any deposits for a longer period than they have been deposited, except that deposits made not later than the third business day of any monthly interest period, or the tenth business day of the month commencing any quarterly interest period, may have interest declared upon them for the whole of the period or month when so deposited. No dividends or interest shall be declared, credited or paid, except by the authority of a vote of the board of managers duly entered upon its minutes. The managers of any savings bank whose surplus amounts to twenty-five per centum of its deposits shall, at least once in three years, divide equitably the accumulation beyond such authorized surplus, as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized. When any person indebted to a savings bank deposits moneys therein to raise a fund for the payment of the indebtedness, the managers may, in their discretion, allow interest on the deposits from the time they are made.

Contingency
reserve.

Allowing
interest on
deposits.

Extra
dividend.

Interest
allowed on
deposit for
indebtedness.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 220

AN ACT concerning additional powers of the Commissioner of Banking and Insurance with respect to bank deposits, and amending section Appendix A:7-15 of the Revised Statutes.

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

Section
amended.

1. Section Appendix A:7-15 of the Revised Statutes is hereby amended to read as follows:

Appendix A:7-15. Effective date and duration of act.

Act effective.

9. This act shall take effect immediately, and shall become inoperative after May sixteen, nineteen hundred forty-one. (Laws 1936, chapter 98, section 9, page 249, supplement to Laws 1891, chapter 6, page 17.)

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 221

AN ACT to prohibit the payment of any pension or subsidy by this State or by any municipality or school district of this State to any person for the period during which he is confined in a penal institution as a result of conviction of a crime involving moral turpitude, and supplementing subtitle one of Title 43 of the Revised Statutes.

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

Pension to
cease while
imprisoned.

1. No pension or subsidy shall be paid by this State or by any municipality or school district of this State to any person for the period during

which he is confined in a penal institution as a result of conviction of a crime involving moral turpitude, and such person shall lose all right to so much pension or subsidy as he would receive or be entitled to receive had he not been so confined; *provided*, that nothing herein contained shall prevent the payment of the pension for the sole benefit of the mother, father, wife or minor children of the person so confined in a penal institution if the board or commission administering the pension fund shall determine that such pension is necessary for their maintenance and, thereupon, the board or commission shall provide for the payment to the aforesaid person or persons so determined to be entitled to the benefit of the pension. Proviso.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 222

AN ACT concerning investments by savings banks, banks, trust companies or insurance companies of this State, and supplementing chapter two of Title 17 of the Revised Statutes.

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

1. Any savings bank, bank, trust company or insurance company, organized under the laws of this State, may invest in the bonds, debentures or other obligations issued by or in behalf of any Federal Home Loan Bank or in behalf of all the Federal Home Loan Banks created pursuant to an Act of Congress entitled "An Act to create Federal Home Loan Banks, to provide for the supervision thereof and for other purposes," approved July

Obligations
of Federal
Home Loan
Banks legal
investments
for savings
banks, etc.

twenty-second, one thousand nine hundred and thirty-two, and the amendments thereof and supplements thereto, which act is known as the "Federal Home Loan Bank Act," including the consolidated Federal Home Loan Bank debentures under said act authorized to be issued by the Federal Home Loan Bank Board as the joint and several obligations of all Federal Home Loan Banks organized and existing under the said Federal Home Loan Bank Act.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 223

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*:

Certain
ordinances
validated.

Proviso.

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 entered as second class mail matter under the postal laws and regulations of the United States; *provided*, that such ordinance was in other respects published as required by law, and that such ordinance was published in a newspaper circulating in such municipality.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 224

AN ACT concerning the prevention of the pollution of the waters of this State, and amending section 58:12-2 of the Revised Statutes.

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

1. Section 58:12-2 of the Revised Statutes is hereby amended to read as follows:

Section amended.

58:12-2. The State Department of Health, hereinafter in this chapter designated as the "department," shall investigate the various methods of sewage disposal in order that it may be able to make proper recommendations in regard thereto, shall require alterations, additions or improvements to sewage treatment works, shall investigate all complaints of pollution of the waters of this State which shall be brought to its notice, and may inspect any of the waters of this State.

Investigate sewage disposal methods.

If the department finds that any of said waters are being polluted in such manner as to cause or threaten injury to any of the inhabitants of this State, either in their health, comfort or property, or that any sewage treatment works are inadequate in capacity or unit design to properly care for, treat and dispose of sewage before an effluent from such works is discharged into any of said waters, it shall notify in writing any person, corporation or municipality found to be polluting said waters or owning, operating or controlling, separately or jointly, any such inadequate sewage treatment works, that prior to a time to be fixed by the department, which time shall not be later than five years from the date of the notice, the person, corporation or municipality polluting said waters must cease such polluting and make such disposition of its sewage and other polluting matter as shall be approved by the department, and

Notice of pollution.

Time in which pollution must cease.

such person, corporation or municipality owning, operating or controlling inadequate sewage treatment works as aforesaid must alter, add to or improve such works in order that the sewage being received therein shall be cared for, treated and disposed of, and the effluent discharged into said waters in a manner approved by the department.

Appeal.

Any person, corporation or municipality aggrieved by the finding of the department may appeal therefrom to the Court of Chancery at any time within three months after being notified thereof, and said court may hear and determine such appeal in a summary manner according to the course and practice of the court in other cases, and thereupon may affirm the finding of the department or reverse or modify the finding in whole or in part as the court shall deem just and reasonable.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 225

AN ACT to transfer the work and records of the New Jersey Geodetic Control Survey Project of the Works Progress Administration to the Department of Conservation and Development and to provide for the continuation of such work by said Department.

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

Information
to be made
available.

1. The Board of Conservation and Development is directed (1) to receive, preserve and make available to engineers, surveyors and others all records relating to bench marks, plane co-ordinate monu-

ments, and triangulation stations heretofore or hereafter established by the Federal Works Progress Administration through its New Jersey Geodetic Control Survey or in connection with the New Jersey System of Plane Co-ordinates provided for by sections 51:3-7 to 51:3-10, inclusive, of the Revised Statutes; (2) to inspect periodically all such marks, monuments and stations, replacing any which may have been destroyed, or establishing new ones in lieu thereof; (3) to continue the work done by the aforementioned New Jersey Geodetic Control Survey and extend it to areas of the State not already covered.

Periodic
inspection.

Extend work.

2. The Board of Conservation and Development shall establish a schedule of prices to be charged for copies of maps, diagrams, reports, et cetera, giving elevations of bench marks, positions of plane co-ordinate monuments, or other data established by survey. All moneys derived from such sale as provided in this act shall be paid into the State treasury and credited to the Department of Conservation and Development. The board shall have power to employ such persons as are necessary for carrying out the provisions of this act and to fix their compensation, all in accordance with existing civil service statutes.

Schedule of
prices.

Use of
moneys.

Employees.

3. This act shall take effect at such time as the Federal aid and supervision of this project ceases.

Act to take
effect.

Approved May 25, 1938.

CHAPTER 226

AN ACT concerning banks and banking, and amending section 17:4-51 of the Revised Statutes.

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

Section
amended.

1. Section 17:4-51 of the Revised Statutes is amended to read as follows:

Cashier to
furnish bond.

17:4-51. The directors of every bank shall require the cashier appointed by them before he performs or enters upon any duties as cashier, to give a bond or bonds, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties. The directors of the bank shall pass upon the sufficiency of the bond or bonds as often as once in every year, and if insufficient shall require without delay new and additional bonds and securities to be given. If the directors of the bank fail to perform any requirement of this section they shall be jointly and severally liable to the bank to the extent of any defalcation of or deficiency in the funds of the bank created or caused by the cashier, not exceeding twenty thousand dollars, to be recovered by the bank in any court of competent jurisdiction; *provided, however*, that if any bank procures and carries insurance in an amount not less than twenty thousand dollars indemnifying the bank against loss through any dishonest act of its officers and other employees, the directors of such bank shall not be under any duty to require the cashier to give any bond while such insurance is in force and effect, and the directors of such bank shall be exempt from any liability to such bank for any defalcation of or deficiency in the funds of the bank created or caused by the cashier.

Sufficiency.

Directors
liable.

Proviso.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 227

AN ACT relating to qualifications of applicants for licenses as real estate brokers, and amending sections 45:15-9 and 45:15-20 of the Revised Statutes.

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

1. Section 45:15-9 of the Revised Statutes is hereby amended to read as follows:

45:15-9. Applications for licenses; qualifications of applicants. All persons desiring to become real estate brokers or real estate salesmen shall apply to the commission for a license under the provisions of this article. Every applicant for a license as a broker shall be of the age of twenty-one years or over and a citizen of the United States, and in the case of an association or a corporation the directors thereof shall be of the age of twenty-one years or over and citizens of the United States. Application for a license, whether as a real estate broker or a real estate salesman, shall be made to the commission upon forms prescribed by it, and the applicant shall furnish evidence of good moral character, and in the case of an association or corporation, the directors thereof shall furnish evidence of good moral character. Every such application shall be on file with the commission at least ten days prior to the granting of a license. Every applicant for a license as a broker shall have first served an apprenticeship of one full year as a duly licensed real estate salesman in this State immediately preceding the date of application. No license as broker shall be granted to a corporation unless at least one of the officers of said corporation qualifies as a broker, to transact business in the name and on behalf of said corporation; the license of said corporation shall cease

Section
amended.

Application
for real estate
broker's, etc.,
license.

Qualifications.

Form of
application.

Apprenticeship
required.

Corporate
licenses,
restriction.

if at least one officer does not hold a license as a broker at all times; and no person shall transact business in the name and behalf of a corporation duly licensed as a broker unless he shall hold a license as a broker or salesman which permits him to act for such corporation.

Section
amended.

2. Section 45:15-20 of the Revised Statutes is hereby amended to read as follows:

Nonresident
license.

45:15-20. Licensing nonresidents; reciprocal privileges in certain cases; form of license. A nonresident may become a real estate broker or real estate salesman by conforming to all of the provisions of this article. Any nonresident real estate broker regularly engaged in the real estate business as a vocation maintaining a definite place of business in another State, and who has been licensed as a real estate salesman or broker for a period of two years or more in such State, which offers the same privileges to licensed brokers of this State, shall, by reason of such foreign license and upon payment of the license fee fixed by this article, be authorized to transact the business of a real estate broker in this State during the period for which his original license shall be in force.

Form of
nonresidents'
license.

All nonresident licenses issued by the commission shall be on a special form distinguishable from licenses issued to resident brokers and salesmen, and shall show the name and address of the licensee and shall have imprinted thereon the seal of the commission and shall contain such other matter as shall be prescribed by the commission. With each nonresident license the commission shall prepare and deliver a pocket card in all respects as herein provided for licenses issued to resident brokers and salesmen, except that the pocket card accompanying nonresident licenses shall be of a different color so as to distinguish the same from the cards issued to resident licensees.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 228

AN ACT to validate bonds heretofore issued by school districts.

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

1. All bonds heretofore issued by school districts are hereby ratified, validated, approved and confirmed; *provided*, such bonds were sold for not less than par and accrued interest and the school district received the proceeds of the same. School bonds validated.
Proviso.
 2. This act shall take effect immediately.
- Approved May 25, 1938.

CHAPTER 229

AN ACT concerning the improvement of waterways of this State, and amending section 40:56-1 of the Revised Statutes.

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

1. Section 40:56-1 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:56-1. A local improvement is one, the cost of which, or a portion thereof, may be assessed upon the lands in the vicinity thereof benefited thereby. Local improvement defined.

Any municipality may undertake any of the following works as a local improvement; and the governing body thereof may make, amend, repeal and enforce ordinances for carrying into effect all powers granted in this section: Works that may be undertaken as local improvements:

- | | |
|---|---|
| New streets,
etc.; | a. The laying out, opening or establishing of a new street, alley, or other public highway, or portion thereof. |
| Widening and
extending
streets; | b. The widening, straightening, extension, alteration or changing in any manner of the location of a street, alley or other public highway, or portion thereof. |
| Grading
streets; | c. The grading or alteration of the grade of a street, alley or other public highway, or portion thereof. |
| Paving and
repaving exist-
ing streets; | d. The paving, repaving, or otherwise improving or reimproving a street, alley or other public highway, or portion thereof. |
| Curbs and
gutters; | e. The curbing or recurbing, guttering or re-guttering of a sidewalk in, upon, or along a street, alley or other public highway, or portion thereof. |
| Bridges and
viaducts; | f. The construction, reconstruction, improvement and reimprovement of bridges and viaducts. |
| Public walks
and beaches; | g. The construction, reconstruction, improvement, reimprovement or relocation of a public walk or driveway on any beach, or along the ocean or any river or other waterway. |
| Beaches and
water fronts; | h. The improvement or reimprovement of any beach or water front, and the providing of suitable protection to prevent damage to lands or property by the ocean or other waters, including the filling in and grading necessary for the protection of such improvements. |
| Sewers and
drains; | i. The construction, reconstruction, enlargement or extension of a sewer or drain in, under or along a street, alley or public highway, or portion thereof, or in, under or along any public or private lands; the construction, reconstruction, enlargement or extension of a system of sewerage or drainage or both combined; the construction, reconstruction, enlargement or extension of a system of drainage of the marshes and wet lowlands within the municipality; the construction, reconstruction, enlargement or alteration of a system of works for the sanitary disposal of sewage or drainage. |

j. The installation of service connections to a system of water, gas, light, heat or power works owned by a municipality or otherwise, including all such works as may be necessary for supplying water, gas, light, heat or power to real estate for whose benefit such services are provided; service connections including the laying, construction or placing of mains, conduits or cables in, under or along a street, alley or other public highway or portion thereof. The installation of such lighting standards, appliances and appurtenances as may be required for the brilliant illumination of the streets in those parts of the municipality where the governing body of the municipality may deem it necessary or proper to establish what is commonly called a "white way."

Install service connections for water, gas, etc.;

k. The widening, deepening or improvement of any stream, creek, river or other waterway.

Widening and deepening waterways;

The removal of obstructions in, and the constructing, reconstructing, enlarging or extending of any waterway, of enclosing walls, or of a pipe or conduit, on any brook or watercourse, or part of same.

Remove obstructions in waterway;

The defining of the location and the establishment of widths, grades and elevations of any stream, creek, river or other waterway, and the preventing of encroachments upon the same.

l. The reclaiming, filling and improving and bulkheading and filling in lands lying under tidal or other water, in whole or in part, within the municipality; the reclaiming or filling or bulkheading and filling those lands or lands adjacent to such reclaimed or filled lands; to dredge channels or improve harbor approaches in the waters abounding the lands to be reclaimed, filled and improved, or bulkheaded and filled; *provided*, the approval of the Board of Commerce and Navigation, and when necessary, the permission of the Federal authorities in charge of the district port in which the improvements are proposed to be made, to improve and dredge channels and construct and improve

Reclamation of lowlands.

Proviso.

the harbor approaches to those lands, shall be first had and obtained.

Federal reim-
bursement
agreement.

The governing body may enter into agreements with the Federal Government for reimbursement to the municipality for all or a portion of the cost of dredging channels or improving harbor approaches in waters under the jurisdiction of the Federal Government.

Credit
allowed.

If any portion of the amount assessed against the lands within the municipality for the improvement shall be reimbursed to the municipality by the Federal Government after the assessment has been made, then a credit shall be made on each assessment levied in proportion to the amount so received from the Federal Government; *provided*, the amount received by the municipality from the Federal Government shall be in excess of the amount fixed in the assessment to be borne by the municipality at large.

Proviso.

Authorized
to make
assessment for
improvement.

If any portion of the land included within lands benefited or improved by any work done in connection with the reclaiming, filling or bulkheading and filling shall be riparian lands or lands under water, for which the riparian grant has not theretofore been made by the State, the municipal board or body authorized to make assessments for improvements in accordance with this subtitle may include in any such assessment a prospective assessment against the riparian lands or lands under water, and a copy of such prospective assessment shall be filed with the Board of Commerce and Navigation of the State of New Jersey and shall be a part of the records of that board. Upon the sale or grant by the State of the riparian rights to any such lands for which a prospective assessment has been filed with the board, the amount of such prospective assessment together with interest at the rate of five per centum per annum from the time of the confirmation of the assessment for the improvement shall be included by the Board of Commerce and Navigation in the purchase price fixed for such lands and made a part of the pay-

Assessment
with interest
included in
purchase price.

ment for the grant, and the amount of the assessment with interest, when paid, shall be turned over by the Board of Commerce and Navigation to the municipality making the assessment. Such prospective assessment shall also be included in the general assessment for and against any such riparian lands or lands under water for which an annual rental or fee is being charged or collected by the Board of Commerce and Navigation under any agreement by which the fee of any such riparian lands is passed, and when the fee does so pass by grant from the State the prospective assessment shall become immediately due and payable, together with interest thereon at the rate of five per centum per annum from the time of the confirmation of the assessment for the improvement and the assessment shall become a lien upon those lands until paid and shall be collectible as other liens for public improvements in the municipality. Should the Board of Commerce and Navigation lease for a term of years any such riparian lands or lands under water, included within lands benefited or improved by any work done in connection with the reclaiming, filling or bulkheading and filling, it shall include in the annual rental to be charged therefor one-tenth of the amount of the prospective assessment for each year of the term not exceeding ten years until the prospective assessment and the interest thereon at the rate of five per centum per annum from the time of confirmation of the assessment for the improvement, shall be paid. If the lease shall be for a period less than ten years, such provision shall be contained in any and all extensions and renewals thereof, or in any new leases until the full prospective assessment with such interest shall have been paid. Nothing contained in this subparagraph shall apply to lands owned by a company whose rates are subject to regulation by the Board of Public Utility Commissioners.

Pro rate part
of assessment
to be included
in rental.

Works combined under one improvement.

Whenever convenient more than one of the works provided for in this section may be carried on as one improvement. Any municipality may undertake any or all of the works mentioned in this section as a general improvement to be paid for by general taxation, and any municipality may provide for the maintenance, repair and operation of any or all of said works by taxation, whether the same are undertaken as local or general improvements.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 230

AN ACT concerning the State Employees' Retirement System, and amending section 43:14-2.4 of the Revised Statutes.

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

Section amended.

1. Section 43:14-2.4 of the Revised Statutes is hereby amended to read as follows:

Employees in State's service prior to January 1, 1922, may become members.

43:14-2.4. Any person who was in the employ of the State on January first, one thousand nine hundred and twenty-two, and who has not joined the retirement system, may do so at any time upon paying into the retirement fund such arrears over a period of not more than ten years in regular semimonthly installments, with interest, as the board of trustees shall determine to be due, in order to give to such person the same standing as a member of the retirement system as other members who joined the same when the law providing for such retirement system became effective, or he shall have the option of joining as a new member upon proper application to the board of trustees, with no credit for previous service.

Approved May 25, 1938.

CHAPTER 231

AN ACT to provide that the license period for commission merchants, brokers and dealers in perishable agricultural commodities, and their agents, shall expire on April thirtieth of each year, and amending sections 4:11-19 and 4:11-21 of the Revised Statutes.

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

1. Section 4:11-19 of the Revised Statutes is hereby amended to read as follows: Section amended.

4:11-19. A person before engaging in such business shall on or before April first of each year, file an application with the secretary, on a form prescribed by him, for a license to transact such business. License to conduct business.

The application shall state the nature of the business, the kinds of perishable agricultural commodities which the applicant proposes to handle, the full name of the person applying for the license, and if the applicant be a firm, association, partnership, or corporation, the full name of each member of the firm, partnership or association, or officers of the corporation, and the name of the local agent of the person, firm, association, partnership or corporation, the municipality and street address, if any, or post-office address, where the business is to be conducted, and such other facts as the secretary shall prescribe. What application to contain.

The applicant shall satisfy the secretary of his character, financial responsibility and good faith in seeking to engage in the business. Secretary satisfied.

2. Section 4:11-21 of the Revised Statutes is hereby amended to read as follows: Section amended.

4:11-21. Upon the filing and approval of the application and bond or securities, as the case may Approval of application and bond.

be, the secretary shall thereupon issue to the applicant or his agent, on payment of a license fee of two dollars, a license entitling the applicant or the agent to conduct the business of receiving, buying, soliciting or negotiating the sale of perishable agricultural commodities on behalf of the grower, at the place named in the application, which license shall expire on April thirtieth next following its date of issuance.

Act effective. 3. This act shall take effect July first, one thousand nine hundred and thirty-eight.

Approved May 25, 1938.

Exp. of license.

Act effective.

CHAPTER 232

AN ACT concerning life, accident and health insurance policies and certificates issued by assessment life, health and accident insurance companies and associations; providing for the maintenance of reserves by such companies and associations, for the certification of such reserves, for penalties for violations, and supplementing chapter thirty-five of Title 17 of the Revised Statutes.

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

Form of policy filed with commissioner.

1. On and after the first day of October, one thousand nine hundred thirty-eight, no policy or certificate granting benefits in the event of death, sickness or bodily injury or death of the insured by accident shall be issued or delivered in this State by any assessment insurance company or assessment insurance association until a copy of the form thereof and the classification of risks and the premiums or rates of contribution therein have

been filed with the commissioner. If the commissioner shall at any time notify any company or association of his disapproval of any such policy or certificate form as contrary to law, specifying particulars, it shall be unlawful for such company or association thereafter to issue any policy or certificate in the form so disapproved. Such disapproval of the commissioner may be reviewed by a writ of certiorari.

In case policy disapproved.

2. No policy or certificate granting a natural death benefit shall be issued by any domestic company or association or shall be issued or delivered in this State to any resident thereof by any foreign company or association unless the policy or certificate shall conform to all laws of this State governing provisions to be contained in and provisions not to be contained in life insurance policies issued by stock or mutual life insurance companies authorized to transact business in this State. The amounts of death benefits provided in any policy or certificate issued to a child under the age of fifteen years shall not exceed the limitations now provided by law for insurance on the lives of children. Any policy or certificate may contain any provision permitted by law to be contained in policies of life insurance issued by stock or mutual life insurance companies, any other provisions of law to the contrary notwithstanding. This section shall not apply to any policy or certificate containing a natural death benefit not exceeding one hundred dollars when the policy or certificate also provides benefits in the event of sickness or bodily injury or death by accident.

Policy must conform to law.

Amount of benefit.

Certain provisions.

3. No policy or certificate granting benefits in the event of sickness or bodily injury or death by accident, or any of them, shall be issued or delivered in this State to any resident thereof by any company or association unless the policy or certificate shall conform to all laws of this State governing provisions to be contained in and provisions not to be contained in accident and health insur-

Provisions applicable.

ance policies issued by stock or mutual life or casualty insurance companies authorized to transact business in this State. This section shall not apply to any policy or certificate providing a natural death benefit and an additional benefit in the event of the death of the insured by accident to which the provisions of section 17:35-27 of this chapter are applicable.

Certain specified heading.

Consideration clause.

Period of grace.

Reinstatements.

Reserves.

4. No policy or certificate shall be issued by any domestic company or association or shall be issued or delivered in this State to any resident thereof by any foreign company or association unless there shall be printed conspicuously at the top of the first page any one of the following: "Assessment Policy," "Assessment Certificate," or "Assessment Insurance." No policy or certificate shall be so issued unless the consideration clause therein shall contain a reference to the liability of the holder or member for assessment, nor unless the policy or certificate shall contain a clause setting forth fully the limitations under which assessments may be levied, the limitations on the amount and frequency thereof, if any, and a statement as to the mode and period of notice of assessment to be given to the policyholder or member by the company or association. Every policy or certificate making provision for a grace period for the payment of premiums shall provide a like period of grace for the payment of assessments, and shall also provide that any benefits available at the lapse of the policy or certificate for nonpayment of premium shall be similarly available in the event of lapse for nonpayment of an assessment. In the reinstatement of any such policy or certificate, any requirement for the payment of premiums in arrears shall apply in like manner to assessments in arrears and the policy or certificate shall so provide.

5. Every assessment insurance company or association authorized to transact business in this State shall maintain a reserve on every policy

or certificate granting natural death benefits issued by such company or association after the first day of October, one thousand nine hundred and thirty-eight. The minimum standard for such reserve shall be the American Experience Table of Mortality with interest at the rate of three and one-half per centum ($3\frac{1}{2}\%$) per annum calculated according to the modified preliminary term method permitted by law for the valuation of life insurance policies issued by stock or mutual life insurance companies. Every company or association shall file annually in the department with its annual statement, the certification of a competent actuary as to the amount of all the reserves required to be held by the association on its policies or certificates. This section shall not apply to any policy or certificate containing a natural death benefit not exceeding one hundred dollars when the policy or certificate also provides benefits in the event of sickness or bodily injury or death by accident.

Standard of
reserve.

Annual
statement.

Exception.

6. Any assessment company or association or any officer or agent thereof which or who issues or delivers to any person in this State any policy or certificate in willful violation of the provisions of this act shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense and the commissioner may revoke the certificate of authority of any company or association of another State or country, or of the agent of any company or association, which or who willfully violates any provision of this act.

Penalty for
violation.

Revocation.

7. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 233

AN ACT with respect to the removal of causes commenced in a circuit court or court of common pleas to the Supreme Court, and amending sections 2:27-206, 2:27-208 and 2:27-209 of the Revised Statutes.

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

Section
amended.

1. Section 2:27-206 of the Revised Statutes is hereby amended to read as follows:

Removal of
actions to
Supreme
Court.

2:27-206. Any action commenced in a circuit court or court of common pleas, where the damages or matter in controversy exceeds two hundred dollars, may be removed, at any time before issue joined upon matter of fact or law, into the Supreme Court by writ of certiorari duly allowed by the Supreme Court, or a justice thereof, and said court or a justice thereof shall have power to award such other writs or process as may be necessary to properly effectuate the removal.

Section
amended.

2. Section 2:27-208 of the Revised Statutes is hereby amended to read as follows:

Plaintiff in
court and
pleadings.

2:27-208. Upon the return of the certiorari plaintiff shall be deemed to be in court, and the parties shall file their pleadings as in other actions. In default of proper pleadings filed plaintiff shall be nonprossed or judgment be entered against defendant.

Section
amended.

3. Section 2:27-209 of the Revised Statutes is hereby amended to read as follows:

No other
removal.

2:27-209. If any action be removed by writ of certiorari and afterwards be remanded by writ of procedendo, or other writ, the same action shall not again be so removed.

Approved May 25, 1938.

CHAPTER 234

AN ACT concerning alimony, maintenance of a wife and the custody and maintenance of children by proceedings in the Court of Chancery, and supplementing chapter fifty of Title 2 of the Revised Statutes.

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

1. All suits for alimony and maintenance of a wife or affecting the custody and maintenance of children brought under the provisions of sections 2:50-36, 2:50-37, 2:50-39, 2:50-40 and 2:50-41 of the Revised Statutes may be instituted in the same manner, and like process and procedure shall be had and pursued, as in other cases in the Court of Chancery, or may be instituted by petition followed by order to show cause or citation in such manner as the Chancellor may by rule prescribe, and the said Chancellor shall have full power and authority to prescribe by rule the method of initiating the proceedings, the process to be had, the method of service, and the procedure to be followed.

Bringing suit
for alimony.

Suit by
petition.

Method of
procedure,
etc.

2. This act shall not be construed to deprive the court of any of the powers conferred upon it by existing legislation.

Court's powers.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 235

AN ACT concerning alimony, maintenance of a wife and the custody, and maintenance of children, and amending section 2:50-37 of the Revised Statutes.

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

Section amended.	1. Section 2:50-37 of the Revised Statutes is hereby amended to read as follows:
Alimony.	2:50-37. Pending a suit for divorce or nullity, brought in this State or elsewhere, or after decree of divorce, whether obtained in this State or elsewhere, the Court of Chancery may make such order touching the alimony of the wife, and also touching the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just, and require reasonable security for the due observance of such orders, and upon neglect or refusal to give such reasonable security, as shall be required, or upon default in complying with the order, may award and issue process for the immediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just, or enforce the performance of the said orders by such other lawful ways and means as is usual, and according to the source and practice of the Court of Chancery; orders so made may be revised and altered by the court from time to time as circumstances may require.
Care of children.	
Security.	
If default.	
Receiver appointed.	
Return applied to alimony.	
Orders.	2. This act shall take effect immediately. Approved May 25, 1938.

CHAPTER 236

AN ACT authorizing municipalities, counties and boards of education of any school district in this State to extend the maturity of any of its bonds, or other obligations either temporary or permanent, by an agreement with the holders thereof.

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

1. In this act the term "municipality" shall mean any city, town, township, borough, village or any municipality governed by an improvement commission in the State and the term "county" shall mean counties of all classes and the term "governing body" shall mean the board or body having charge or control of the finances of the municipality or county. The term "school district" shall mean the board of education of school districts of all classes in this State.

Meaning of terms.

2. Any municipality, county or board of education of any school district of this State shall have the power to enter into an agreement with the holder or holders of any obligations of said municipality, county or school district maturing in the year one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine and one thousand nine hundred and forty, extending the time for the payment of the principal of said obligations for a period of not exceeding three years from the date of the original maturity.

Extending payment of obligations.

Three years' period.

Said agreement may provide for the payment of any interest on said obligation not exceeding six per centum (6%) per annum, notwithstanding the rate of interest provided on said bonds or other obligations.

Payment of interest.

3. Such agreement shall be authorized by resolution of any such municipality, county or school district.

Agreement by resolution.

Extension
stamped on
face.

4. Said bonds or obligations, so extended, may have stamped across the face thereof a statement setting forth the extended maturity date and the rate of interest to be paid thereon until said date. Said bonds or obligations may be registered in the name of the person executing said agreement; *provided, however*, nothing herein contained shall be construed to prevent said person from selling or transferring said bonds or obligations.

Proviso.

Obligations
continue.

5. In all other respects said bonds or obligations shall continue as obligations of said municipality, county or school district.

Amount due
placed in
budget.

6. Nothing in this act shall be construed to relieve a municipality from placing in its annual budget the amount necessary to be set aside for the payment of bonds or other obligations as they severally mature.

This act
deemed
emergent
legislation.

7. This act shall be considered in the nature of emergency legislation, the purpose of which is to save municipalities, counties and school districts the expense of issuing new bonds and in turn exchanging them for maturing obligations in cases where the agreements authorized hereunder are acceptable to the holders of outstanding bonds and obligations.

8. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 237

AN ACT to validate certain resolutions heretofore finally passed by the governing body of any county in any proceedings under "the local bond act" or the "local bond law."

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

Validity of
resolution not
advertised.

1. Any resolution heretofore finally passed by the governing body of any county, in any proceedings

under "the local bond act" or the "local bond law," shall be valid notwithstanding that the resolution has not been published in a newspaper published at the county seat; *provided*, that such resolution was published prior to final passage in a newspaper printed and circulating in the county, and was in all other respects finally passed and adopted pursuant to law. Proviso.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 238

AN ACT to add Ocean county Route 13-E 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, lay out and construct as an addition to the present State highway system the following-described route: Addition to highway.

Ocean County Route 13-E. Beginning at highway Route 37 at Bay Head and continuing one and seventy-six one-hundredth (1.76) miles to the Beaver Dam road, in the boroughs of Point Pleasant and Bay Head, county of Ocean, and to include the Lovelandtown bridge across the Manasquan canal now under the jurisdiction of the Board of Commerce and Navigation, passing all right and title therein to the State Highway Commissioner. Route 13-E.
Jurisdiction transferred.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 239

AN ACT creating a lien in favor of State and county institutions upon the real and personal property of persons receiving care and treatment therein, and supplementing Title 30 of the Revised Statutes.

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

Lien against
certain inmates
of institutions.

1. Every charitable institution maintained in whole or in part by State or county funds, to which persons have been or may be committed or admitted by virtue of Title 30 of the Revised Statutes, shall have a lien against the property of persons confined therein and receiving care and treatment. Such lien when properly filed as set forth herein shall have priority over all unrecorded encumbrances and shall be in an amount to be determined as provided in Title 30 aforesaid.

Form of lien.

2. The lien shall be in form to be prescribed by the State Department of Institutions and Agencies and shall contain the name of the patient, date of admission, rate of maintenance, name of institution making claim and amount of accumulated delinquent maintenance at the date of filing said lien. The lien shall be signed by the chief executive officer of the institution or his duly constituted agent.

Additional
liens.

Additional liens may be filed from time to time setting forth the subsequent accumulation of delinquent maintenance until the patient for any reason is no longer receiving care and treatment in said institution. Any such lien may be filed at any time during the period of hospitalization, and nothing herein contained shall preclude said institution from recovering for maintenance furnished but not covered by lien.

Time for filing
lien.

3. The lien shall be filed with the clerk of the county or register of deeds and mortgages, as the case may be, and shall immediately attach to and become binding upon all real property in the ownership of the patient in the county wherein said lien is filed and shall have the force and effect of a judgment at law.

With whom
filed.

If it is believed that the patient is the owner of real property within the State, but the exact location of same is not known, then said liens may be filed with the clerk of the Supreme Court and shall become binding upon all real property of the patient wherever situate within the State.

In case of
real estate.

4. If it is found that any patient is possessed of any goods, rights, credits, chattels, monies or effects which are held by any person, firm or corporation for the present or subsequent use of said patient, then the lien provided for herein, or a notice of the existence thereof, may be forwarded by registered mail to said person, firm or corporation and shall become binding upon any property rights so held. Such person, firm or corporation shall thereafter be precluded from disposing of said property rights until said lien is satisfied or until the holder of the lien consents thereto.

Of inmate
found to have
property.

Property held
until lien
satisfied.

Any person, firm or corporation disposing of any such property or monies after receipt of notice of said lien shall be liable to the institution for the value of such property or monies of which disposition has been made.

Liability for
property.

5. The clerk of the county or register of deeds and mortgages, or clerk of the Supreme Court, as the case may be, shall provide suitable books in which he shall enter the liens filed hereunder properly indexed in the name of the patient against whom the lien is claimed.

Books for re-
cording liens.

All liens and other papers incidental thereto required hereunder shall be received and recorded by the clerk of the county, register of deeds and mortgages, or clerk of the Supreme Court, as the

Liens recorded.

case may be, without payment of fees by the institution claiming the lien.

Discharging
lien.

6. To discharge any lien or liens filed hereunder, the chief executive officer of the institution claiming the lien shall file with the clerk of the county, register of deeds and mortgages or clerk of the Supreme Court, as the case may be, a duly acknowledged certificate setting forth the fact that the institution desires to discharge the lien of record.

Compromising
lien.

The board of managers or board of freeholders, or a proper committee thereof, as the case may be, is hereby authorized to compromise for settlement any lien filed under the provisions of this act the maintenance of any patient. A memorandum of the compromise and settlement shall be entered in the official minutes of the board or committee and shall be sufficient authorization for a complete discharge of the lien.

Entry of
discharge.

7. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 240

AN ACT respecting reciprocal enforcement of fishing laws between this State and the States of New York and Pennsylvania.

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

Power of
arrest for
violating
fishing laws in
Hudson river.

1. If and when the State of New York shall enact a similar law for the arrest and punishment of violations of the game or fish laws of this or the State of New York, committed or attempted to be committed by any person or persons fishing in that portion of the Hudson river lying between such States, any game protector, fish warden or

other person of either State, who is authorized to make arrests for violations of the game or fish laws of such States, shall have power and authority to make arrests on any part of such river between such States or the shores thereof and to take the person or persons so arrested for trial to the State in which the violation was committed and there to prosecute such person or persons according to the laws of such State.

Prosecution.

2. If and when the State of Pennsylvania shall enact a similar law for the arrest and punishment of violations of the game or fish laws of this State or the State of Pennsylvania, committed or attempted to be committed by any person or persons fishing in that portion of the Delaware river lying between such States, any game protector, fish warden or other person of either State, who is authorized to make arrests for violations of the game or fish laws of such States, shall have power and authority to make arrests on any part of such river between such States or the shores thereof and to take the person or persons so arrested for trial to the State in which the violation was committed and thereto prosecute such person or persons according to the laws of such State.

Power of arrest for violating fishing laws in Delaware river.

Prosecution.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 241

AN ACT to cure defective execution of conveyances by attorneys or agents and to validate acknowledgments of same.

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

Validating
conveyance
when title
faulty.

1. Whenever any attorney or attorneys authorized to execute and deliver conveyances for lands, tenements and hereditaments has or have failed to convey the title of their principal or principals thereto, as he or they were so authorized to convey the same, by reason of any informality or irregularity in the recitals or subject matter contained in said deed or conveyance, or by reason of any informality or irregularity in the execution thereof, such informality or irregularity shall not affect the title presumably intended to be so conveyed by said deed or conveyance, but such deed or conveyance shall convey the title of said principal or principals in and to said lands, tenements and hereditaments as effectually as though such informality or irregularity did not exist, and as though said principal or principals had himself or themselves executed said deed or conveyance; *provided, however*, that such deeds or conveyances were executed, delivered and recorded at least five years before the effective date hereof.

Proviso.

Acknowledg-
ments, etc.,
though imper-
fect valid.

2. All acknowledgments or proofs of such deeds or conveyances heretofore made or taken, notwithstanding any errors or imperfections in said acknowledgments or proofs, shall be taken and held to be good and sufficient in law; *provided, however*, that all such deeds and conveyances shall have already been recorded for a period of at least five years.

Proviso.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 242

AN ACT regulating the transportation of anthracite over the highways of this State, and amending sections 51:7-2, 51:7-4, 51:7-5, 51:7-6, 51:7-7 and 51:7-9 of the Revised Statutes.

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

1. Section 51:7-2 of the Revised Statutes is hereby amended to read as follows:

Section amended.

51:7-2. It shall be unlawful for any person to transport over the highways of this State any anthracite brought into this State by motor vehicle from outside of this State unless such anthracite when it crosses any boundary line of this State and at all times thereafter during the transportation thereof over the highways of this State is accompanied by an original certificate of origin signed by the person who is the owner or operator of the breaker, colliery, yard or other place of production or storage, or his duly authorized agent, where the anthracite to which the certificate of origin refers was produced or stored and also signed by the person driving or operating the motor vehicle on which said anthracite is transported into this State.

Certificate of origin of anthracite.

Signature of operator of truck.

2. Section 51:7-4 of the Revised Statutes is hereby amended to read as follows:

Section amended.

51:7-4. The certificates of origin as herein provided shall be issued only on forms to be supplied, on application therefor, by the superintendent of the department, shall be serially numbered and issued consecutively. A nominal charge to cover the cost of supplying such forms may be made by the superintendent. Said certificates of origin shall be nontransferable and any person who has in his possession or who files with a weighmaster or forwards to the superintendent a false certificate

Details as to certificate.

of origin shall be deemed guilty of a violation of this chapter.

Blank certificates issued producer.

The superintendent of the department shall issue such blank certificates of origin to any person who is the owner or operator of a colliery, breaker or other place of production or who is the owner or operator of a yard, pocket or other place of storage, outside the State of New Jersey, upon application therefor by such person showing the necessity for the issuance of said certificates and upon proof satisfactory to the superintendent that all anthracite produced or stored is not stolen and is legally acquired at its source. Notification shall promptly be given to the superintendent in case of change of source or the obtaining of anthracite from new sources since the time said application is made, and satisfactory proof shall be furnished that the anthracite is legally acquired at the new sources.

Notice of charge.

Proof of honesty.

Whenever any person who transports or intends to transport anthracite into this State furnishes proof satisfactory to the superintendent that all anthracite so transported or to be transported is legally acquired at its source and is not stolen, and further, that such person is unable to obtain certificates of origin at the breaker, colliery or other place of production or at the yard, pocket or other place of storage, blank certificates shall be issued to such person in such number as the business of such person requires.

Section amended.

3. Section 51:7-5 of the Revised Statutes is hereby amended to read as follows:

Duplicate certificate.

51:7-5. Any person bringing anthracite into this State from outside of this State and said anthracite is to be sold or delivered within the boundaries of this State shall file a duplicate of the required certificate of origin with the weighmaster in charge of the scales where said person has said anthracite weighed in accordance with the requirements of the laws of this State, and such duplicates of said certificates of origin shall be retained at such scales for a period of one year, unless the

Certificate of weight.

superintendent directs the forwarding of the same to his office, and shall be subject and open to inspection by any weights and measures officer; after storage or sale of said anthracite in this State the original certificates of origin shall be forwarded to the superintendent at his office within ten days from the date of such sale or storage and the triplicate copy shall be kept by the person who sells or stores said anthracite.

Disposition of
certificates.

4. Section 51:7-6 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

51:7-6. The superintendent of the department shall revoke the license of any person licensed to sell solid fuel in this State who buys, sells or transports stolen anthracite within this State or who buys, sells or transports anthracite which has been acquired at a place of production, storage or source where stolen anthracite is handled or distributed, and shall issue to such person no further license to sell solid fuel in this State for a period of at least one year from the date of revocation. The superintendent shall give at least five days' notice of the proposed revocation proceedings, which notice shall contain the charges made against the licensee and the time and place of the hearing of said revocation proceedings; said notice shall be sent by registered mail to the address given by the licensee in his application for license to sell solid fuel; said licensee shall have the opportunity to appear and enter a defense at the hearing to be held at the office of the superintendent.

Revocation of
license.

Notice of
proposed
revocation.

Hearing.

The superintendent shall void all certificates of origin where the person who obtains the same buys, sells or transports stolen anthracite or deals in or handles stolen anthracite. Any person using voided certificates knowingly shall be deemed guilty of a violation of this chapter. Five days' notice by registered mail of the proposed voiding of said certificates shall be given to the person who obtained the same and upon the request of said person he shall be given an opportunity to

Voiding
certificates for
dishonest acts.

Notice served.

show cause why said certificates should not be voided.

Section
amended.

5. Section 51:7-7 of the Revised Statutes is hereby amended to read as follows:

Enforcement
of this act.

51:7-7. All weights and measures officers in this State, in addition to their various duties now provided for by law, are hereby charged with the duty of enforcing and executing the provisions of this chapter, and the superintendent of the department shall make such rules and regulations as he may deem necessary for its enforcement.

Section
amended.

6. Section 51:7-9 of the Revised Statutes is hereby amended to read as follows:

Recovery of
penalty.

51:7-9. The procedure for the recovery of any penalty incurred under the provisions of this chapter shall be the same as the procedure specified in sections 51:1-105 to 51:1-111 of this Title. All actions shall be instituted in the name of the State of New Jersey by any weights and measures officer who shall have the same powers in connection with the enforcement of this chapter as are vested in them in sections 51:1-105 to 51:1-111 of this Title.

Actions.

Jurisdiction.

Jurisdiction of all cases arising out of violations of the provisions of this chapter is hereby conferred upon all justices of the peace, judges of the city criminal courts, police judges and recorders located in the county in which such violations are committed.

7. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 243

AN ACT to amend sections 52:27-40, 52:27-42 and 52:27-44 of the Revised Statutes in relation to the readjustment of the debts of municipal and other political subdivisions of this State under the Federal bankruptcy act.

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

1. Section 52:27-40 of the Revised Statutes is hereby amended to read as follows:

52:27-40. Any county, municipality, school district or other political subdivision of this State, hereinafter in this article referred to as "political subdivision," shall have power to file a petition or petitions with any United States court or court in bankruptcy under an act of the Congress of the United States entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July first, one thousand eight hundred and ninety-eight, and acts amendatory thereof and supplementary thereto, as the same may be amended from time to time, hereinafter in this article referred to as the "municipal bankruptcy act," for the purpose of effecting a plan of readjustment of its debts or for the composition of its debts, which adjustment and composition are hereinafter interchangeably referred to as readjustment. Such petition or petitions shall not be so filed unless the approval of the municipal finance commission, which is hereby constituted a commission for the purposes of this article, be first had and obtained.

2. Section 52:27-42 of the Revised Statutes is hereby amended to read as follows:

52:27-42. No plan of readjustment filed with or in the proceedings upon any such petition shall be approved by the court or put into temporary effect

Section amended.

Adjustment of municipal indebtedness.

Bankruptcy procedure.

Act applicable.

Approval of petition.

Section amended.

Approval by commission.

or finally confirmed without the approval of the commission. No political subdivision shall so file any such plan which shall not have been approved by the commission nor shall any political subdivision accept any such plan as thereafter changed or modified without express authority from the commission to do so.

Section amended.

3. Section 52:27-44 of the Revised Statutes is hereby amended to read as follows:

Requirements for bond issue.

52:27-44. Upon the confirmation of any plan of readjustment approved by the commission, the political subdivision assenting to such plan of readjustment may, by ordinance in the case of a municipality, by resolution in the case of a county, and by resolution of the board of education in the case of a school district governed by the provisions of chapter seven of the Title Education (§18:7-1 et seq.), authorize, issue, sell and deliver such bonds, notes or other obligations and enter into such agreements and do such other acts and things as may be required of it pursuant to said plan of readjustment. The full faith and credit of the political subdivision shall be deemed to be pledged for the payment of such notes, bonds or other obligations.

Pledge of credit.

Approval of ordinance.

Details of issue of bonds.

Such ordinance or resolution, as the case may be, shall not take effect until approved by the commission, and shall provide for the issuance of bonds in one or more series, bearing such date or dates, maturing at such time or times, bearing interest at such rate or rates of interest, not exceeding six per centum per annum, payable at such time or times, in such denominations, in such form, either coupon or registered, carrying such registration privileges, payable in such medium of payment at such place or places, subject to such terms of redemption, with or without premium, as the commission may approve. The foregoing powers shall be deemed to be in addition to and not in substitution for any powers which such political subdivision would, except for the foregoing grant thereof, have under any other provision of law.

Powers deemed additional.

4. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 244

AN ACT to amend an act entitled "An act concerning the deposit of public moneys by the State Treasurer, and amending section 52:18-18 of the Revised Statutes," 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*:

1. Section 52:18-18 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

52:18-18. The State Treasurer may, when in his judgment it is not compatible with public safety to deposit the public moneys, or portion thereof, upon interest bearing terms, as provided by section 52:18-17 of this Title, deposit the same without interest or open time accounts with interest subject to withdrawal upon thirty days' notice, in such of the national banks located in this State and institutions authorized by this State to carry on a banking business as he may select, until such a condition has, in his judgment, ceased to exist.

Deposit of
State's money
by Treasurer.

2. This act shall take effect immediately.
Approved May 25, 1938.

CHAPTER 245

AN ACT concerning taxation, and amending section
54:4-22 of the Revised Statutes.

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

Section
amended.

1. Section 54:4-22 of the Revised Statutes is hereby amended to read as follows:

Taxing stock
insurance
companies.

54:4-22. Every stock insurance company organized under the laws of this State, other than a life insurance company, shall be assessed and taxed in the taxing district where its office is situated, upon the full amount or value of its property (exclusive of real estate and tangible personal property, which shall be separately assessed and taxed where the same is located, and exclusive of all shares of stock owned by such insurance company and exclusive of nontaxable property and of property exempt from taxation), deducting from such amount or value all debts and liabilities certain and definite as to obligation and amount, and the full amount of all reserves for taxes, and such proportion of the reserves for unearned premiums, losses and other liabilities as the full amount or value of its taxable intangible property bears to the full amount or value of all its intangible property; *provided, however*, the assessment against the intangible personal property of any stock insurance company subject to the provisions of this section shall in no event be less than fifteen per centum of the sum of the paid-up capital and the surplus in excess of the total of all liabilities of such company, as the same are stated in the annual statement of such company for the calendar year next preceding the date of such assessment and filed with the Department of Banking and Insurance of the State of New Jersey, after deducting from such total of capital and surplus the amount of all tax assessments against any and all

Deductions.

Proviso.

real estate, title to which stands in the name of such company.

The capital stock in any such company shall not be regarded for the purposes of this act as a liability and no part of the amount thereof shall be deducted, and the person or persons or corporations holding the capital stock of such company shall not be assessed or taxed therefor. No franchise tax shall be imposed upon any insurance company included in this section.

Capital stock
not deducted.

No franchise
tax.

Approved May 25, 1938.

CHAPTER 246

AN ACT authorizing the conveyance of land owned by the State of New Jersey, formerly occupied by the School for the Deaf, at Hamilton and Chestnut avenues, Trenton, New Jersey, to the city of Trenton.

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

1. The State House Commission is hereby authorized to transfer and convey to the city of Trenton, New Jersey, for park purposes, the land now owned by the State of New Jersey and formerly occupied by the School for the Deaf, situated at Hamilton and Chestnut avenues, in the city of Trenton, on such terms as shall be agreed upon between the said State House Commission and the city authorities of the city of Trenton, and approved by the Governor.

State to
convey to
Trenton cer-
tain land.

Terms.

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

Repealer

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 247

AN ACT concerning employees of boards of education, and amending section 18:5-51 of the Revised Statutes.

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

Section
amended.

1. Section 18:5-51 of the Revised Statutes is hereby amended so that the same shall read as follows:

Tenure of
certain school
officials.

18:5-51. No secretary, district clerk, assistant secretary, business manager of any board of education in any municipality devoting his full time to the duties of his office, after three years' service, shall be discharged, dismissed, or suspended from office, nor shall his compensation be decreased, except upon a sworn complaint for cause and upon a hearing had before the board.

Pay not
decreased.

Complaints.

Upon the filing of the complaint, a copy thereof, certified by the clerk as a true copy, shall be served upon such respondent at least five days before the hearing and he shall have the right to be represented by counsel at such hearing.

Hearing.

Discharge, etc.

If, upon the hearing, it shall appear that the person charged is guilty of neglect, misbehavior, or other offense set forth in the complaint, then the board may discharge, dismiss, or suspend him or reduce his compensation, but not otherwise.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 248

AN ACT concerning juries and amending section
2:85-1 of the Revised Statutes.

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

1. Section 2:85-1 of the Revised Statutes be and the same is hereby amended so that the same shall read as follows:

Section
amended.

2:85-1. Qualifications of grand and petit jurors stated. Every person summoned as a grand juror, and every petit juror returned for the trial of any action or suit of a civil or criminal nature in any of the courts of this State, shall be a citizen of this State, for a period of not less than two years, over twenty-one and under sixty-five years of age and a resident of the county from which he shall be taken, shall not have been convicted of a crime, and shall not, at the time of his selection, be an official having either directly or indirectly any official interest in or connection with the administration of justice. Such person shall be able to read and write the English language and shall not have any physical disability which will prevent him from properly performing service as a juror. Women possessing the qualifications herein stated shall be eligible to serve as either grand or petit jurors.

Qualifications
for jurors.

Education.

Physical
condition.

Women
eligible.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 249

AN Act authorizing all municipalities in this State to pass, alter, amend, repeal and enforce ordinances regulating the opening and closing of beauty parlors.

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

Powers of
governing
bodies:

1. The governing body of any municipality in this State shall have the power:

Ordinances;

(a) To pass, enforce, alter or repeal ordinances to take effect within the limits of such municipality for the following purposes:

Beauty
parlors;

To regulate the opening and closing of beauty parlors on Sunday and holidays; to regulate the hours of opening and closing on weekdays; to fix and enforce penalties for the violations of any ordinances that may be passed by virtue of this act.

Penalties.

(b) For the purpose of carrying out the provisions of this act, the municipality may fix and prescribe the penalties for the violation of any ordinance or section thereof in a sum not exceeding twenty-five dollars (\$25.00), or imprisonment not exceeding ten days in the municipal lockup or county jail as may be designated by the governing body.

Terms
included in
beauty culture.

2. Establishments or places of business where work is done for, with or without compensation by any person, which work is usually performed by hairdressers, cosmetologists, cosmeticians, or beauty culturists upon women, for the purpose of cleansing and beautification of the women's hair, such as arranging, modeling, dressing, brushing, beautifying, curling, waving, straightening, dyeing, tinting, permanent waving, cutting, singeing, bleaching, or coloring; and the massaging, cleansing, stimulating, exercising or similar work upon the scalp, face, arms, hands, and neck, with the hands

or by use of mechanical or electrical appliances, with or without cosmetic preparations, external applications of creams, tonics and soothing lotions, and antiseptics for the use with instruments or with the hands and of manicuring the finger nails and beautifying the hands, which enumerated practices shall be included in the term beauty culture.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 250

AN ACT concerning waters and water supply, and amending section 58:11-21 of the Revised Statutes.

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

1. Section 58:11-21 of the Revised Statutes is hereby amended to read as follows: Section amended.

58:11-21. If the governing body of the adjoining municipality shall refuse such permission or shall grant it upon terms not satisfactory to the person applying therefor, such person may apply to the justice of the Supreme Court holding the circuit of the county in which said premises are situated, setting forth that such person has been notified to cease polluting a stream, river or watercourse as aforesaid, and that there is no sewer in the municipality in which such premises are situated, or none within two thousand feet of such premises, and that there is a sewer in an adjoining municipality within two thousand feet of such premises, and that the governing body of such municipality has refused to permit the petitioner to make use of the sewer, or has fixed terms for such use not satisfactory to Application to Supreme Court.
What to be shown.

Commissioners
to be
appointed.

Hearing.

Principle of
determination.

the petitioner, and requesting the justice to appoint commissioners to determine the terms upon which the petitioner may use the sewer. Thereupon the justice shall appoint three persons who are citizens, of either the county in which said premises are situated or the county in which the adjoining municipality is situated, one of whom shall be a citizen of the adjoining municipality, who shall after a hearing determine the terms upon which the petitioner may use the sewer as aforesaid. The commissioners shall be guided in determining said terms by the same principle they would use if they were making an original assessment against the premises of the applicant for the proportionate cost of the sewer.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 251

AN ACT to validate sales of land 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*:

Sale of land
validated.

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 ten years.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 252

AN ACT relating to the retirement of the members of police and firemen in municipalities and counties of this State, and supplementing chapter sixteen of Title 43 of the Revised Statutes.

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

1. Chapter sixteen of Title 43 of the Revised Statutes be and the same is supplemented by adding a new section reading as follows:

43:16-13. No member of the police or fire department in any municipality or county in this State who shall have served honorably in any such department for a period of twenty years shall be deprived of his pension privileges under chapter sixteen of Title 43 because of any violation of the rules and regulations established for the government of such department, but he may be fined, reprimanded or discharged. A member of the department found guilty before a court of competent jurisdiction may be dismissed or punished in any manner provided by law.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 253

AN ACT concerning water districts located in any municipality, and to amend section 40:62-102 of the Revised Statutes.

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

Section
amended.

1. Section 40:62-102 of the Revised Statutes is amended to read as follows:

Expenses of
water works
met by taxes.

40:62-102. The expense of the operation and maintenance of such water systems, waterworks and pumping stations shall be met by taxes to be assessed and levied on the property lying and being in the water district or districts, and such assessment and levy shall be made and such taxes collected as other taxes.

District tax
levied.

Whenever a water district shall have been established, and the municipality in which such water district is situate, has issued bonds and notes in order to refund existing indebtedness of such water district, for capital improvements or for any other reason, the money required to meet such obligations shall be raised by taxation by levying a district tax against all taxable property situate within said water district. The amount of money necessary to be raised each year for the purpose of paying such obligations shall be certified to the tax collector by the municipal clerk after determination by resolution of the governing body of the municipality in which said water district is situate; the said tax collector shall collect said taxes in the same manner as other taxes are collected.

Amount
certified to
clerk.

2. This act shall take effect immediately.
Approved May 25, 1938.

CHAPTER 254

AN ACT to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State, and amending section 17:34-24 of the Revised Statutes.

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

1. Section 17:34-24 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

17:34-24. When the reserves or any part thereof of any life insurance company of this State have been computed in accordance with the foregoing provisions of this article on the basis of a higher rate of interest than three per centum per annum, and as so computed, exceed five hundred million dollars, the company shall thereupon and thereafter set aside as a part of the reserve liability on the policies of the company at the close of each year a sum equal to six per centum of the increase for that year over the year preceding in the company's reserves or part thereof so computed, except that for premium-paying term insurances such increase in reserve for any year shall for the purposes of this section be deemed to be the reserve at the end of that year, but the aggregate of the sums so set aside shall not at any time exceed five per centum of the reserves, except in the case of premium-paying term insurances in which case the said aggregate of sums so set aside shall not at the end of any year exceed fifty per centum of the premiums of that year. No part of the sums so set aside shall be used by the company for any purpose except upon resolution by its board of directors and upon the approval in writing of the commissioner. Approval shall be given by the commissioner upon proof made to him of the happen-

Creating
reserves.

Use of
reserves.

Approval of
commissioner
contingent
upon:

ing of either of the contingencies hereinafter set forth in paragraphs "a" and "b" of this section and upon the terms therein respectively stated, as follows:

Mortality
losses;

a. In the event that the gross incurred mortality losses of the company during any calendar year have been at a rate in excess of one hundred and ten per centum of its average rate during the preceding five years, the sums set aside as above provided may be reduced as of the end of the calendar year by an amount equal to the excess of the actual mortality losses for the calendar year over the amount of the losses had they occurred at the rate of one hundred and ten per centum of the average rate for the preceding five years.

Depreciation
losses.

b. In the event that the aggregate of depreciation of assets owned by the company and of losses upon realization thereof during any calendar year has been in excess of twenty-five per centum of the surplus of the company as of the end of the year preceding, the sums set aside as above provided may be reduced as of the end of the calendar year by an amount equal to the excess of the depreciation and losses over the twenty-five per centum of the surplus of the company at the end of the preceding year.

Approved May 25, 1938.

CHAPTER 255

AN ACT concerning group life insurance, amending sections 17:34-19, 17:34-31 and 17:34-32, and supplementing chapter 34 of Title 17 of the Revised Statutes.

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

1. Section 17:34-19 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:34-19. The foregoing provisions of this article shall not apply to annuities or to corporations or associations operating on the assessment or fraternal plan, section 17:34-15 of this Title shall not apply to group life insurance and paragraphs "a," "b," "f," "h," "i," "k" and "l" of said section 17:34-15 shall not apply to industrial policies. Paragraphs "f," "g" and "h" of said section 17:34-15 shall not apply to any provisions included in life insurance policies, for the payment of a larger amount of insurance if death is caused by accident or for the waiver of premiums, or for the granting of other benefits, or both, in the event that the insured becomes disabled from any cause. In every case where a contract provides for both insurance and annuities, the provisions of this article as to contents of policies shall apply only to that part of the contract which provides for insurance, but every contract containing a provision for a deferred annuity upon the life of the insured only, unless paid for by a single premium, shall provide that in the event of the nonpayment of any premium after three full years' premiums shall have been paid, the annuity shall automatically become converted into a paid-up annuity for such proportion of the original annuity as the number of completed years' premiums paid bears to the total number of premiums required under the contract. Application.

2. Section 17:34-31 of the Revised Statutes is hereby amended to read as follows:

Group life
insurance
defined.

17:34-31. Group life insurance is hereby declared to be that form of life insurance written for a term of not more than five years and renewable at the option of the policyholder in accordance with the terms of the policy and covering (a) not less than fifty employees, written under a policy issued to the employer, the premium for which is to be paid by the employer or by the employer and employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based on a plan which precludes individual selection, for the benefit of persons other than the employer; *provided*, that when the premium is to be paid by the employer and employees jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of the employees may be so insured; or (b) the lives of only all of the members, or only all of the members except those upon whom the evidence of insurability submitted is not satisfactory to the insurer, of a group of persons, numbering not less than one hundred new entrants to the group yearly, who become borrowers from a financial institution, including any subsidiary or affiliated institutions, or who become purchasers of securities, merchandise or other property from one vendor, or all of any class or classes of such borrowers or purchasers determined by conditions pertaining to the type of indebtedness or purchase, under agreements by such borrowers or such purchasers for the repayment of the sum borrowed, or for the payment of the purchase price or the balance thereof, as the case may be, in installments over a period of not more than ten years. Such a policy shall be issued to the financial institution or vendor or to an assignee to whom such creditor or vendor may transfer all of its right, title and interest to the unpaid indebtedness, or to the unpaid purchase price, under such agreements made by it.

Proviso.

Issuing
policy.

The amount of insurance thereunder on any person insured shall not at any time exceed the amount of unpaid indebtedness due from such person or the amount of the purchase price unpaid by such person, nor the sum of ten thousand dollars, whichever is less. The benefits under such policies shall be payable to the policyholder; but the amount of any death benefit received thereunder shall be applied to the discharge of the obligation of the person insured to the policyholder.

Amount of insurance.

Payment of benefits.

For the purposes of this section, the term "employees" shall include the members of any labor union or association who are actively engaged in the same occupation, and the officers, managers and employees of subsidiary or affiliated corporations, and the individual proprietors, partners and employees of affiliated individuals and firms, when the business of such subsidiary or affiliate is owned or controlled by the common employer through stock ownership, contract or otherwise.

Employees defined.

3. Section 17:34-32 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:34-32. No policy of group life insurance shall be issued or delivered in this State unless it contains in substance provisions, as follows:

Contents of policy.

a. A descriptive title on the first page of the policy.

b. That all premiums shall be payable at the home office of the company, or to an agent of the company.

c. For one month's grace for the payment of each premium after the first, subject to an interest charge, during which month the insurance shall continue in force.

d. That the policy shall be incontestable after two years from its date except for non-payment of premiums and for violation of its express conditions, if any, relating to military or naval service in time of war.

e. That the policy, the application of the employer, a copy of which shall be attached to the

policy, and the individual applications, if any, of the employees or members insured, shall constitute the entire contract between the parties, and that all statements made in the applications by the employer or by the individual employees and members shall, in the absence of fraud, be deemed representations and not warranties.

f. For the equitable adjustment of the premium or the amount of insurance payable in the event of the misstatement of the age of an employee or member.

g. That when an amount becomes payable by reason of the death of an employee or member, settlement shall be made either immediately upon, or within a specified period not more than two months after receipt of due proof of death.

h. A table showing the amount of installments, if any, in which the amount of insurance payable upon the death of any employee or member may be payable.

i. Except in the case of insurance as provided in clause (b) of the first paragraph of section 17:34-31 of this Title, that the company will issue to the employer, for delivery to each employee whose life is insured under the policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provision to the effect that in case of the termination of employment for any reason whatsoever every employee shall be entitled to have issued to him by the company, without evidence of insurability, upon application made to the company, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, within thirty-one days after such termination of employment, a policy of life insurance effective at the end of such period of thirty-one days following

such termination during which period the death benefit provided by the group insurance policy shall remain in force, in any one of the level premium forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under the group insurance policy at the time of such termination.

j. That in the case of insurance as provided in clause (b) of the first paragraph of section 17:34-31 of this Title the company will furnish to the policyholder for delivery to each member who is insured under the policy, a form which shall contain a statement that the life of the member is insured under the policy and that any death benefit received thereunder by reason of his death shall be applied by the policyholder to the discharge of the indebtedness.

k. That to the group or classes thereof eligible for insurance shall be added from time to time all new employees of the employer or members, in the group or classes.

l. That the policy shall participate in the surplus of the company and that the company shall determine annually the amount of the divisible surplus accruing on the policy and that the policyholder shall have the right to have the dividend arising from the participation paid in cash unless another dividend option contained in the policy has been elected and that any policy dividend may be applied to reduce the policyholder's part of the cost of such insurance. This provision shall not be required in nonparticipating policies.

Any policy of group life insurance may be issued or delivered in this State which in the opinion of the commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the employer and to the employee or member than hereinbefore required.

Title 17 sup-
plemented.

Dividends
applied to
premium.

4. Chapter thirty-four of Title 17 of the Revised Statutes is supplemented to read as follows:

4. Any policy dividends hereafter declared, or reduction in rate of premiums hereafter made or continued for the first or any subsequent year of insurance under any policy of group life insurance heretofore or hereafter issued to an employer may be applied to reduce the employer's part of the cost of such insurance, except that the excess, if any, of the employees' aggregate contribution under the policy over the net cost of the insurance shall be applied by the employer for the sole benefit of the employees.

Approved May 25, 1938.

CHAPTER 256

AN ACT to prevent the dissolution or merger of any corporation or the withdrawal from this State of any foreign corporation until certain taxes, penalties and interest due from any such corporation to the State have been paid, and amending section 54:50-11 of the Revised Statutes.

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

Section
amended.

1. Section 54:50-11 of the Revised Statutes is amended to read as follows:

Taxes and fees
to be paid
before disso-
lution.

54:50-11. No corporation organized under any law of this State shall be dissolved by the action of the stockholders or by the decree of any court until all taxes, fees, penalties and interest imposed upon said corporation in accordance with the provisions of this subtitle or of any State tax law shall have been fully paid.

Taxes, fees,
etc., to be
paid before
merger, etc.

No corporation organized under any law of this State, or organized under any law of any other

State, district, territory or country may merge or consolidate under any law of this State until all taxes, fees, penalties and interest imposed upon said corporation in accordance with the provisions of this subtitle or of any State tax law shall have been fully paid.

No foreign corporation which has obtained authority from this State to transact business in this State may surrender such authority and withdraw from this State until all taxes, fees, penalties and interest imposed upon said corporation in accordance with the provisions of this subtitle or of any State tax law shall have been fully paid.

No certificate of dissolution or withdrawal shall be issued by the Secretary of State and no certificate of merger shall be filed with him and no decree of dissolution shall be signed by any court until there shall have been filed with the Secretary of State or with the court, as the case may be, the certificate of the commissioner evidencing the payment by the corporation in question of all such taxes, fees, penalties and interest.

Certificate of
payment filed.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 257

AN ACT concerning the liability of municipal, paid and volunteer fire companies, and amending section 40:47-29 of the Revised Statutes.

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

1. Section 40:47-29 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

40:47-29. Any such adjoining municipality, fire district or independent or volunteer fire company thereof, receiving such financial aid, may permit

Use of fire
apparatus in
adjoining
municipalities.

the use of its firefighting apparatus in the contributing municipality, or fire district, upon such terms as both municipalities, fire districts, or such contributing municipality, fire district and such independent or volunteer fire companies may jointly fix.

Not to be
liable for
injuries or
damage.

In any instance in which a municipal, paid, volunteer or independent fire company is answering or returning from a call to any other municipal or fire district for the purpose of rendering assistance in the extinguishing of any fire, there shall be no liability for personal injuries or property damage caused by said municipal, paid, volunteer or independent fire company rendering such assistance.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 258

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.

Preamble.

WHEREAS, The State has certain claims against various counties, municipalities and corporations of this State arising out of the obligation of a county, municipality or corporation to share in the laying out, construction, maintenance and repair of a State highway; and

Preamble.

WHEREAS, Some of such claims are disputed by certain of such counties, municipalities and corporations, which claim legal or equitable set-offs thereto and in some cases dispute the claims because of questions of fact or law, or both, as well as upon certain equitable grounds; therefore

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

1. Whenever it shall appear to the State Highway Commissioner after reasonable investigation that any claim of the State against a county, municipality or corporation arising out of the obligation of a county, municipality or corporation to contribute toward the laying out, construction, maintenance or repair of a State highway, bridge, or any part thereof, is disputed, either in whole or in part, by reason of alleged set-offs, either legal or equitable, or by reason of disputed questions of fact or law, or both, and that the enforcement of any such claim would necessitate litigation, and that the best interests of the State will be served by the composition, adjustment or settlement of any such claim, the State Highway Commissioner shall present the matter to the State House Commission, and the said State House Commission is hereby authorized to permit the State Highway Commissioner to settle, compromise and adjust any such claim or claims, including any set-offs, legal or equitable, with respect thereto, upon such terms as said State House Commission shall deem reasonable and proper under all of the circumstances in any particular case; *providing, however*, that under no circumstance shall the State House Commission require any payment to be made on behalf of the State, nor is the State Highway Commissioner or other proper officer of the State permitted to make any payment to any county, municipality or corporation by reason of this act.

Settlement of
claims by
Highway De-
partment.

Proviso.

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; *pro-*

Agreement.

Proviso.

viding, however, that such settlement and agreement shall be void unless the terms thereof are complied with within ninety days after the delivery of such agreement.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 259

AN ACT concerning the regulation and incorporation of insurance companies and providing for the merger of any two or more stock insurance companies, and amending sections 17:27-1, 17:27-2, 17:27-3, 17:27-4 and 17:27-5 of the Revised Statutes.

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

Section.
amended.

1. Section 17:27-1 of the Revised Statutes is hereby amended to read as follows:

Stock
insurance
companies
may merge.

17:27-1. Any two or more stock insurance corporations of this State, carrying on the kinds of insurance which may lawfully be carried on by one company organized under chapters seventeen to thirty-three of this Title (Sec. 17:17-1 et seq.), may merge as follows:

Agreement of
merger.

They may merge or consolidate into one corporation under the name of one or more of such corporations or such other name as may be approved by the Commissioner of Banking and Insurance. Such corporations may enter into and make an agreement of such merger or consolidation under their respective corporate seals, prescribing its terms and conditions, the amount of its capital and the number of shares into which such capital is to be divided. The agreement shall contain the

charter under which the business is to be conducted, which may conform to the provisions of either one or more of the charters of the merging or consolidating corporations or to the provisions of the laws of this State governing corporations transacting the kinds of insurance specified in such charter, and which shall be the charter of the corporation resulting from the merger without further amendment. Every such proposed agreement shall before the execution thereof be presented to the Commissioner of Banking and Insurance for his approval as to form, and such agreement shall, after the execution thereof, have the approval of the Commissioner of Banking and Insurance thereto indorsed thereon.

Approval of
agreement by
commissioner.

2. Section 17:27-2 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

17:27-2. The agreement must be assented to by vote of the majority of the number of directors of each corporation and must be approved by the votes of stockholders owning at least two-thirds of the stock of each corporation voted in person or by proxy at a meeting called separately for that purpose, upon notice stating the time, place and object of the meeting, served at least thirty days previously upon each stockholder personally or mailed to him at his last known address and also published at least once a week for four weeks successively in some newspaper printed in the county where such corporation has its principal office, and there shall be indorsed upon the agreement a certificate of the secretaries of the respective corporations under the seals thereof to the effect that the same has been assented to by such votes of the directors and approved by such votes of the stockholders.

Method for
adopting
agreement.

3. Section 17:27-3 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

17:27-3. Any one or more insurance corporation or corporations organized under the laws of this State is or are hereby authorized to merge or consolidate in the manner hereinabove provided with

May merge
with foreign
company.

a corporation or corporations organized under the laws of another State, or States, or territory or territories, of the United States, duly admitted to this State and authorized to transact therein the same kinds of insurance as transacted by such corporation, or corporations, organized under the laws of this State, if such merger or consolidation is authorized by the laws, or approved by the insurance supervising officials, of the State, or States, or territory, or territories, in which such foreign corporation, or corporations, is, or are, incorporated. Such domestic corporation or corporations shall comply with all of the requirements specified in the two preceding sections as to the terms and conditions of the merger or consolidation agreement and the steps to be taken and acts to be performed for the adoption, execution and approval thereof. Such foreign corporation or corporations shall comply with all of the requirements of the laws or the requirements of the supervising insurance official of the State or States, or territory or territories, under which it is, or they are, incorporated regulating the terms and conditions of such merger or consolidation agreement and the steps to be taken and acts to be performed for the execution, adoption, and approval thereof.

Commissioner
appointed
attorney.

If the domicile of the corporation formed by or resulting from such merger or consolidation between a domestic corporation or corporations, and a foreign corporation or corporations, shall by the agreement be fixed or located in a State other than this State, such merger or consolidation shall not take effect unless said agreement shall contain a provision appointing the Commissioner of Banking and Insurance of this State to be the true and lawful attorney of such corporation in and for this State, upon whom all lawful process in any action or proceeding against the corporations involved in such merger or consolidation may be served with the same force and effect as if the corporation formed by such merger or consolidation was a domestic corporation, but

such appointment of the Commissioner of Banking and Insurance of this State as such attorney to receive process shall not be deemed, in anywise, to authorize the corporation formed by or resulting from such merger or consolidation to transact business within this State unless such corporation shall otherwise comply with the law of this State as respects its admission to transact business in this State.

4. Section 17:27-4 of the Revised Statutes is hereby amended to read as follows: Section amended.

17:27-4. Upon filing such agreement of merger or consolidation with such certificate of the secretaries and approval of the Commissioner of Banking and Insurance indorsed thereon, in the office of the Commissioner of Banking and Insurance and the duplicate or certified copy thereof in the office of the clerk of the county or counties where the office or offices of the domestic contracting corporation or corporations is, or are, located, such agreement may be carried into effect as provided therein. The corporation so formed by or resulting from such merger or consolidation may require the return of the original certificates of stock held by each stockholder in each of the corporations involved in such merger or consolidation, and issue in lieu thereof new certificates for such number of shares of its own stock as such stockholders may be entitled to receive. Agreement effective.

5. Section 17:27-5 of the Revised Statutes is hereby amended to read as follows: May issue new stock.

17:27-5. Rights of creditors and pending actions unaffected. Upon such merger or consolidation, all the rights, franchises, and interests of the corporations so merging or consolidating in and to every species of property and things in action belonging to them, or either of them, shall be deemed to be transferred to and vest in the corporation resulting from such merger or consolidation, without any other deed or transfer, and the merged or consolidated corporation shall hold and enjoy the same to the same extent as if the merging or con- Section amended.

Property to rest in merged company.

solidating corporations, or either of them, had continued to retain their titles and transact business. The merged or consolidated corporation shall succeed to all the obligations and liabilities of the merging or consolidating corporations, or either of them, and shall be held liable to pay and discharge all such debts and liabilities in the same manner as though they had been incurred or contracted by it. The stockholders of the merging or consolidating corporations shall continue subject to all the liabilities, claims and demands, existing against them, or either of them, before such merger or consolidation took place. Any action or proceeding pending at the time of the consummation of the merger or consolidation in which either or all of the merging or consolidating corporations may be a party, shall not abate or discontinue by reason of the merger or consolidation, but the same may be prosecuted to final judgment in the same manner as if the merger or consolidation had not taken place; or the merged or consolidated corporation may be substituted in place of any corporation involved in such merger or consolidation by order of the court in which the action or proceeding may be pending. So far as they may be applicable, the provisions of this section shall apply to all corporations heretofore merged or consolidated. If the domicile of the corporation formed by or resulting from such merger or consolidation between a domestic corporation or corporations and a foreign corporation or corporations shall by the agreement be fixed or located in this State, such resulting domestic corporation shall thereafter, in addition to all other taxes now or hereafter required to be paid by domestic insurance companies, pay a tax in the same amount and manner as required of foreign insurance companies by sections 17:32-7, 54:17-1 to 3, and 54:18-1 to 7.

17:27-5A. In case, for any reason, any section, part of section, clause or provision of this act shall be questioned in any court, and determined to be

Liabilities to be assumed.

Proceedings not to abate.

Application of act.

Constitutionality.

unconstitutional or invalid, then in that event all the provisions of the entire sections 17:27-3-4 and 5, shall likewise become invalid and inoperative and of no force and effect, it being the intention that this act shall be effective in its entirety only and not otherwise.

Approved May 25, 1938.

CHAPTER 260

AN ACT to authorize two or more municipalities in this State to enter into a contract for the purpose of providing and rendering mutual emergency aid in extinguishing fires in such contracting municipalities.

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

1. It shall be lawful for any two or more municipalities of this State, by the governing bodies thereof, to enter into a contract or contracts for the purpose of providing and rendering, in emergencies, mutual aid in extinguishing fires in any of such contracting municipalities. Such contract may provide for the reimbursement, by any of such contracting municipalities to whom such aid is rendered, for damage to the equipment or other property of the municipality while rendering aid as aforesaid, and for any payments lawfully made or to be made to any member of its fire department, or to his widow or other dependents, on account of injuries sustained or death suffered by him in the course of rendering aid as aforesaid, or while enroute to the aid of such municipality or returning therefrom.

May contract
for mutual
aid in fire
fighting.

2. Any contract or contracts entered into, as aforesaid, may also provide for the organization as a joint meeting of the contracting municipal-

Contract to
provide for
joint meeting.

ities, or by representatives duly appointed by the governing bodies thereof, and for the election of a chairman, secretary and such other officers as may be deemed necessary. Any contract or contracts so made may contain such other matters as in the judgment of the governing bodies of the respective municipalities are necessary to accomplish the purpose of this act and may be amended from time to time by consent of the contracting municipalities.

Office.

3. For the purpose of carrying into effect any such contract or contracts, said municipalities may maintain a central office, may acquire land as tenants in common by purchase, gift or condemnation, erect buildings thereon and equip and maintain the same, and may acquire and hold any personal property in common. Said municipalities so organized may appoint such officers and employees as may be necessary for the joint enterprise, and may jointly enter into any contract which any single municipality is authorized to make.

Police and
other privi-
leges.

4. Any municipality and all members of its fire department so rendering aid to any other municipality as aforesaid shall, while so engaged and while in transit to and from any such municipality calling for aid, be deemed to be engaged in a governmental function and shall be entitled to all of the police powers, privileges and immunities such municipality and the members of its fire department would have if engaged in extinguishing fires within its own municipality boundaries.

Expenses, etc.,
met by taxes.

5. For the purpose of defraying its proportion of the costs or expenses of the services provided for in any contract as herein authorized, and for the reimbursement to any other municipality for damage to equipment or personal injuries to members of any aiding fire department, as may be provided for in any such contract, each municipality shall have the power to raise by taxation and appropriate such sum or sums as may be deemed necessary therefor.

6. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 261

AN ACT relating to education, and supplementing chapter twenty of Title 18 of the Revised Statutes.

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

1. No institution which proposes to offer courses of study above high school grade, which courses satisfy in whole or in part the requirements for a college or university degree, shall adopt or use any title or name commonly accepted as descriptive of collegiate or university institutions without the approval of the State Board of Education. Such approval shall be made under the regulations relating to names and titles of institutions adopted by said State Board of Education.

Approval of
collegiate
name.

Regulations.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 262

AN ACT relating to public education, and amending sections 18:14-42, 18:14-47 and 18:14-48 of the Revised Statutes.

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

1. Section 18:14-42 of the Revised Statutes is amended to read as follows:

Section
amended.

18:14-42. For the purpose of enforcing the provisions of this article, the board of education of each school district and the board of education of the

Attendance
officers.

	county vocational school shall appoint a suitable number of qualified persons to be designated as attendance officers, and shall fix their compensation; <i>provided</i> , that if a county attendance officer or officers are appointed for any county, any district board of education of such county may be
Proviso.	
Exemption.	exempt from the appointment of a local attendance officer if such exemption is approved by the county superintendent of schools. Each board shall make rules and regulations not inconsistent with the provisions of this article for the government of the attendance officers, which rules and regulations must be approved by the commissioner.
Section amended.	2. Section 18:14-47 of the Revised Statutes is amended to read as follows:
Appointment by commissioner.	18:14-47. Whenever a majority of the boards of education of any county other than counties of the first class has by resolution requested the appointment of a county attendance officer or officers and, upon investigation, the Commissioner of Education and the State Board of Education shall deem the appointment of a county attendance officer or officers to be for the best interests of the schools of that county, the commissioner shall appoint, by and with the advice and consent of the State Board, a suitable person or persons to be known as the county attendance officer or officers for the county who shall perform in all districts of the county exclusive of city school districts such duties as may be prescribed by rules and regulations adopted by the State Board of Education. Each county attendance officer shall have the same power to enforce the compulsory school law and all rules and regulations connected therewith as is conferred upon attendance officers appointed by local boards of education. The term of office of such county attendance officer shall be for one year and the commissioner shall fix the salary of such county attendance officer or officers at not more than eighteen hundred dollars per annum, with the approval of the State Board of Education.
State board's consent.	
Powers.	
Term.	
Salary.	

3. Section 18:14-48 of the Revised Statutes is amended to read as follows:

Section
amended.

18:14-48. The county superintendent of the county in which a county attendance officer or officers has or have been appointed, as provided in section 18:14-47 of this Title, shall, before making his apportionment of school moneys, deduct from the amount of railroad tax or other State school funds appropriated to his county the amount of salary for such county attendance officer or officers and the further sum of seven hundred dollars for traveling expenses for each such attendance officer, which sums shall remain in the hands of the county treasurer and shall be available only for the payment of the salary or salaries of the attendance officer or officers and the expenses incurred by him or them in the performance of his or their official duties.

Deduction
by county
superintendent
for salary and
expenses.

If at the time of making the then next apportionment of school moneys any balance of the moneys theretofore appropriated shall remain in the hands of the county treasurer, the county treasurer shall certify to the county superintendent of schools the amount of the balance and the county superintendent shall thereupon include the amount in the amount to be apportioned among the schools of his county in the then next apportionment.

As to
balance.

The salary of the attendance officer or officers shall be paid in ten equal monthly installments on orders issued by the county superintendent drawn on the county treasurer and paid out of the moneys apportioned to him for that purpose. All claims for the expenses of the county attendance officer or officers shall be paid after being audited by the county superintendent on orders issued by the county superintendent and drawn on the county treasurer. The expenses for each such officer shall not exceed in any one year the sum of seven hundred dollars.

Payment of
salary.

Audit.

Expenses
limited.

4. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 263

AN ACT validating proceedings brought 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," to foreclose or bar the right of redemption of all persons interested in the land involved and described in such proceeding.

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

Setting aside
final decree
for certain
omission.

1. No final decree foreclosing or barring the right of redemption of all persons interested in the land involved and described in such final decree and declaring an absolute and indefeasible estate of inheritance in fee simple to be vested in the complainant in the land involved and described in such final decree, as a result of proceedings brought under "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," shall be set aside or invalid for failure or omission of the complainant or complainants to join as party or parties defendant in such suit, any cestui que trustuent, ward, beneficiary, holder of bonds, certificates, shares or other interest, right, claim or title in a mortgage, provided the trustee or fiduciary designated in such mortgage, or his or its successor, shall have been made a party defendant to such suit; and the party having received such a final decree, and his, her, its, or their heirs, successors or assigns, shall be deemed to have as good and complete title to the real property involved and described in said final decree as if all parties owning as cestui que trustuent, ward, beneficiary,

Proviso.

Validity of
title.

holder of bonds, certificates, shares or other interest, right, claim or title in or to the mortgaged premises, had been joined as parties defendant and duly served with process in such proceedings, provided that no proceedings shall have heretofore been instituted in any court of law or equity to set aside said final decree or any proceedings in connection therewith.

Parties joining
in procedure.

2. This act shall take effect immediately.
Approved May 25, 1938.

CHAPTER 264

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, and supplementing article nine, chapter five, of Title 54, of the Revised Statutes.

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

1. It shall not be necessary in prosecuting any suit to foreclose or bar the right of redemption to make any cestui que trustuent, ward, beneficiary, holder of bonds, certificates, shares or other interests in a mortgage, parties defendant, 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, *provided* that any trustee of fiduciary designated in such mortgage, or his or its successor, be made a party defendant to such suit.

Parties
defendant.

Proviso.

Nothing in this section shall be deemed as indicating that, prior to the passage of this act, it was necessary to make such cestui que trustuent, ward,

Necessity not
indicated.

beneficiary, holder of bonds, certificates, shares or other interests in a mortgage, parties defendant.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 265

AN ACT permitting the payment of indemnity on animals condemned as result of the tuberculin test providing such animals have passed one authorized tuberculin test after entry into the State and have been within the State of New Jersey at least sixty days prior to the condemnation thereof, in place of six months as previously required, and providing that such animals must originate in fully accredited herds or in a modified accredited area instead of a once tested clean herd, and amending section 4:5-28 of the Revised Statutes.

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

Section
amended.

1. Section 4:5-28 of the Revised Statutes is hereby amended to read as follows:

Payment of
indemnity.

4:5-28. No indemnity shall be paid unless the animal shall have been within the State and owned within the State, for at least sixty days prior to the time of being condemned, proof of ownership to be furnished by the owner to the department upon request; nor unless the animal shall have passed one authorized tuberculin test after entry into the State of New Jersey; nor unless the animal at the time of entry was accompanied by a tuberculin test chart covering approved test made within thirty days of entry into New Jersey; nor unless the

Tests.

animal at the time of entry into the State was accompanied by a tuberculin test chart and other credentials showing that the herd from which it originated was a fully accredited herd or a herd maintained in a modified accredited area and that the herd from which the animal originated had on the last herd test made under co-operative State, Federal or governmental supervision all passed with no evidence of reaction, in a manner satisfactory to the requirements of the New Jersey State Department of Agriculture. Reaction.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 266

AN ACT concerning fraudulently tapping electric wires or gas or water meters or pipes, and amending section 2:145-13 of the Revised Statutes.

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

1. Section 2:145-13 of the Revised Statutes, is amended to read as follows: Section amended.

2:145-13. Any person who, without permission and for the purpose of obtaining electric current, gas or water with intent to defraud any electric, gas or water company, shall: Illegal use of electricity:

a. Connect or cause to be connected by wire or any other device with the wires, cables or conductors of any electric company; or Unlawful connections;

b. Connect or disconnect the meters, pipes or conduits of any gas or water company or in any other manner tamper or interfere with such meters, pipes or conduits, or connect with such meters, pipes or conduits by pipes, conduits or other instruments— Unlawful use of gas or water meters.

Shall be guilty of a misdemeanor.

Misdemeanor.

Assumed
fraudulent
conditions.

The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, shall be presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through such meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created with reference to such meters, pipes, conduits, or attachments, the condition so existing; *provided, however*, that the presumption shall not apply to any person so furnished with gas, electricity or water for less than thirty-one days or until there has been at least one meter reading.

Proviso.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 267

AN ACT concerning tampering or connecting with electric meters, and amending section 2:145-14 of the Revised Statutes.

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

Section
amended.

1. Section 2:145-14 of the Revised Statutes, is amended to read as follows:

Improper use
of meters.

2:145-14. Any person who, without permission or authority, shall connect or cause to be connected by wires or other devices, any meter erected or set up for the purpose of registering or recording the amount of electric current supplied to any customer by any electric company within this State, or change or shunt the wiring leading to or from any such meter, or by any device, appliance or means whatsoever tamper with any such meter so that the meter will not measure or record the full amount of electric current supplied to such customer, shall be

guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding six months, or both. The existence of any of the conditions with reference to meters, or attachments described in this section shall be presumptive evidence that the person to whom electricity is at the time being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing; *provided, however*, that the presumption shall not apply to any person so furnished with electricity for less than thirty-one days or until there has been at least one meter reading. Penalty.

2. This act shall take effect immediately. Certain conditions evidence of fraud.

Approved May 25, 1938. Proviso.

CHAPTER 268

AN ACT concerning counties of the first class, and amending section 40:21-60 of the Revised Statutes.

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

1. Section 40:21-60 of the Revised Statutes be and the same is hereby amended to read as follows: Section amended.
 40:21-60. Terms of office. The officers appointed by the boards of chosen freeholders in counties of the first class provided in section 40:21-59 of this Title shall each be appointed for a term of three years, except the county engineer, who shall serve for a term of five years. Terms of appointive officers in first class counties.
2. All acts and parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect immediately. Repealer.

Approved May 25, 1938.

CHAPTER 269

AN ACT to add Route No. 2-N to the State highway system.

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

Additional
road.

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, lay out and construct as an addition to the present State highway system the following described route:

Route 2-N.

Route No. 2-N beginning at Route No. 2 in the township of Lyndhurst, Bergen county, and running westerly along Kingsland avenue and along Park avenue in the town of Nutley, Essex county, and ending at Union avenue in the town of Nutley.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 270

AN ACT validating elections in various wards in municipalities of this State concerning justices of the peace and confirming said elections, and supplementing chapter nine of Title 2 of the Revised Statutes by adding two new paragraphs to section 2:9-1, 2:9-1a and 2:9-1b.

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

Paragraph
added.

1. Chapter nine of Title 2 of the Revised Statutes be and the same is hereby supplemented by adding a new paragraph to section 2:9-1 thereof, 2:9-1a, to read as follows:

2:9-1a. Whenever, in any ward in any municipality of this State, an election has heretofore been held to fill a vacancy in the office of justice of the peace and at such election a majority of the votes cast were in favor of electing a justice of the peace, then the provisions of such election shall be deemed to apply to and be in operation and force in any such municipality.

Filling vacancy
of justice of
peace.

2. Chapter nine of Title 2 of the Revised Statutes be and the same is hereby further supplemented by adding a new paragraph to section 2:9-1 thereof, 2:9-1b, to read as follows:

Paragraph
added.

2:9-1b. All elections held in any ward in any municipality as aforesaid are hereby validated and confirmed, notwithstanding any defect in the notice of such election, or in the calling of the same, or in the method or manner of submission or certification thereof.

Election
validated.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 271

AN ACT concerning the salary of assistant prosecutors in counties having a population of more than sixty thousand and not more than sixty-nine thousand, and supplementing chapter one hundred and eighty-two of Title 2 of the Revised Statutes by inserting one new paragraph in section 2:182-14, to be known as 2:182-14d5(a).

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

1. Chapter one hundred and eighty-two of Title 2 of the Revised Statutes be and the same is hereby supplemented by inserting a new paragraph in section 2:182-14 thereof, to be known as 2:182-14d5(a), to read as follows:

Paragraph
added.

Salary of
assistant
prosecutor.

2:182-14d5(a). Counties having a population of more than sixty thousand and not more than sixty-nine thousand, the assistant prosecutor, twelve hundred dollars;

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 272

AN ACT making an appropriation to the Palisades Interstate Park Commission for the purpose of meeting an emergency occasioned by the washing away of a part of the park road between State Highway Route No. 1 at Alpine and the Alpine-Yonkers Ferry.

Preamble.

WHEREAS, Heavy rains undermined and destroyed a part of the park road between State Highway Route No. 1 at Alpine and the Alpine-Yonkers Ferry, creating an emergency which necessitates prompt action on the part of the Palisades Interstate Park Commission, as an agency of the State of New Jersey, for the protection of the public; and

Preamble.

WHEREAS, The estimated cost of rebuilding the said road is fifteen thousand dollars (\$15,000.00) and the said Commission has only the sum of five thousand dollars (\$5,000.00) available for this purpose; now therefore

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

Appropriation
for rebuilding
road.

1. There is hereby appropriated to the Palisades Interstate Park Commission from such funds as may be available the sum of ten thousand dollars

(\$10,000.00) or so much thereof as may be necessary to be expended by said commission for the rebuilding of said road between Alpine and the Alpine-Yonkers Ferry.

The amount herein appropriated shall be disbursed by the State Treasurer pursuant to the provisions of section 32:14-29 of the Revised Statutes. Disbursement.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 273

AN ACT to correct erroneous internal references in sections 2:85-3, 2:192-1, 2:192-1.1 and 2:192-1.2 of the Revised Statutes.

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

1. Section 2:85-3 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:85-3. No person whose name is not on the jury lists prepared as required by chapter eighty-eight of this Title (§2:88-1 et seq.), shall serve as juror, if objection to his serving because of the absence of his name from the lists is made before he is sworn or affirmed. This section shall not apply to cases in which a foreign or struck jury or a tales de circumstantibus or a jury of view is ordered, or to cases in which jurors are selected and drawn under authority of sections 2:88-17, 2:88-21.1 or 2:90-5 of this Title. If juror's name not listed.
Certain exceptions.

2. Section 2:192-1 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:192-1. In all criminal cases where sentence is by law to be imposed, it shall be the duty of the trial court to impose sentence upon a defendant within Time for imposing sentence.

	<p>forty-five days after such defendant shall have been convicted of or shall have pleaded guilty to the commission of a crime, except that, where a sentence has been opened and vacated it shall be the duty of the court, except when a new trial is granted, to resentence the defendant within ten days after the opening and vacation of such sentence.</p>
Resentencing.	
Sections not affected.	<p>Nothing in this section contained shall be construed to in any way affect the provisions of either section 2:185-5 or 2:195-23 of this Title.</p>
Section amended.	<p>3. Section 2:192-1.1 of the Revised Statutes is hereby amended to read as follows:</p>
Clinic to study conditions of defendants.	<p>2:192-1.1. In order that judges conducting courts for the trial of criminal cases may have complete information for use in determining sentences to be imposed, there may be organized and operated in each county a clinic for the study of the mental and physical conditions of defendants to be sentenced and their environments.</p>
Organization of clinics.	<p>Each justice of the New Jersey Supreme Court shall have authority to organize a clinic in the county or counties in which he presides, or, by consent of such presiding justice, the judge or judges of the court of common pleas and the juvenile and domestic relations courts in each county shall have authority to organize a clinic for such county.</p>
How clinic composed.	<p>A clinic shall consist of any number of qualified persons, more than three, as shall seem proper to the justice or judges organizing the same, one of which number shall be the county probation officer, one a physician licensed to practice in this State and one a psychologist.</p>
Rules of procedure.	<p>Every clinic shall be conducted in accordance with rules prescribed by the courts which it shall serve and shall be operated without expense to the county in which it is organized unless the board of chosen freeholders thereof shall appropriate money to defray such expenses, which they are hereby authorized to do.</p>
Expenses.	
Sections not affected.	<p>Nothing in this section contained shall be construed to in any way affect or repeal the provisions</p>

of either section 2:185-5 or section 2:195-23 of this Title.

4. Section 2:192-1.2 of the Revised Statutes is hereby amended to read as follows:

Section amended.

2:192-1.2. Every judge, before imposing sentence upon a defendant, may order an examination of the mental and physical condition of such defendant and an investigation of his environment by a clinic organized in the county wherein such sentence is to be imposed or may send the defendant to an appropriate institution within this State for examination, study and classification.

Examination of defendant.

Nothing in this section contained shall be construed to in any way affect or repeal the provisions of either section 2:185-5 or section 2:195-23 of this Title.

Sections not affected.

5. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 274

AN ACT to correct an erroneous internal reference in section 9:4-18 of the Revised Statutes.

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

1. Section 9:4-18 of the Revised Statutes is hereby amended to read as follows:

Section amended.

9:4-18. The managers, trustees or governing body of a children's home to which a child is indentured pursuant to section 9:4-15 of this Title, may at any time apprentice the child, with the child's free will and accord, to serve as clerk, apprentice or servant in a profession, trade, business or manual occupation until the child, if male, attains the age of twenty-one years, and, if female, the age of eighteen years, or for any shorter period.

Apprenticing a child.

Age limit.

Such apprenticing shall be effected in the manner provided in chapter four of this Title (§9:4-1 et seq.) in case of apprenticing by the parents of a child.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 275

AN ACT to correct erroneous internal references in sections 30:2-1 and 30:9-19 of the Revised Statutes.

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

Section
amended.

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

Departmental
appropriations
in one item.

30:2-1. All appropriations of money from the State treasury for the uses and purposes of the several institutions and noninstitutional agencies included within the provisions of section 30:1-7 of this Title, and for all expenses incidental thereto or connected therewith, as well as appropriations for the uses and purposes of the department, shall be made to the department as one item.

Requests for
funds.

The several institutions and noninstitutional agencies included within the provisions of section 30:1-7 of this Title shall submit their requests for appropriations to the State board in the form and at the time prescribed by law. The State board shall be the sole agency for the transmission to the State Budget Commissioner of the requests for appropriations on behalf of the department and the institutions and noninstitutional agencies included within the provisions of said section 30:1-7, with such modifications of the requests of the several institutions as the board may determine. The State

Transmitting
requests.

Submitting
requests.

board shall be the sole board authorized to submit a request to the State Budget Commissioner for appropriations on behalf of any of the charitable, hospital, relief and training institutions or correctional institutions or noninstitutional agencies included within the provisions of said section 30:1-7. Appropriations for working capital for all institutions and noninstitutional agencies included within the provisions of section 30:1-7 of this Title shall be made in bulk and may be allotted by the State board or used as a general fund, as it may determine.

Appropriations
in bulk.

Allotment.

2. Section 30:9-19 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

30:9-19. A city through its governing body may from time to time or at once, as may be deemed most advantageous, borrow the money necessary to reconstruct, repair and improve a hospital as authorized by section 30:9-18 of this Title and may for that purpose issue bonds in a sum not exceeding three hundred thousand dollars. Out of the proceeds the city may expend a sum not exceeding twenty-five thousand dollars for furnishing, re-furnishing and equipping the buildings, property, apartments and appurtenances of the enlarged or reconstructed hospital.

City may
borrow for
hospital pur-
poses.

Bond issue.

Amount as-
signed for
furnishings
and equipment.

3. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 276

AN ACT to correct an erroneous internal reference
in section 40:47-40 of the Revised Statutes.

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

Section
amended.

1. Section 40:47-40 of the Revised Statutes is hereby amended to read as follows:

Hours of duty
fixed.

40:47-40. The hours of duty of the day force shall be from eight o'clock A. M. to six o'clock P. M., and the hours of duty of the night force shall be from six o'clock P. M. to eight o'clock the following morning, except that on every fourth day, for the purpose of alternating the day force with the night force and vice versa, the numbers of hours of duty herein stated may be exceeded, but one force shall be at liberty at all times, except as otherwise provided in section 40:47-47.1 of this Title.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 277

AN ACT to correct erroneous internal references in
sections 45:3-1, 45:3-2, 45:6-1, 45:7-1, 45:9-1,
45:9-5, 45:12-2, 45:12-18 and 45:16-1 of the
Revised Statutes.

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

Section
amended.

1. Section 45:3-1 of the Revised Statutes is hereby amended to read as follows:

State Board
of Architects
continued.

45:3-1. The New Jersey State Board of Architects, hereinafter in this chapter designated as the "board," created and established by an act entitled

“An act to regulate the practice of architecture,” approved March twenty-fourth, one thousand nine hundred and two (L. 1902, c. 29, p. 54), as amended and supplemented, is continued. The board shall consist of five members, at least four of whom shall be architects residing in this State and shall have been engaged in the practice of their profession for at least ten years. Upon the expiration of the term of office of any member, his successor shall be appointed by the Governor, subject to the provisions of section 45:1-2 of this Title, for a term of two years. Each member shall hold his office until his successor has qualified. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for an original appointment. Except as hereinafter provided, the members of the board shall serve without compensation.

Requirements
for members.

Term.

Hold over.

Vacancy.

No compen-
sation.

2. Section 45:3-2 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

45:3-2. The members of the board shall, before entering upon the discharge of their duties, and within thirty days after their appointment, take and subscribe an oath, for the faithful performance of their duties, before an officer authorized to administer oaths in this State, and file the same with the Secretary of State. They shall annually elect from their number a president, and a secretary who shall also be treasurer, each of whom shall hold office for one year and until his successor has qualified. The secretary shall receive compensation for his services as provided by section 45:1-4 of this Title. Special meetings of the board shall be called by the secretary upon the request of any two members by giving at least five days' written notice of the meeting to each member. Three members of the board shall constitute a quorum.

Oath.

Organization.

Secretary's
salary.Special meet-
ings.Section
amended.

3. Section 45:6-1 of the Revised Statutes is hereby amended to read as follows:

State Board
of Registration
and Examination
in
Dentistry
continued.

45:6-1. The State Board of Registration and Examination in dentistry, hereinafter in this chap-

ter designated as the "board," created and established by an act entitled "An act to regulate the practice of dentistry in the State of New Jersey, and to repeal certain acts now relating to the same," approved March thirty-first, one thousand nine hundred and fifteen (L. 1915, c. 146, p. 261), as amended and supplemented, is continued.

Members.

The board shall consist of eight members, each of whom shall have resided and practiced dentistry in this State for at least ten years immediately preceding his appointment. Upon the expiration of the term of office of any member, his successor shall be appointed by the Governor, subject to the provisions of section 45:1-2 of this Title, for a term of four years. Each member shall hold his office until his successor has qualified. Any vacancy in the membership of the board shall be filled by the Governor for the unexpired term only. Upon cause being shown before him, the Governor may remove a member from office upon proven charges of inefficiency, incompetency, immorality or professional misconduct.

Term.

Hold over.

Vacancy.

Removal of member.

Section amended.

4. Section 45:7-1 of the Revised Statutes is hereby amended to read as follows:

Board of Embalmers and Funeral Directors continued.

45:7-1. The board of embalmers and funeral directors of the State of New Jersey, hereinafter in this chapter designated as the "board," created and established by an act entitled "An act to regulate the business of dealing with dead human bodies, including their preparation, preservation and disposal and the business of funeral directing, embalming and undertaking and to license those engaged in the business of funeral directing, undertaking, embalming and the preparation and preservation and disposal of dead human bodies and to punish persons violating the provisions thereof," approved March twenty-eighth, one thousand nine hundred and twenty-seven (L. 1927, c. 156, p. 295), as amended and supplemented, is continued.

Members.

The board shall consist of five members, each of whom shall have had experience of at least five

years both as a practical embalmer and funeral director. Upon the expiration of the term of office of a member, his successor shall be appointed by the Governor, subject to the provisions of section 45:1-2 of this Title, for a term of three years from July first of the year of appointment. Each member shall hold his office until his successor has qualified. The board shall enjoy all the powers of its predecessor, the board of undertakers and embalmers of the State of New Jersey, created and established by the act of May twelfth, one thousand nine hundred and six (L. 1906, c. 219, p. 420), as well as the powers conferred by this chapter, except as otherwise provided. Any vacancies occurring in the board shall be filled by the Governor for the unexpired term only.

Term.

Hold over.

Powers.

Vacancy.

5. 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. The board shall consist of eleven members, who shall be persons of recognized professional ability and honor and of whom five shall be old-school physicians, three shall be homœopaths, one an eclectic, one an osteopathic physician practicing osteopathy in this State, and one a chiropractor practicing chiropractic in this State. Said osteopathic physician and said chiropractor shall be graduates of a legally incorporated school or college of osteopathy and a school or college of

Board of Medical Examiners continued.

Members.

Qualifications of certain members.

	chiropractic, respectively, requiring personal attendance and shall represent in the board the respective schools of practice to which they belong.
Term.	Upon the expiration of the term of office of a member his successor shall be appointed for a term of three years by the Governor subject to the provisions of section 45:1-2 of this Title.
Vacancies.	Vacancies in the memberships shall be filled for the unexpired terms in the manner provided for an original appointment.
Hold over.	Each member shall hold his office until his successor has qualified.
Oath.	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.
Section amended.	6. Section 45:9-5 of the Revised Statutes is hereby amended to read as follows:
Meeting.	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 each year, which shall be held at the capitol building if space is available therefor, and at such other times and places as it may deem expedient.
Secretary's salary.	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 the same are paid to the State Treasurer; but if an appropriation is made for the expenses of the board such sums may be paid from such appropriation.
Record of applicants.	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.
Contents of record.	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 medical education as hereinafter provided, and the names and location of all medical schools 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.

7. Section 45:12-2 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

45:12-2. The New Jersey State Board of Optometrists, hereinafter in this chapter designated as the "board," created and established by the act entitled "An act to regulate the practice of optometry, to license optometrists, and to punish persons violating the provisions thereof," approved April seventeenth, one thousand nine hundred and fourteen (L. 1914, c. 222, p. 448), as amended and supplemented, is continued. The board shall consist of five members, each of whom shall possess sufficient knowledge of theoretical and practical optics to practice optometry, and shall have been a resident of this State engaged in the practice of optometry for at least five years. Upon the expiration of the term of office of a member, his successor shall be appointed by the Governor, subject to the provisions of section 45:1-2 of this Title, for a term of three years from July first of the year of appointment. Each member shall hold his office until his successor has qualified. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for an original appointment.

Board of
Optometrists
continued.

Members.

Term.

Hold over.

Vacancies.

8. Section 45:12-18 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

45:12-18. An itemized account of all the receipts and expenditures of the board shall be kept by the secretary-treasurer, and a detailed report thereof each year, ending with June thirtieth, duly verified by the affidavit of said secretary-treasurer, shall be

Record of
accounts.

Construing.	filed with the State Comptroller within ten days thereafter. Nothing in this section or section 45:12-17 of this Title shall be construed as modifying in any respect the provisions of sections 45:1-3 and 45:1-4 of this Title.
Section amended.	9. Section 45:16-1 of the Revised Statutes is hereby amended to read as follows:
Board of Veterinary Medical Examiners continued.	45:16-1. The State Board of Veterinary Medical Examiners, hereinafter in this chapter designated as the "board," created and established by an act entitled "An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of New Jersey, to license veterinarians and to punish persons violating the provisions thereof," approved March seventeenth, one thousand nine hundred and two (L. 1902, c. 18, p. 36), as amended and supplemented, is continued. The board shall consist of five members, each of whom shall be a person of recognized professional ability and honor in the veterinary profession in this State and shall have practiced veterinary medicine and surgery for at least five years immediately preceding his appointment. Upon the expiration of the term of office of a member, his successor shall be appointed by the Governor, subject to the provisions of section 45:1-2 of this Title, for a term of three years from the first Monday of May of the year of appointment. Each member shall hold his office until his successor has qualified.
Members.	
Term.	
Hold over.	
	10. This act shall take effect immediately. Approved May 25, 1938.

CHAPTER 278

AN ACT concerning the taxation of the transfer of property, of resident and nonresident decedents, by devise, bequest, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases, and amending section 54:35-9 of the Revised Statutes.

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

1. Section 54:35-9 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

54:35-9. When the tax and interest chargeable has been paid in full or secured by bond, or when an estate is determined by the State Tax Commissioner to be exempt from any inheritance tax of this State, a statement of such fact, signed by the State Tax Commissioner, shall be issued to the executor, administrator or other representative of the estate. The statement shall be in such form as the commissioner may adopt and shall include a concise but definite description of the real property disclosed in the proceeding. Such statement may be recorded in the office of the county clerk of the county wherein the real property is situate, in a book which shall be kept by the clerk for such purpose, labeled "inheritance tax," for which recording and indexing the clerk shall receive the fee prescribed therefor by section 22:2-19 of the Title Fees and Costs.

Statement of
exemption
issued by
commissioner.

Form of
statement.

Recorded by
county clerk.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 279

AN ACT to correct an erroneous internal reference
in section 54:1-35 of the Revised Statutes.

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

Section
amended.

1. Section 54:1-35 of the Revised Statutes is hereby amended to read as follows:

Abstract of
ratables to
be basis of
prorating
school tax.

54:1-35. The commissioner shall prepare an abstract of the total ratables of the State, as returned by the county boards of taxation and corrected or confirmed by him in accordance with the State equalization table, and transmit a certified copy thereof to the State Board of Tax Appeals, the county boards of taxation and the State Comptroller, who shall apportion the State school tax, State tax or State moneys, as provided by law, upon the ratables as shown in such abstract, which shall take the place for all such purposes of the annual abstracts heretofore filed by county boards of taxation in the office of the Comptroller under the provisions of section 54:4-52 of this Title.

2. This act shall take effect immediately.

Approved May 25, 1938.

CHAPTER 280

AN ACT concerning elections, and amending section 19:8-2 of the Revised Statutes.

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

1. Section 19:8-2 of the Revised Statutes is hereby amended to read as follows: Section amended.

19:8-2. The clerk of every municipality, before the first day of August in each year, except that in Presidential years it shall be on or before the first day of April, shall certify to the county board of every county wherein such municipality is located a suggested list of places in the municipality suitable for polling places. The county board shall select the polling places for the election districts in the municipalities of the county for all elections in the municipalities thereof, including all commission government elections in the county. The county boards shall not be obliged to select the polling places so suggested by the municipal clerks, but may choose others where they may deem it expedient. Certify list of available polling places.

Where the county board shall fail to agree as to the selection of the polling place or places for any election district, within five days of an election, the county clerk shall select and designate the polling place or places in any such election district. Selection of polling places.

The county board may select a polling place other than a schoolhouse or public building outside of the district, but such polling place shall not be located more than one thousand feet distant from the boundary line of the district. Discretion of board.

Approved May 28, 1938. County clerk to select.

Polling place outside of district.

CHAPTER 281

AN ACT concerning elections, and amending section 19:8-4 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 19:8-4 of the Revised Statutes of New Jersey is hereby amended to read as follows:

List of polling places
supplied.

19:8-4. The county board before the fifteenth day of August each year except that in Presidential years it shall be the fifteenth day of April shall certify a list of polling places so selected to the sheriff and to the clerk of the county and to each municipal clerk in the county.

2. This act shall take effect immediately.

Approved May 28, 1938.

CHAPTER 282

AN ACT to amend an act entitled "An act to create a new township in the county of Bergen, to be called the township of Overpeck," approved March twenty-third, one thousand eight hundred and ninety-seven.

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

Section 1
amended.

1. The first section of an act entitled "An act to create a new township in the county of Bergen, to be called the township of Overpeck," approved March twenty-third, one thousand eight hundred and ninety-seven, be amended so as to read as follows:

1. All that portion of the township of Ridgefield, in the county of Bergen, which is included within the limits of the Village of Ridgefield Park, the boundaries of which are as follows: Beginning at low-water mark of Hackensack river, at a point in a straight line with the north line of the property of the late J. R. Paulison, thence running (1) eastwardly to and along said north line of the Paulison property to the Queen Anne road; thence (2) along the south line of property of Jasper Westervelt, to the point where it intersects the south line of the late Cornelius Van Valen; thence (3) along said south line of the late Cornelius Van Valen, and in a direct course to low-water mark of Overpeck creek; thence (4) southerly and northwesterly along low-water mark of said creek to the Hackensack river at low-water mark; thence (5) northerly along low-water mark of Hackensack river to the place of beginning, shall be and is hereby set off from the said township of Ridgefield, and shall be and is hereby created a separate township to be called and known as the township of Ridgefield Park.

Boundaries
of township
Ridgefield
Park.

2. The second section of said act be amended so as to read as follows:

Section 2
amended.

2. The inhabitants of the township of Ridgefield Park shall be and they are hereby constituted a body politic and corporate in law and they shall be styled and known by the name of "the inhabitants of the township of Ridgefield Park, in the county of Bergen," and they shall be entitled to all the rights, power, authority, privileges and advantages, and be subject to the same regulations, government and liabilities as the other townships in said county of Bergen are or may be entitled or subject to by the laws of this State; *provided*, that nothing herein contained shall be construed so as to affect the village government of the village of Ridgefield Park.

Legal
existence.

Corporate
name.

Powers, rights,
etc.

Proviso.

3. All acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer.

4. This act shall take effect immediately.

Approved May 31, 1938.

CHAPTER 283

AN ACT concerning the tax upon the sale or use of motor fuels, and amending sections 54:39-7, 54:39-41 and 54:39-67 of the Revised Statutes.

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

Section
amended.

1. Section 54:39-7 of the Revised Statutes is amended to read as follows:

"Sale"
defined.

54:39-7. "Sale" means and includes, in addition to its ordinary meaning, any exchange, gift, theft, or other disposition. In every case where fuels are exchanged, given, stolen or otherwise disposed of, they shall be deemed to have been sold.

Additional
meaning to
"purchase."

"Purchase" means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

Section
amended.

2. Section 54:39-41 of the Revised Statutes is amended to read as follows:

Vehicles for
delivering fuel
licensed.

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 assign a registry number to such person and shall issue separate license cards for each 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, contain-

Registration
number.

License card
displaced.

License plate.

ing the number assigned to the licensee, 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 each such conveyance from complying with any or all provisions of existing laws.

License plate
visible.

Fee.

Laws to be
observed.

3. Section 54:39-45 of the Revised Statutes is amended to read as follows:

Section
amended.

54:39-45. The license cards issued for the operation over the public highways or waterways of this State of any conveyance used for the transporting or hauling of fuels may be revoked upon reasonable grounds by the commissioner in the same manner as other licenses may be revoked by the commissioner under the provisions of this chapter.

Revocation.

4. Section 54:39-53 of the Revised Statutes is amended to read as follows:

Section
amended.

54:39-53. Any person who shall operate any conveyance for the purpose of transporting or hauling fuels without the proper license card displayed on the conveyance, or who shall operate a conveyance without having license plates thereon, as provided in section 54:39-41 of this Title shall upon conviction of such offense be fined one hundred dollars, and for failure or refusal to forthwith pay such fine after conviction shall be imprisoned for not more than thirty days.

Penalty for not
complying.

Section
amended.

5. Section 54:39-67 of the Revised Statutes is amended to read as follows:

Warrant in
favor of
claimant.

54:39-67. Upon approval by the commissioner of such affidavit and such vouchers, the State Comptroller shall draw his warrant upon the State Treasurer for the amount of such claim in favor of such claimant and such warrant shall be paid from the tax collected on motor fuel. The application for reimbursements and repayments shall be filed with the commissioner on or before the last business day of the month following that in which the fuels in question were purchased unless the applicant shall have obtained from the commissioner an extension of time for the filing of the application for the refund. The commissioner may extend the time for filing an application for refund for a period not to exceed six months from the time of the purchase of the fuels in question.

Application
for reimburse-
ment.

Time extended.

False state-
ments.

Any person or the member of any firm or the officer or agent of any corporation who shall make any false statement in any affidavit required for the reimbursement and repayment of any taxes or who shall collect or cause to be repaid to him or to any other person any such reimbursement or refund without being entitled to the same shall be guilty of a misdemeanor.

6. This act shall take effect immediately.

Approved May 31, 1938.

CHAPTER 284

AN Act appropriating the sum of one thousand dollars (\$1,000.00) toward the payment of the expenses attending the holding of the annual convention of the Jewish War Veterans of the United States, Department of New Jersey, at Atlantic City, New Jersey, during the month of June, one thousand nine hundred and thirty-eight, and regulating the disbursement thereof.

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

1. There is hereby appropriated, when included in any annual or supplemental appropriation bill, the sum of one thousand dollars (\$1,000.00), toward the payment of the expenses attending the holding of the annual convention of the Jewish War Veterans of the United States, Department of New Jersey, at Atlantic City, New Jersey, during the month of June, one thousand nine hundred and thirty-eight, and the reception and entertainment of the veterans who shall be delegates to said convention.

Appropriation
toward conven-
tion of Jewish
veterans.

2. All expenditures from the sum hereby appropriated shall be paid out of the treasury of this State on the warrant of the Comptroller on vouchers approved by the Adjutant-General.

Payment.

3. This act shall take effect immediately.

Approved May 31, 1938.

CHAPTER 285

AN ACT concerning alcoholic beverages, and repealing sections 33:3-1 to 33:3-8, inclusive, of the Revised Statutes.

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

Sections
repealed.

1. Sections 33:3-1 to 33:3-8, inclusive, of the Revised Statutes, are hereby repealed.

2. This act shall take effect immediately.

Approved May 31, 1938.

CHAPTER 286

AN ACT appropriating the sum of one thousand dollars (\$1,000.00) toward the payment of the expenses attending the holding of the annual convention of the Twenty-ninth Division Veterans Association of the United States, Department of New Jersey, at Sea Girt, New Jersey, during the month of July, one thousand nine hundred and thirty-eight, and regulating the disbursement thereof.

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

Appropriation
toward con-
vention of
veterans.

1. There is hereby appropriated, when included in any annual or supplemental appropriation bill, the sum of one thousand dollars (\$1,000.00), toward the payment of expenses attending the holding of the annual convention of the Twenty-ninth Division Association of the United States, Department of New Jersey, at Sea Girt, New Jer-

sey, during the month of July, one thousand nine hundred and thirty-eight, and the reception and entertainment of the veterans who shall be delegates to said convention.

2. All expenditures from the sum hereby appropriated shall be paid out of the treasury of this State on the warrant of the Comptroller on vouchers approved by the Adjutant-General. Payment.

3. This act shall take effect immediately.

Approved May 31, 1938.

CHAPTER 287

AN ACT in reference to commission form of government, and amending section 40:75-9 of the Revised Statutes.

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

1. Section 40:75-9 of the Revised Statutes is hereby amended to read as follows:

40:75-9. The municipal clerk shall draw lots to determine the order in which the names of the candidates or groups of candidates shall appear upon the ballots. The name of the person or group of candidates first drawn shall occupy first place on the ballot, and the name of the person or group of candidates next drawn shall occupy second place, and so forth. The manner of drawing by lot shall be as follows: Paper cards with the name of each candidate or group of candidates written thereon shall be placed in a covered box with an aperture in the top large enough to allow the cards to be drawn therefrom. The municipal clerk in the presence of any candidate shall draw from the box each card without knowledge on his part as to which card he is drawing. Order of
candidates on
ballot.

Manner of
drawing.

Approved May 31, 1938.

CHAPTER 288

AN Act concerning education, providing tenure of service for superintendents of schools in all school districts in counties of the first class, and supplementing section 18:13-16 of the Revised Statutes.

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

Tenure of
superintend-
ents of schools
in first class
counties.

Determining
time.

1. In all school districts in counties of the first class, all superintendents of public schools shall during good behavior and efficiency, after the expiration of a period of employment of three calendar years, or after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year, have and enjoy tenure of service and shall not be removed therefrom except for cause, after hearing, and upon due notice. The time any superintendent has served in the district in which he or she is employed at the time this act becomes effective shall be counted in determining such period of employment.

2. This act shall take effect immediately.
Approved May 31, 1938.

CHAPTER 289

AN ACT concerning the regulation and incorporation of insurance companies, regulating the transaction of insurance business in this State, and amending sections 17:17-1, 17:17-3, 17:17-4, 17:17-6, 17:17-8, 17:24-7 and 17:32-2 of the Revised Statutes, and supplementing chapter eighteen of Title 17 of the Revised Statutes.

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

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

17:17-1. Ten or more persons may form a corporation for the purpose of making of any kinds of insurance, as follows: Forming an insurance company:

a. Against direct or indirect loss or damage to property, including loss of use or occupancy, by fire; smoke; smudge; lightning; tempest on land, including windstorm, tornado and cyclone; earthquake; collapse of buildings; hail; frost or snow; weather or climatic conditions, including excess or deficiency of moisture, flood, rain or drought, rising of the waters of the ocean or its tributaries; bombardment; invasion; insurrection; riot; civil war or commotion; military or usurped power; vandalism or malicious mischief; striking employees; explosion, whether fire ensues or not, except explosion of steam boilers and flywheels; and arising from the use of elevators, aircraft, automobiles or other vehicles; against loss or damage by insects or disease to farm crops or products and loss of rental value of land used in producing the crops or products. Subjects of insurance;

b. Against any kinds of loss or damage to: Vessels, craft, aircraft, cars, automobiles and vehicles of every kind, including all kinds of automobile and aircraft insurance (excepting insurance against Marine, vehicle, goods, etc.

Various kinds of insurance;	<p>loss by reason of bodily injury to the person), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidence of debt, valuable papers, bottomry and respondentia interests, and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment or reshipment incident thereto, including marine builder's risk and all personal property floater risks, and to person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of the insurance (but not including life insurance or surety bonds) but, except as herein specified, not against loss by reason of bodily injury to the person.</p>
Life insurance excepted;	<p>c. Upon the lives or health of persons, and every insurance appertaining thereto, and to grant, purchase or dispose of annuities.</p>
Life insurance;	<p>d. Against bodily injury or death by accident, and upon the health of persons, including a funeral benefit to an amount not exceeding one hundred dollars or against loss or damage to automobiles or motor vehicles, or to wagons or vehicles propelled by a horse or team of any description, resulting from collision with moving or stationary objects, against perils to property arising from the use of elevators, aircraft, automobiles or other motor vehicles, or against loss by legal liability for damage to persons or property resulting from collision of automobiles, aircraft, or motor vehicles,</p>
Injury or death;	

or of wagons or vehicles propelled by a horse or team with moving or stationary objects.

e. Against loss or damage resulting from accident to or injury suffered by any person for which loss or damage the insured is liable. Accidents;

f. Against damage to property of the insured or loss of life or damage to the person or property of others for which the insured is liable, caused by the explosion of steam boilers, pipes, engines, motors and machinery connected therewith or operated thereby. Property damage;

g. Against loss from the defaults of persons in positions of trust, public or private, or against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer; and against loss by banks, bankers, brokers, financial or moneyed corporations or associations, of any bills of exchange, notes, checks, drafts, acceptances of drafts, bonds, securities, evidences of debt, deeds, mortgages, documents, gold or silver, bullion, currency, money, platinum and other precious metals, refined or unrefined and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, and also against loss resulting from damage, except by fire, to the insured's premises, furnishings, fixtures, equipment, safes and vaults therein caused by burglary, robbery, hold-up, theft or larceny, or attempt thereat. No such indemnity indemnifying against loss of any property as specified herein shall indemnify against the loss of any such property occurring while in the mail or in the custody or possession of a carrier for hire for the purpose of transportation, except for the purpose of transportation by an armored motor vehicle accompanied by one or more armed guards. Defaults;
Loss of securities;
Sundry losses;
Jewelry;
Theft;
Indemnities;

h. Against loss or damage on account of encumbrances upon or defects in titles to real property. Titles;
Any company organized or operating under this paragraph shall have the right, in addition to its other powers, to make searches, abstracts, examine

titles to real property and chattels, and procure and furnish information in relation thereto.

Credits; i. Against loss from bad debts, commonly known as credit insurance.

Burglary, mischief, vandalism; j. Against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism or malicious mischief, or any one or more of such hazards; and against any and all kinds of loss or destruction of or damage to moneys, securities, currencies, scrip, coins, bullion, bonds, notes, drafts, acceptances of drafts, bills of exchange and other valuable papers or documents, except while in the custody or possession of and being transported by a carrier for hire or in the mail; and against loss or damage to automobiles and aircraft by burglary, larceny, or theft, vandalism or malicious mischief, confiscation or wrongful conversion, disposal or concealment, whether held under conditional sale contract or subject to chattel mortgages, or otherwise, or any one or more of such hazards.

Glass; k. Against loss of and damage to glass, including lettering and ornamentation thereon, and the frame in which the glass is set resulting from breakage of the insured glass.

Water; l. Against loss or damage by water or other fluid to any goods or premises arising from the breaking or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, or of other conduits or containers, or by water entering through leaks or openings in buildings, and of water pipes and against accidental injury to such sprinklers, pumps, conduits, containers, water pipes and other apparatus; including loss of use or occupancy of the property so damaged.

Cattle; m. Upon the lives of horses, cattle and other livestock or against loss by theft of any such property or both.

Smoke; n. Against loss or damage to property by smoke or smudge, or both.

Casualty. o. Against loss or damage to property by any other casualty which may lawfully be the subject of insurance.

Any company, which, by its charter, is authorized to make insurance against loss or damage to property caused by fire, lightning, or tempest on land, may, without amending its charter, transact all of the kinds of insurance described in paragraphs "a," "b," and "l" hereof, if it is possessed of the capital stock or cash premiums required by sections 17:17-6 and 17:17-7 of this Title.

Fire company
may enlarge
its liability.

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

Section
amended.

17:17-3. No company shall be formed for the purpose of engaging in any other kind of insurance than that specified in one of the paragraphs of section 17:17-1 of this Title, or more kinds of insurance than are specified in a single paragraph, except that a company may be formed:

Formation
limited:

a. For the purposes specified in paragraphs "a," "b," "l" and "o" of said section 17:17-1; or

Purposes
specified;

b. For the purposes specified in paragraphs "c" and "d" of said section 17:17-1; or

Other
purposes;

c. For any or all of the purposes specified in paragraphs "d" to "g" and "i" to "o" of said section 17:17-1.

Certain
purposes set
forth.

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

Section
amended.

17:17-4. The persons so proposing to incorporate shall sign a certificate stating their intention to form a corporation under chapters seventeen to thirty-three of this Title (§17:17-1 et seq.), and setting forth:

Certificate of
intention:

a. The name of the company, which shall contain the words "insurance company," except that a company which may be formed for any or all of the purposes specified in paragraphs "d" to "o" of section 17:17-1 of this Title may adopt a name containing the words "insurance company," "indemnity company," "casualty company," "surety company" or "guaranty company." The name shall not so closely resemble that of any existing corporation as to be likely to mislead the public, and shall be approved by the commissioner;

Name;

Office;	b. The place where its principal office in this State is to be located;
Kind of insurance;	c. The kind or kinds of insurance proposed to be transacted by the company, stating the paragraphs of section 17:17-1 of this Title authorizing the same;
Whether stock or mutual;	d. If formed under paragraphs "a," "b," "c," "d," "e," "f" or "k" of section 17:17-1 of this Title, whether the company is to be a stock company or a mutual company;
If stock;	e. If a stock company, the amount of its capital stock, which shall not be less than two hundred thousand dollars, except, if incorporated under paragraph "h" of section 17:17-1 of this Title, the capital stock shall not be less than one hundred thousand dollars, the number of shares into which it is divided, and the par value of each share; and
Capital;	f. The period, if any, limited for the duration of the company.
Period.	The certificate may contain such other particulars as may be necessary to explain and make manifest or limit the objects and purposes of the corporation, and such other provisions not inconsistent with chapters seventeen to thirty-three of this Title (§17:17-1 et seq.), or the Constitution or laws of this State, which the incorporators may choose to insert for the conduct of the affairs of the company, the regulation of its business, or for defining, regulating and limiting the powers of the directors or stockholders.
Other particulars set forth.	4. Section 17:17-6 of the Revised Statutes is hereby amended to read as follows:
Section amended.	17:17-6. No stock insurance company organized under chapters seventeen to thirty-three of this Title (§17:17-1 et seq.), except companies organized under paragraph "h" of section 17:17-1 of this Title, shall commence business unless it has a capital stock of at least two hundred thousand dollars, actually paid in cash and additional capital stock of one hundred thousand dollars, actually paid in cash, for each kind of insurance more than one which it may transact as specified in section
Capital of stock companies.	

17:17-3 of this Title, and also a surplus actually paid in cash equal to one-half of the capital stock. A company shall not commence the kind of business specified in paragraph "g" of section 17:17-1 of this Title, unless it has a capital stock of at least two hundred and fifty thousand dollars actually paid in cash, and an additional capital stock of one hundred thousand dollars, actually paid in cash, for every other kind of insurance which it is authorized to transact, and also a surplus actually paid in cash equal to one-half of the capital stock. No stock insurance company organized under paragraph "h" of section 17:17-1 of this Title shall commence business unless it has a capital stock of at least one hundred thousand dollars, actually paid in cash, and also a surplus actually paid in cash equal to one-half such capital stock.

Capital necessary to begin business.

5. Section 17:17-8 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:17-8. Before granting authority to a company to issue policies or make contracts of insurance, the commissioner shall be satisfied, by such examination and evidence as he sees fit to make and require, that the whole amount of the capital stock set forth in the certificate of incorporation and the required minimum surplus of the company, if a stock company, has been actually paid in cash, and is possessed by the company in money, or in stocks, bonds, or bonds and mortgages authorized for insurance companies by chapter two (§17:2-1 et seq.), and chapter twenty-four (§17:24-1 et seq.), of this Title; or, if a mutual company, that it has received and is in possession of the cash premiums, and bona fide engagements for insurance to the extent and of the value hereinbefore required. This section shall not apply to insurance companies incorporated by certificates filed in the department prior to March twenty-seventh, one thousand nine hundred and twenty-eight.

Paid in capital on hand, if stock company,

If mutual company.

Exception.

In determining the financial condition of any corporation organized under paragraph "h" of section 17:17-1 of this Title, the commissioner shall

Determining condition.

allow as admitted assets such assets as are authorized in chapters two (§17:2-1 et seq.) and twenty-four (§17:24-1 et seq.) of this Title, and may allow as an asset on account of the required surplus, the title plant of such company at its fair value as determined by the commissioner, less such charge-offs as he may require.

Chapter 18
supplemented.

6. Chapter eighteen of Title 17 of the Revised Statutes is hereby supplemented as follows:

Reserve of
title company:

Every title insurance company of this State or of another State or foreign country doing business in this State under paragraph "h" of §17:17-1 of this Title shall set up, accumulate, and maintain a reserve as follows:

During first
ten years;

a. During the first ten years of its doing business after the effective date of this act, it shall set up, accumulate, and maintain a reserve at the end of each calendar month at least equal to three per centum (3%) of the total gross fees and premiums received or to be received on account of policies issued during the next preceding calendar month for title insurance, examinations or searches of title, and for abstracts of title, written, issued, or performed, as the case may be, after the effective date of this act; and at the end of every such calendar month the amount so required to be accumulated shall be charged as a reserve liability of such company in determining its financial condition.

After ten
years.

b. After the expiration of the said first ten years and in lieu of the reserve required by the preceding paragraph "a," every such company shall, at the end of each month thereafter, set up and accumulate a similar reserve of two per centum (2%) of the total of said gross fees and premiums received or to be received on account of policies issued during the preceding calendar month and during the one hundred nineteen immediately preceding calendar months for title insurance, examinations or searches of title, and for abstracts of title, written, issued, or performed, as the case may be; and at the end of every such calendar month there-

after the amount so required to be accumulated shall be charged as a reserve liability of such company in determining its financial condition.

7. Chapter eighteen of Title 17 of the Revised Statutes is hereby supplemented as follows: Chapter 18
supplemented.

In addition to the reserves hereinabove required by section six of this act, every such company shall set up and maintain a loss reserve at least equal to the aggregate estimated amounts due or to become due on account of all unpaid losses and claims upon title insurance policies of which the company has received notice. Loss reserve.

8. Chapter eighteen of Title 17 of the Revised Statutes is hereby supplemented as follows: Chapter 18
supplemented.

In cases where a title insurance company of this State or of another State or foreign country doing business in this State under paragraph "h" of §17:17-1 of this Title issues its title insurance policy upon the examination and certification of title of another such company, the reserve required under section six of this act above shall be allocated between the companies upon the basis of the amount of the total fee and premium retained by each, respectively. Reserve
allocated.

9. Section 17:24-7 of the Revised Statutes is hereby amended to read as follows: Section
amended.

17:24-7. A company organized under chapters seventeen to thirty-three of this Title (§17:17-1 et seq.), to transact the business authorized by paragraph "h" of section 17:17-1 of this Title, may also, with its capital and surplus, take, buy, sell and deal in first mortgages on real estate, and, also, may act as agent for investors in and the holders of mortgages and interests therein, in the purchase, sale, and servicing thereof; *provided*, that no contract of insurance or guaranty or other obligation to pay money be incurred in connection with such managing or servicing beyond the obligation of accounting for funds received. Dealing in
first mort-
gages.

Companies incorporated and authorized to conduct the business of insuring titles under charters issued prior to the enactment of this amendment Proviso.

Powers of title
insurance com-
panies.

Proviso.	shall enjoy all of the powers given by this act as amended and all of the powers they enjoy under their existing certificates of incorporation; <i>provided, however</i> , that they shall not be permitted to write any new contracts guaranteeing payment of principal and interest of bonds and mortgages, or shares or parts of mortgages, or mortgage participation certificates, or shares or parts of bonds secured by mortgage, or bonds secured by trust mortgage, or participation certificates or coupon bonds entitling the holder to a proportionate share in a series or number of mortgages and bonds, or extensions or renewals thereof, or other obligations directly or indirectly secured by bonds and mortgages, except such contracts of guaranty as may be issued or made by way of extensions, substitutions, refunding issues of bonds or participations, or otherwise in performing existing contracts of that character.
Section amended.	10. Section 17:32-2 of the Revised Statutes is hereby amended to read as follows:
Terms of admission:	17:32-2. No such company shall be admitted until it:
Copy of charter, financial condition;	a. Files in the department a certified copy of its charter, deed of settlement or certificate of organization, and a statement of its financial condition and business, in the form and detail the commissioner requires, signed and sworn to by its president and secretary or other proper officer;
Proof of legal organization;	b. Satisfies the commissioner that it is fully and legally organized under the laws of its State or country to do the business it proposes to transact; that its condition or methods of operation are not such as would render its operation hazardous to the public or its policyholders in this State; that it has, if a stock company, a fully paid-up, well-invested and unimpaired capital and surplus of not less than the amount required by this subtitle to be possessed by a stock insurance company of this State transacting the same class or classes of insurance, or if a mutual company, that it has net cash assets of that amount;
Capital and surplus;	

c. Constitutes, by a duly executed instrument filed in the department, the commissioner and his successor in office its true and lawful attorney, upon whom all original process in any action or legal proceeding against it may be served, and therein agrees that any original process against it which may be served upon the commissioner shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this State; and

Lawful
attorney;

Serving
process;

Authority
irrevocable;

d. Obtains from the commissioner a certificate that it has complied with all the requirements of this subtitle applicable to it, and is authorized to transact business in this State. This certificate shall expire on May first of the following year, and shall be renewed each year before the first day of May; *provided*, that all such certificates outstanding and in force at the date of the passage of this act shall continue in full force and effect until the first day of May next following the approval of this act, unless sooner revoked by the commissioner in accordance with section 17:32-14 of this Title; *and provided, further*, that no such certificate shall be issued by the commissioner if, in the judgment of the commissioner, the name of such company shall so closely resemble the name of any existing company authorized to transact business in this State as to be likely to mislead the public, unless such company shall agree to use, wherever its name shall appear or be used by it in connection with the transaction of business in this State, in type of equal size and prominence, the name of the State in which incorporated.

Requirements
satisfied;

Expiration of
certificate.

Proviso.

Proviso.

Misleading
name.

11. This act shall take effect immediately.

Approved June 1, 1938.

CHAPTER 290

AN ACT concerning corporations, and amending
section 14:13-14 of the Revised Statutes.

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

Section
amended.

1. Section 14:13-14 of the Revised Statutes is hereby amended and supplemented to read as follows:

Corporation as
defendant.

14:13-14. In any action, suit or other legal proceeding commenced in any court of this State against a domestic or foreign corporation, or to which such corporation shall be a party defendant, where the charter of such corporation has heretofore expired or shall hereafter expire by its own limitation, or has heretofore been or shall hereafter be forfeited, dissolved or annulled by the Legislature or in any other manner, such corporation shall continue a body corporate for the purpose of defending such suit, action or other legal proceeding; and service of a summons, subpoena, citation or other process for appearance issued out of any court may be made upon such corporation by serving the same on such person as was, at the time of such expiration, forfeiture, dissolution or annulment, the president or secretary of such corporation, or the agent in charge of the principal office of such corporation, or the designated registered agent of such corporation for this State, personally, or by leaving the same at the dwelling house or usual place of abode of such president, secretary, agent in charge of said principal office or designated registered agent of such corporation; and if service of a summons, subpoena, citation or other process cannot be made as hereinabove provided, then service of a summons, subpoena, citation or other process may be made upon such corporation by serving the Secretary of State, and such service shall be effective to all

Serving sub-
poenas, etc.

Secretary of
State as agent.

intents and purposes as if made upon such person as was at the time of such expiration, forfeiture, dissolution or annulment, the president or secretary of such corporation or the agent in charge of the principal office of such corporation or the designated registered agent of such corporation for this State, and within two days after such service upon the Secretary of State as aforesaid, it shall be the duty of the Secretary of State to notify such corporation thereof, by letter directed to such corporation at its registered office, in which letter shall be enclosed a copy of the process or other papers served, and it shall be the duty of the plaintiff, complainant or petitioner in any action in which said process shall be issued, to pay to the Secretary of State, for the use of the State, the sum of three dollars (\$3.00), which said sum shall be taxed as a part of the taxable costs in said suit if the plaintiff, complainant or petitioner prevails therein; the Secretary of State shall keep a book to be called the "process book," in which shall be recorded alphabetically, by the name of the plaintiff, complainant or petitioner and defendants therein, the title of all causes in which process has been served upon him, the teste of the process so served and the return day thereof, and the date and hour when such service was made; and such service made in any manner aforesaid shall be good, legal and effective for all intents and purposes.

Secretary of
State to
notify corpor-
ation.

Fee.

Process book
Entries.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 291

AN ACT appropriating the sum of one thousand dollars (\$1,000.00) toward the payment of the expenses attending the holding of the annual convention of the Disabled American Veterans of the World War, Department of New Jersey, at Trenton, New Jersey, during the month of June, one thousand nine hundred and thirty-eight, and regulating the disbursement thereof.

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

Appropriation
toward conven-
tion of disabled
veterans.

1. There is hereby appropriated, when included in any annual or supplemental appropriation bill, the sum of one thousand dollars (\$1,000.00) toward the payment of the expenses attending the holding of the annual convention of the Disabled American Veterans of the World War, Department of New Jersey, at Trenton, New Jersey, during the month of June, one thousand nine hundred and thirty-eight, and the reception and entertainment of the veterans who shall be delegates to said convention.

Payments.

2. All expenditures from the sum hereby appropriated shall be paid out of the treasury of this State on the warrant of the Comptroller on vouchers approved by the Adjutant-General.

3. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 292

AN ACT validating and confirming certificates of searches for municipal liens heretofore made by collectors of taxes in certain cases.

WHEREAS, Certificates of searches have heretofore been made by collectors of taxes in certain municipalities when said collectors were not in fact the officials designated by the governing body of such municipalities to make examinations of the records as to unpaid municipal liens and to certify the result thereof, as provided by law; and

Preamble.

WHEREAS, Conveyances and mortgages have been made and recorded in many cases in reliance on said certificates of searches and municipal claims shown thereon; now therefore,

Preamble.

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

1. All certificates of searches as to municipal liens heretofore made by collectors of taxes of any municipalities in this State are hereby validated and confirmed as official tax searches; *provided, however*, that reliance was made upon said searches in acquiring an interest for a valuable consideration in the land covered by said certificates of searches.

Searches for municipal liens validated.

Proviso.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 293

AN ACT to provide for the incorporation and regulation of credit unions, and repealing sections 17:13-1 to 17:13-25, inclusive, of the Revised Statutes.

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

DEFINITION

General
outline of
subjects of
credit unions.

Section 1. Credit Union defined.

FORMATION

Section 2. Authority to incorporate and powers.

Section 3. Certificate of incorporation and requirements.

Section 4. Amendments.

Section 5. Membership groups.

INTERNAL ORGANIZATION

Section 6. By-laws.

Section 7. Meetings.

Section 8. Directors.

Section 9. Credit committee.

Section 10. Examining committee.

Section 11. Officers.

MEMBERSHIP CONTRACT

Section 12. Membership.

Section 13. Withdrawals.

Section 14. Retirement of shares.

Section 15. Losses.

Section 16. Dividends.

Section 17. Member loans.

MISCELLANEOUS

- Section 18. Borrowings.
- Section 19. Reserves.
- Section 20. Designation of beneficiary.
- Section 21. Use of words "credit union" prohibited.
- Section 22. Municipalities may make office space available.
- Section 23. Membership in trade organizations.

SUPERVISION

- Section 24. Reports to department.
- Section 25. Examinations.
- Section 26. Fees.
- Section 27. Order to discontinue unsafe practice.
- Section 28. Possession.
- Section 29. Application to Court of Chancery.
- Section 30. Possession to terminate on dissolution, reorganization or court order.
- Section 31. Right of commissioner to continue business.
- Section 32. Special assistant deputies, counsel, et cetera.
- Section 33. Stay of decrees, levies, judgments, executions, et cetera.
- Section 34. Chancery applications by persons aggrieved.

DISSOLUTION

- Section 35. Notice of dissolution, meeting, certification, et cetera.
- Section 36. Trustees to liquidate. Bond.
- Section 37. Meetings of trustees. Sale of assets.
- Section 38. Supervision of proceedings by commissioner.
- Section 39. Suits, debts, demands and claims.
- Section 40. Deeds by trustees.
- Section 41. Attorneys, agents, auditors, et cetera and compensation.
- Section 42. Trustees to act by majority.

Section 43. Compensation of trustees.

Section 44. Removal of trustees. Filling vacancies.

CONSTRUCTION AND EFFECT OF ACT

Section 45. Constitutionality of sections not set aside.

Section 46. Inapplicable laws.

Section 47. Repealer.

Section 48. Effective date.

Credit union
a co-operative
association.

1. A credit union is hereby defined as a co-operative association organized in accordance with the provisions of this act or the provisions of chapter thirteen of the Revised Statutes for the purpose of promoting thrift among its members and creating a mutual fund which will establish a source of credit for them for provident or productive purposes, and all such credit unions shall be governed by the provisions of this act.

Credit union
becomes a
corporation.

2. Upon executing, recording and filing a certificate of incorporation as hereinafter provided and upon compliance with the provisions of this act and upon approval of the Commissioner of Banking and Insurance as hereinafter provided any seven or more natural persons, citizens of this State, may become a credit union and shall be a corporation by the name set forth in its certificate of incorporation with the following powers:

Membership.

Powers:

Receive sav-
ings;

Loans to
members;

Loans to other
unions;

Proviso;

(a) To receive the savings of its members as payments on shares;

(b) To make loans to its members for provident or productive purposes;

(c) To make loans to any other credit union operating under the provisions of this act or operating in this State under the provisions of the Federal Credit Union Act; *provided, however*, that the aggregate of all loans to other credit unions shall not exceed twenty per centum (20%) of its share liability and no credit union shall loan to any other credit union more than twenty per centum (20%) of the share liability of such other credit union;

(d) To invest in or purchase any security in which savings banks of this State are authorized by law to invest; *provided*, that no such credit union shall invest in real estate or bond and mortgage loans, nor shall any such credit union make any investment in securities not permitted under the terms of this act; *and provided*, that investments, other than in loans to members, shall be made only from funds not needed for loans to members except when the board of directors of any such credit union deems it advisable to invest in other securities for the purpose of maintaining the liquidity of such credit union or maintaining a proper balance in its investment portfolio;

Investments;

Proviso;

Proviso;

(e) To charge, contract for and receive interest on loans at a rate not to exceed one per centum (1%) per month; and such interest shall not be payable in advance, or compounded, and shall be computed on unpaid balances; *provided*, that no further or other charge or amount whatsoever for examination, service, brokerage, commission or otherwise shall be directly or indirectly charged, contracted for or received on loans, in addition to the interest herein provided for, except the lawful fees, if any, actually and necessarily paid out on any such transaction to any public officer for filing or recording or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter, and except on actual sale of the security in foreclosure proceedings or upon entry of judgment; *and provided, further*, that in addition to the foregoing attorneys fees not to exceed ten per centum (10%) or ten dollars (\$10.00), whichever is highest, may be added to the principal amount of any loan of any such credit union resolved into judgment or placed in the hands of any attorney for collection after default thereon and such addition to the principal amount shall be collectible in any court of com-

Interest, etc.;

Proviso;

Proviso;

	petent jurisdiction in addition to the court costs;
Fines;	(f) To charge fines on delinquent shares;
Admission fee;	(g) To charge an entrance fee or membership fee not to exceed twenty-five cents (25c) per member;
Deposits;	(h) To deposit its funds only in national banks or in trust companies, banks or savings banks of this State;
Corporate powers.	(i) To have and exercise all the powers of corporations organized under Title 14 of the Revised Statutes not inconsistent with this act.
Certificate to set forth:	3. Said seven or more natural persons shall sign in person a certificate of incorporation which shall set forth:
Name;	(a) The name of the corporation which shall include the words "credit union" and no name shall be assumed which is already in use by another existing credit union of this State or so similar thereto as to lead to uncertainty or confusion;
Location;	(b) The location (municipality, street and number, if number there be) of its office and the name and post-office address of the registered agent in charge thereof and upon whom process against the corporation may be served;
Objects;	(c) The object for which the corporation is formed, which shall be to operate as a credit union under the provisions of this act;
Limited;	(d) The group to which membership shall be limited;
Name and address of members;	(e) The name and post-office address of each of the proposed members who shall be at least thirty in number and the number of shares subscribed by each;
Par value;	(f) The par value of the shares of the corporation, which shall be five dollars (\$5.00) each;

(g) The period, if any, limited for the duration of the corporation; Period;

(h) Any other provision not inconsistent with this act or with the laws of the State of New Jersey for the regulation of the business and conduct of the affairs of the corporation and any provision creating, defining, limiting or regulating the powers of the corporation, its directors, officers and members; Other provisions.

and said certificate of incorporation shall be proved or acknowledged as required for deeds of real estate and shall be recorded in a book to be kept for that purpose in the office of the clerk of the county where the office of such corporation shall be established and after being so recorded shall be filed in the office of the Department of Banking and Insurance; *provided, however*, that no such certificate of incorporation shall be recorded or filed as aforesaid until the Commissioner of Banking and Insurance of this State shall have endorsed thereon a certificate certifying that such certificate of incorporation has been approved by him for recording and filing; *and provided, further*, that the Commissioner of Banking and Insurance may, in his discretion, refuse to approve for recording and filing any such certificate of incorporation which shall be submitted to him if he shall find that the incorporation of the proposed credit union referred to in such certificate of incorporation will not be in the public interest or will not be of public service or if he shall find that the proposed members named in such certificate of incorporation or any of them are not proper or suitable persons to conduct the business and affairs of the proposed credit union or if he shall find that the provisions contained in such certificate of incorporation for the regulation of the business and conduct of the affairs of the proposed credit union or the provisions contained therein for creating, defining, limiting or regulating the powers of the proposed credit union are improper provisions or

Acknowledged and recorded.

Proviso.

Proviso.

Commissioner may refuse acceptance.

will not serve the best interests of the members of such proposed credit union or if he shall find that the field of operation of the proposed credit union is so broad as to legislate against the possibilities of the officers, directors and committees of the credit union being afforded reasonable opportunity to observe the character, financial responsibility and economic needs of the members thereof or if he shall find that the conditions of employment or other conditions prevailing in the group proposed as members of said credit union are such as to render the organization of a credit union by them inadvisable.

Amending
certificate.

Meeting called.

Adopting
changes.

Procedure
certified.

Proviso.

Proviso.

4. Any credit union may amend its certificate of incorporation in the following manner: The board of directors shall pass a resolution declaring such amendment to be advisable and calling a meeting of members to take action thereon. The meeting shall be held upon not less than ten days' notice given personally or by mail. If three-fourths of the members present at such meeting, without regard to the number of shares held, vote in favor of a resolution to adopt the amendment advised by the board of directors, with or without changes, the said amendment or the amendment as changed shall be deemed to have been adopted by the members. Such credit union shall thereupon certify the procedure had under its corporate seal to the Commissioner of Banking and Insurance of this State and the certificate shall be executed in the name of such credit union by its president or vice-president and attested by its secretary or assistant secretary and shall take effect immediately upon filing the same in the office of the Department of Banking and Insurance; *provided, however*, that no such amendment shall contain any provision which would not under the terms of this act be permitted in an original certificate; *and provided, further*, that no such amendment shall be filed in the office of the Department of Banking and Insurance as aforesaid until approved in writing by the Com-

missioner of Banking and Insurance; and the commissioner may, in his discretion, refuse to approve any such amendment if it shall appear to him that the best interests of the members of such credit union and of the public will not be served thereby; *and provided, further*, that it shall not be necessary for any credit union to amend its certificate of incorporation in order to change the name of its registered agent or the location of its office, but such change of registered agent or location of office may be accomplished by resolution of the board of directors of which a copy certified in the name of and under the seal of such credit union by the president or vice-president and attested by the secretary or assistant secretary shall be filed in the office of the Department of Banking and Insurance; and no such resolution changing the location of the office of any such credit union shall be adopted until the Commissioner of Banking and Insurance shall have first given his consent thereto in writing.

Proviso.

Changing agent and office.

5. The membership of any such credit union shall be limited to a group composed of:

Limited membership:

(a) Persons employed within any one county of this State by a common employer; or

Persons working in one county;

(b) Members of a church parish or church congregation or society consisting solely of members of such church parish or of such church congregation; or

Members of one organization;

(c) Persons employed within a municipality by the school board thereof; or persons employed within a municipality by the municipality itself or by any department thereof; or persons employed by municipal school boards within one county; or persons employed by municipalities within one county; or persons employed by any county or department thereof; or employees of the State or any department, board, commission, agency or instrumentality thereof who are employed within a county; or employees of any port authority, commission, board, agency or in-

Persons in same board or municipality;

Others included;

strumentality created by agreement, treaty or compact between the State of New Jersey and any other State; or employees of the Federal Government or any department, board, commission, agency or instrumentality thereof whose place or places of employment are within a county of the State of New Jersey; or

Rural residents.

(d) Persons who are residents of a well-defined rural area having not more than two thousand five hundred population; or

Proviso.

provided, however, that any corporation, association, or partnership, the stockholders or members of which are eligible for membership in any credit union, may become a member thereof but shall not

Proviso.

borrow therefrom; *and provided, further,* that no corporation, association or firm shall be eligible for membership in any credit union when the share liability of such credit union exceeds the principal amount due such credit union on notes and other obligations of members by more than twenty-five per centum (25%) of such principal amount; *and*

Proviso.

provided, further, that membership in any credit union shall be limited to a group existing under circumstances which will afford the officers, directors and committees of such credit union reasonable opportunity to observe the character, financial responsibility and financial needs of the members thereof; *and provided, further,* that the Commissioner of Banking and Insurance shall have power, in his discretion, notwithstanding the provisions of this act, to authorize, on terms, any credit union existing at the time of the taking effect of this act

Proviso.

to continue to accept memberships from the group to which its membership was limited by the provisions of its charter and the applicable laws of this State as said charter and said laws existed prior to the taking effect of this act.

Accepting members.

By-laws.

6. Every credit union shall, by majority vote of its members and without regard to the number of shares held by each, adopt a set of by-laws not inconsistent with the laws of this State for the regu-

lation of its business as it deems proper and may alter and amend the same from time to time in the manner therein provided. A copy of said by-laws and all alterations thereof and amendments thereto, certified by the secretary, shall be filed in the Department of Banking and Insurance within thirty days after their adoption. No by-laws or alterations thereof shall become effective until the same shall have been approved in writing by the Commissioner of Banking and Insurance and filed in the Department of Banking and Insurance. The commissioner shall, within thirty days after application shall have been made for the approval of any such set of by-laws or amendment or alteration thereof, act upon the same by approving or rejecting the same in writing and shall, within such time, give written notice of his decision to the applicant and shall file a copy of his written approval or written rejection, as the case may be, of said by-laws or alteration or amendment thereof in the Department of Banking and Insurance. No writ of certiorari to review any such decision of the commissioner shall issue unless application therefor be made within sixty days after the giving of the notice as aforesaid; and in all cases of writs of certiorari brought to review any such decision of the commissioner, whether before the Supreme Court or any justice thereof, the court or justice thereof, as the case may be, shall determine all questions both of fact and of law touching the legality and reasonableness of the decision and if the court or justice thereof shall find that the decision is unlawful or unreasonable the court or justice thereof shall order that the decision be set aside and make such other orders touching thereon as to the court or justice thereof may seem proper. Thereupon the commissioner shall, in writing, enter an order rejecting or approving said by-laws or alteration or amendment thereof in accordance with the determination of the court or justice thereof, file said order in the department and give written notice thereof to the applicant.

Copies filed in department.

Must be approved.

Decision of commissioner filed.

Certiorari.

Writs of determination.

Setting aside decision.

Order entered

Meeting.	<p>7. The first meeting of the members of each credit union incorporated under the provisions of this act shall be called within ten days after the filing of the certificate of incorporation by a notice signed by a majority of the incorporators designating the time, place and purpose of the meeting, which notice shall be given personally or by mail to each of the members proposed in the certificate of incorporation at their respective addresses as shown by said certificate of incorporation. Such notice shall be given at least five days before the date on which the first meeting shall be held; <i>provided, however</i>, that any notice of any meeting held pursuant to the provisions of this act may be waived in writing by a waiver of notice signed by all of the persons entitled to receive the same and any meeting may be held at the time and place and for the purpose fixed in such waiver of notice. At such first meeting or any adjournment thereof the members present by majority vote and without regard to shares held by each shall elect from their number a board of directors, not less than seven in number, a majority of whom shall be residents of the State of New Jersey and shall transact such other business as may properly come before them.</p> <p>An annual meeting of the members of each such credit union shall be held in January of each year on a date to be fixed in the by-laws for the election of directors and the transaction of such other business as may properly come before such meeting.</p> <p>Notice of such meeting shall be given to the members of such credit union in the manner prescribed in the by-laws. The by-laws of each such credit union shall prescribe the number of members necessary to a quorum at any such meeting but less than a quorum shall have power to adjourn any such meeting from time to time. Regular and special meetings of members may be held in the manner prescribed in the by-laws. At all member meetings a member shall have but a single vote without regard to the number of shares such member may own. No member shall be entitled to cast his vote</p>
Place.	
Notice.	
Time given.	
Proviso.	
Choosing directors.	
Annual meetings.	
Notice given.	
Quorum.	
Regular and special meetings.	
Single vote.	
No proxies.	

by proxy at any regular or special meeting of members; *provided, however*, that a member other than a natural person shall have the right to cast a single vote through a delegated agent.

Proviso; agent.

8. The business and affairs of every credit union shall be managed and directed by a board of not less than seven directors, a majority of whom shall be residents of this State, who shall be members at the time of assuming their respective offices and shall have the qualifications and be of the number the by-laws provide. At least one-third of the directors shall be elected by the members at the annual meeting in each year. When the office of any director, committee member or officer, elected by the members, shall become vacant the board of directors shall fill the same until the next annual meeting of members. Each director and each member of the credit committee of such credit union shall before entering upon the duties of his office take and subscribe, before an officer legally qualified to administer oaths, an oath or affirmation swearing or affirming, as the case may be, that he is a member of such credit union, that he will accept the position to which he has been elected or appointed, and that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such credit union and will not knowingly violate or knowingly permit to be violated any of the provisions of this act. The written oaths of office shall be filed with the secretary of each such credit union and be a permanent record of such credit union. If any such director or committee member shall fail within a reasonable time after his election to take and subscribe the oath prescribed by this section the board of directors of such credit union shall have power to declare his position vacant. If any such director or committee member shall violate the provisions of his oath the board may, by a vote of two-thirds of the members present at any meeting of the board of which notice shall have been given to each director and to the committee member, if any, affected, declare the

Management of credit unions.

One-third elected yearly.

Vacancies.

Oaths of directors and committee members.

Oaths filed.

Failure to qualify vacates position.

Violation may vacate position.

position of such director or committee member to be vacant.

Credit
committee.

Duties—to
pass on loans.

Proviso.

Quorum of
committee.

Approval of
loans.

Loans to
members.

Minutes.

Examining
committee.

Duties.

Examination
of conditions.

Report.

9. The members of each such credit union shall elect from the membership, for terms to be provided in the by-laws, a committee, not less than three nor more than five in number, which shall be known as the credit committee. It shall be the exclusive duty of the credit committee to receive written applications for loans from members of any such credit union, pass on the same and order the proper officers of such credit union, in writing, to disburse such loans out of available funds; *provided, however*, that this section shall not be construed to take away from the board of directors its control over the general loaning policy of any such credit union or its power to make general regulations pertaining to loans. At all meetings of any such credit committee a majority of the members thereof shall constitute a quorum; and no member loan shall be ordered to be disbursed by any such credit committee unless the application therefor shall have been approved, in writing, by all of the members of the credit committee present at the meeting at which such loan was considered. No member loans shall be approved except at meetings of the credit committee and the committee shall appoint a chairman and a secretary and such other officers as it deems necessary. It shall be the duty of the secretary of any such credit committee to keep permanent minutes of all of its meetings.

10. The members of each such credit union shall annually elect a committee of not less than three members who shall not be officers, directors or members of the credit committee of such credit union, which committee shall be designated the examining committee. It shall be the duty of such examining committee, annually, to make or cause to be made a thorough audit and examination of the condition of such credit union including a verification of member accounts as of December thirty-first of each year. The report of the examining committee shall be signed and sworn to by the

members of the committee and filed with the board of directors on or before the twenty-fifth day of January following. The examining committee of any such credit union shall also perform such other duties as may be provided in the by-laws of such credit union.

Further
duties.

11. Every credit union organized under this act shall have a president, a vice-president, a secretary and a treasurer who shall be chosen either by the board of directors or by the members as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the president shall be chosen from among the directors.

Officers.

The secretary shall be sworn to the faithful discharge of his duties and shall record all the votes of the credit union and of the directors in a book to be kept for that purpose. The board of directors of each such credit union shall require the treasurer and every other officer, director, employee or agent handling or having the custody or charge of money or securities belonging to the credit union, before entering upon his duties, to give bond in adequate amount and with good and sufficient surety, which shall be a surety company authorized to transact business in this State, and such bonds shall be approved by the board of directors of such credit union. The board shall examine annually all the bonds and pass on their sufficiency and if insufficient immediately require new or additional bonds. The failure of any person to comply at once shall be ground for his summary removal by the board. The commissioner may at any time order the bond of any such person to be increased. All officers shall perform such other duties as shall be assigned to them. Any such credit union may compensate its officers and committee members for their services in an amount to be provided by the by-laws of such credit union; *provided, however*, that the Commissioner of Banking and Insurance may, at any time, reduce the amount of such compensation if in his judgment it is excessive.

Secretary.

Officers
bonded.

Sufficiency of
bonds.

Noncompliance
ground for
removal.

Increasing
bond.

Compensating
officials.

Proviso.

Acquiring
membership.

Proviso.

Minors.

Rights.

Nonmember
may acquire
shares.

Pledging
shares.

Expelling
members.

Reinstatement.

Settlement
when member
retires.

12. Any person may become a member of any such credit union upon payment of an entrance fee of twenty-five cents (25c), payment of an initial installment on a share or shares, acceptance of his membership by the proper authorities of such credit union in the manner prescribed in its by-laws and compliance with any other qualifications required by the by-laws; *provided, however*, that no person may become a member of such credit union who is not within the group to which membership shall have been limited by the terms of its charter. Minors over the age of sixteen years may become members and enjoy all of the rights and privileges and incur all of the obligations and liabilities of members; and, notwithstanding legal disabilities to which they might otherwise be subject, either by statute or otherwise, any minor may make any and all contracts, in exercising his membership privileges with the credit union of which he is a member, which any other of its members could make with it and any such contract of a member who is a minor shall be binding and enforceable against such member in the same manner as if he were of full age at the time of entering any such contract. Any nonmember who may, by assignment, as legal representative, trustee, or otherwise, acquire title to the shares of a member shall be entitled to withdraw such shares on the same basis as a member would be entitled to withdraw them but, unless he shall become a member, he shall have no other rights of membership. The pledging of shares in whole or in part by a member shall not terminate his rights as a member. Any member of any such credit union may be expelled at any meeting of the board of directors of which he shall have had notice by a two-thirds vote of the members of the board present at such meeting and a member who has been expelled may be reinstated under like conditions. Upon termination of membership in any such credit union in any manner the balance, if any, credited to the account of the member at the time of termination shall be paid to the person

or persons entitled to receive it in the same manner and subject to the same conditions as if the member had withdrawn from such credit union. Any member of any such credit union whose membership has been terminated by withdrawal, expulsion, retirement or otherwise, upon the payment of the balance credited to his account shall have no further rights against such credit union. No credit union shall, by reason of having issued shares to its members be construed to be a capital stock corporation or to have capital. The contract of membership in any such credit union shall be deemed to be expressed by its by-laws, its certificate of incorporation and the applicable laws governing such credit union; but such contract of membership may be changed insofar as such laws are concerned by the Legislature, insofar as its certificate of incorporation is concerned by an amendment thereof and insofar as its by-laws are concerned by an amendment of its by-laws or the adoption of new by-laws in whole or in part and no such change in its certificate of incorporation, in the laws governing it or in its by-laws shall be construed to be an impairment of the obligation of contract or a taking of property of any member; and membership in every such credit union shall be deemed to be subject to that hazard.

13. The shares of every credit union may be withdrawn by the member upon giving such written notice, not exceeding thirty days, as its constitution shall provide. Upon withdrawal from any such credit union, the amount credited upon such shares, less fines or other obligations of the withdrawing member to such credit union, shall be paid to the withdrawing member in the manner hereinafter provided. This section shall not be construed to prevent a reduction of the share liability of any such credit union to its members for the purpose of providing for losses or anticipated losses or reserving against them. Withdrawals shall be paid in the order in which notices of withdrawal shall have

When claims
cease.

Union not
capitalized.

Contract of
membership.

Changes.

Changes not
impairment of
contract.

Withdrawal
of shares.

Paying amount
credited.

Share liability
reduced.

Paying with-
drawals.

Net receipts available.	been filed. One-half of the net receipts of any such credit union in each fiscal month shall be made available so far as necessary for the payment of withdrawals and additional sums may be made available; and the words "net receipts" as used in this section shall be construed to mean the moneys, other than borrowed moneys, received by any such credit union less moneys used for operating expenses, moneys used to pay creditor obligations, moneys used for the conservation, preservation or protection of the property and assets of such credit union and moneys reserved for any of such purposes. If at the end of any fiscal month the funds of any such credit union required to be made available together with such other funds, if any, made available for such purpose by the board of directors shall be insufficient to pay all withdrawals then due and payable, the board of directors shall, so far as possible, pay out of such funds, on account of the sum due to each member who has filed notice of withdrawal, in the order in which the notices have been filed, a sum equivalent to the value of one share or the balance due, whichever is less, and if the available funds shall not thereby be exhausted or become inadequate, shall, so far as possible, again pay on account of the sum due to each withdrawing member, in said order, a sum equivalent to the value of one share or the balance due to such member, whichever is less, and shall repeat the process until the available funds shall become inadequate or exhausted; and subsequent available funds, when available, shall be applied to the payment of then existing withdrawal obligations in the same manner beginning with the withdrawal of the member next following the one on whose account the last such payment was made; and, in the event that any such member shall have filed more than one notice of withdrawal, his place in the order of payment shall be as of the date and time of the first notice filed by him and he shall not be entitled to receive any moneys on account of the subsequent withdrawals until the first one shall
Explanation.	
Payments at end of month.	
If deficiency, partial payment.	
Continuing payments.	
Payment of subsequent available funds.	
More than one notice.	

have been paid out. No member to whom any such credit union shall be obligated for the payment of a withdrawal shall have the right to bring suit against such credit union to recover the withdrawal value of his shares or any part thereof so long as the funds of such credit union shall be applied as required by this section.

As to bringing suit.

14. The board of directors of any such credit union shall have authority to retire the shares of any member or group of members thereof in the manner provided in its by-laws and shares retired shall be paid in the same manner and subject to the same conditions as withdrawals.

Retirement of shares.

15. The "share liability" of each such credit union to each member thereof shall be construed to mean its aggregate liability to such member for moneys paid in by such member and profits, if any, apportioned or declared as dividends and credited to the account of such member; and in the event that the losses or anticipated losses of any such credit union shall hereafter exceed the sum of its applicable reserves, current profits, undivided profits and other general funds, the share liability of such credit union to each member thereof, including the share liability on terminated member accounts, may be reduced on an equal percentage basis to an extent sufficient to provide for such losses or anticipated losses or to reserve against them or either of them.

Share liability explained.

Reduction of share liability.

16. At least annually the board of directors of each such credit union shall determine the net profits, if any, which are available for distribution to share accounts as apportioned profits or dividends and such available net profits shall either be paid in cash to the members or credited to the accounts of the members. The board shall credit or pay at each dividend or apportionment period to unpaid retired share accounts and to unpaid accounts of members expelled and to unpaid accounts which were originally member accounts but are presently held by nonmembers a dividend or profit at a rate equal to the highest dividend rate paid on

Net profits determined annually.

Crediting profit.

Dividend.	shares and such dividend or profits shall be computed upon the balance remaining in each such unpaid account at such dividend or apportionment period; and the board shall, at such time, apportion a reasonable dividend or profit to share accounts upon which notices of withdrawal shall have been filed, which dividend or profit shall not be at a greater rate but may be at a lesser rate than the dividend or profit apportioned to active shares and such dividend or profit shall be computed upon the balance remaining due on each such withdrawal at such dividend or apportionment period. No profit shall be apportioned or dividends declared until a written financial statement of the credit union shall have been submitted to and approved by the board showing such profits to have been earned since the last apportionment or declaration of profits or dividends or to have been transferred from undivided profits. Such dividends or profits shall be paid on full paid shares only except that shares paid in full during the period since the last apportionment of profits or declaration of dividends shall be entitled to a proportionate part of such profits or dividends calculated from the first day of the month following such payment in full.
How computed.	
Approval of financial statement.	No profits shall be apportioned or dividends declared in excess of six per centum (6%) of the share value.
Dividends on full paid shares.	
Limited declaration.	
Conditions of loans:	17. Loans to members of any such credit union shall be subject to the following conditions:
Notes;	(a) All member loans shall be evidenced by note;
Evidencing loan to members;	(b) No director, officer, or committee member shall endorse a note evidencing a member loan;
Paid on business day;	(c) Any note evidencing a member loan may be paid in whole or in part on any business day;
Maximum of loan;	(d) No member loan to a director, officer or member of the credit committee shall exceed the amount credited on his shares unless the

loan shall have been approved by a majority vote at a joint meeting at which a majority of the members of the credit committee and a majority of the members of the board of directors shall be present;

(e) No nonmember of any such credit union, other than one who is eligible for membership therein shall be acceptable as an endorser on a member loan; *provided, however,* that any such credit union may loan to a member on the endorsement of a person employed by the same employer, notwithstanding that such person shall not be eligible for membership in such credit union;

Endorser;

Proviso;

(f) No credit union shall loan to a member on note secured by mortgage on real estate but this provision shall not be construed to bar any such credit union from accepting an assignment of a bona fide bond and mortgage on real estate or note and mortgage on real estate as a collateral;

Accepting
bond and
mortgage;

(g) Any such credit union may accept an assignment of wages as collateral for a member loan; and the word "wages," as used in this act, shall include any salary, wages, commission or other compensation for services, earned or to be earned, and the words "assignment of wages," as used in this act, shall include an assignment or pledge of wages or an order upon an employer for the payment thereof, in whole or in part; and under any such assignment of future wages to any such credit union to secure a member loan a sum equivalent to not more than ten per centum (10%) of the future wages of the maker thereof shall be collectible, from time to time, as such future wages become due, from the employer of the maker by such credit union holding the same, from the time that a copy of such assignment of future wages, certified by the secretary or treasurer of such credit union, together with a certified statement of the amount unpaid

Assigning
wages;

	upon the loan collateralled by such assignment of future wages shall be served upon the employer of the maker thereof and accepted by said employer in writing; and a municipality, school board or county may be an employer within the meaning of this section; and, if the employer be a corporation, association, partnership, firm, municipality, school board or county, acceptance of any such assignment of future wages may be made in the name of such employer by any authorized officer, official, agent or employee thereof; <i>provided</i> , that no employer shall pay in the aggregate on assignments of future wages of an employee hereunder more than ten per centum (10%) of said future wages, and, if an employee shall have already made an assignment of future wages, accepted by his employer, the acceptance of subsequent assignments of wages shall be limited accordingly; <i>and provided</i> , that no assignment of future wages in excess of three hundred dollars (\$300.00) or ten per centum (10%) of the annual salary of the maker thereof, whichever is greater, shall be acceptable as collateral for a member loan; <i>and provided, further</i> , that this section shall not be construed to prevent the acceptance of any other collateral for member loans not mentioned herein;
Proviso;	
Proviso;	
Proviso;	
Amount of bond collateral;	(h) No member loan collateralled by bonds or securities shall exceed two-thirds of the value of such bonds or securities;
Amount of unsecured loan;	(i) No unsecured member loan in excess of one hundred dollars (\$100.00) shall be granted by any such credit union;
Credit union shares as security;	(j) No member loan secured only by shares of any such credit union shall be granted in excess of one hundred dollars (\$100.00) more than the value of the shares pledged to secure it;
Amount of member loan;	(k) No member loan of any such credit union shall exceed two hundred and fifty dol-

lars (\$250.00) or five per centum (5%) of its share liability, whichever is greatest, and no member loan of any such credit union shall be in excess of one thousand dollars;

(1) No person shall be liable in the aggregate, both as endorser and maker, to any such credit union for an amount greater than one thousand dollars.

Limit of liability.

18. A credit union may by resolution adopted by a majority of its full board of directors borrow, in the manner provided in its by-laws, from any source, a total amount equivalent to its investments in securities other than share loans or twenty per centum (20%) of its share loans, whichever is greater.

Borrowing by credit union.

19. All entrance fees and fines collected by any such credit union together with at least fifteen per centum (15%) of the net earnings of each year, before the declaration or apportionment of any dividends or profits, shall be set aside, subject to terms and conditions specified in the by-laws, as a reserve. Any such credit union shall have the additional right, by transfer from undivided profits, to create specific reserves to provide against any contingency or loss anticipated by the board of directors.

Reserve.

Specific reserves.

20. The amount credited to the account of any member in any such credit union, less any obligation to it for the payment of which such amount shall have been pledged, may upon the death of such member be paid by such credit union to any person who shall have been designated by such member during his lifetime to receive the same at his death; and such designation shall be made by an instrument in writing filed by such member during his lifetime with such credit union and accepted by such credit union; and in the event of such payment the release or acquittance to such credit union of such person so designated or his heirs, executors, administrators or assigns shall operate to discharge such credit union of and from

Payment of credits at death.

Designation.

Release to discharge liability.

Control of membership.	any liability to the heirs, executors, administrators and assigns of such deceased member; but such member shall, during his lifetime, have full control of his membership account and may assign, pledge or withdraw the same or may change or withdraw any such designation.
Improper use of "credit union."	21. The use by any person, except corporations formed under this act or the Federal Credit Union Act and trade associations of credit unions, of a name or title containing the words "credit union" shall be a misdemeanor and may be punished accordingly, and no corporation, except as permitted by this act, shall conduct a credit union business.
Office facilities.	22. Any municipality, school board, county, or department, board, commission, agency or instrumentality of the State Government shall have authority to make available proper facilities and rooms for an office and meeting place for any credit union the membership group of which shall be limited to its employees.
Membership in trade association.	23. Any credit union may be a member of and pay dues to any credit union trade association.
Annual report to commissioner.	24. Each such credit union shall on or before the thirty-first day of January in each year submit to the Commissioner of Banking and Insurance a report in writing and in the form prescribed by him of its condition at the close of business on the thirty-first day of December preceding the report.
Verification.	Said report shall be verified by the oath of the president and treasurer of such credit union and the statement of assets and liabilities in said report shall be verified by the oaths of the examining committee who shall certify in said oaths that said statement of assets and liabilities is a true and correct statement of the condition of the credit union based on the audit and examination made or caused to be made by said examining committee as of December thirty-first last preceding; and such credit union shall furnish such other verified reports in such form and at such times as the said Commissioner of Banking and Insurance may require; and any false statement made in any affi-
True reports.	

davit or oath verifying any report made to the Commissioner of Banking and Insurance pursuant to this act shall be deemed to be perjury and shall be punished accordingly.

Perjury.

25. Every credit union shall be subject to the inspection and supervision of the Department of Banking and Insurance and the Commissioner of Banking and Insurance shall, either personally or by a person appointed by him, visit and examine every such credit union at least once in each two years, or more often if he shall deem it expedient. When deemed advisable the examiner shall verify the liabilities of such credit union to its members by an inspection and verification of their accounts. The commissioner shall promptly communicate the result of each examination to the president of the credit union examined, who shall present the same to its board of directors at the next regular meeting or a special meeting if the commissioner shall so direct. The action taken thereon by the board shall thereupon be promptly communicated by the president to the commissioner.

Inspection and supervision of credit unions.

Examiner to verify accounts.

Directors informed.

Commissioner informed.

The officers, directors and employees of the credit union under examination shall exhibit its books, papers, records, documents and securities to the commissioner, or the person appointed by him to conduct the examination, and shall otherwise facilitate the same. The commissioner and every examiner may administer an oath to any person whose testimony is required on any examination and may compel the appearance of any person for the purpose of examination by subpoena ad testificandum or subpoena duces tecum. The subpoena may be served by any police officer or constable of the municipality in which such person resides.

All records submitted.

Testimony.

Subpoenas.

If any person shall refuse to obey the subpoena, give testimony, answer questions or produce any books, papers, records, documents or securities, as required, any justice of the Supreme Court may, upon application and proof of the refusal, make an order awarding process of subpoena or subpoena

Witness forced to appear.

Process issued.	duces tecum out of the Supreme Court for the witness to appear and testify before the commissioner or examiner and order that he give testimony, answer questions and produce papers, books, records, documents or securities as required. Upon filing the order in the office of the clerk of the Supreme Court the clerk shall, under the seal of the court, issue process of subpoena for the appearance of the person before the commissioner or examiner at a time and place named therein and thereafter from day to day until his examination is completed. The subpoena may contain a direction that the witness bring with him to the examination books, papers, records, documents or securities mentioned therein and the clerk shall issue, under the seal of the court, such other or further order in reference to the examination, appearance, production of books, papers, records, documents or securities before the commissioner or examiner as said justice shall direct.
Records ordered produced.	
Other orders.	
Attachment in contempt.	If any person so summoned by subpoena issued by said clerk shall refuse to obey the subpoena or any direction therein, or shall refuse to give testimony, answer questions, produce any books, papers, records, documents or securities as required, or obey any order made by the justice, the commissioner or examiner may, upon affidavit proving the facts, apply to any justice of the Supreme Court for an attachment against the person as for a contempt. The justice shall hear the application and if he shall find that the person so summoned by subpoena issued by said clerk failed or refused to obey the subpoena or any direction therein, or failed or refused to give testimony, or failed or refused to answer questions, or failed or refused to produce any books, papers, records, documents or securities, or failed or refused to obey any order made by the justice, said justice shall issue an attachment directed to any constable or police officer for the arrest of the person, and upon his being brought before him shall hear the case. The justice
Arrest.	
Enforcement.	

may enforce, by imprisonment in the county jail, obedience to the subpoena and the orders therein contained and the payment of the costs of the proceedings as taxed by the justice.

A person who shall willfully and corruptly testify falsely to a material matter upon oath administered by the commissioner or examiner upon such investigation or inquiry, or in regard to a report made to the commissioner, shall be guilty of perjury and punished accordingly.

Perjury.

26. Each such credit union shall pay one dollar annually on filing its annual report and shall pay the actual expenses of examinations conducted by the Commissioner of Banking and Insurance; and the Commissioner of Banking and Insurance may maintain an action against any such credit union to recover the fees and expenses herein provided for.

Filing and examination fees.

27. If it shall appear to the Commissioner of Banking and Insurance that any such credit union has violated its certificate of incorporation, by-laws or any law of this State binding upon it or is conducting its business in an illegal, unsafe or unauthorized manner he shall, by an order under his hand and official seal, direct a discontinuance of such illegal, unsafe or unauthorized conduct of business and conformity with the requirements of its certificate of incorporation and by-laws and with the laws of this State; and such order shall be sent to the president of any such credit union who shall present the same to the board of directors thereof at its next regular meeting or at a special meeting if deemed advisable or if so directed by the commissioner and the action taken thereon by the board shall thereupon be promptly communicated by said president to the commissioner.

Improper conducting of business.

Board advised of order.

28. Whenever it shall appear to the Commissioner of Banking and Insurance:

Applying for possession of property:

(a) That any such credit union has violated its charter or any law of this State; or

Violations;

Improper
methods;

(b) That such credit union is conducting its business in an unsafe or unauthorized manner; or

Refusal to
submit
records;

(c) That such credit union has refused to submit its books, papers, records, documents, securities and concerns to the inspection of said commissioner or any examiner appointed by him; or

Refusal to
testify;

(d) That any officer or director of such credit union has refused to be examined upon oath touching the concerns of such credit union or has refused to answer questions under oath or to produce any books, papers, records, documents or securities of such credit union in his possession, custody or control; or

Suspended
payment;

(e) That such credit union has suspended payment of its obligations; or

Unsafe con-
ditions;

(f) That an examination or report provided for by this act discloses facts from which the commissioner shall have reason to conclude that such credit union is in an unsound or unsafe condition to transact business or is insolvent or that it is unsafe or inexpedient for it to continue business; or

Failure to
observe order

(g) That any such credit union has neglected or refused to observe an order of the commissioner issued pursuant to section 27 of this act;

he shall have authority to make application to the Chancellor as provided in section 29 hereof or forthwith to take possession of the property and business of such credit union.

Injunction
to restrain
further
business.

29. The application made to the Chancellor, pursuant to section 28 of this act, shall be for an injunction restraining such credit union from the transaction of any further business or the transfer or disposal of its property in any manner whatsoever; and the Chancellor, being satisfied of the sufficiency of the application, may order an injunction and appoint a receiver with power to sue for, collect, receive and take into his possession all the

goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description belonging to such credit union and sell, convey and assign the same and hold and dispose of the proceeds thereof under the direction of the Chancellor; or the application of the commissioner may be for an injunction against excessive expenses of management or for the removal of one or more of the officers, directors, employees or agents of such credit union or for such other relief or correction as the particular facts demand and the Chancellor, after hearing, shall have power to grant such orders and, in his discretion, from time to time, to modify or revoke the same as the evidence in the case, the situation of the parties and the interests involved shall seem to require.

Reasons for
injunction.

30. Whenever the Commissioner of Banking and Insurance shall take possession of the property and business of any such credit union pursuant to section 28 of this act he shall retain such possession until the property and business of such credit union shall be returned to the management of its board of directors on terms satisfactory to him; *provided, however*, that the commissioner shall have authority to make application to the Chancellor as provided in sections 28 and 29 of this act while in possession of the property and business of such credit union, in which case he shall retain the possession of the property and business of such credit union until otherwise ordered by the Chancellor; *and provided, further*, that the commissioner may, if he deems it advisable and for the best interests of the members of such credit union, permit the voluntary dissolution of such credit union and, to that end, surrender to its officers and directors such powers as may be necessary to effect such dissolution in the manner provided in this act, but in such case the trustees in dissolution to be appointed by the members shall be persons satisfactory to the commissioner and the bonds to be given by them shall be approved as to form, sufficiency and amount by the commissioner.

Retention of
property by
commissioner.

Proviso.

Proviso;
dissolution.

Trustees in
dissolution.

Continuing
operation of
union.

Proviso.

Acts consid-
ered valid.

Proviso

31. Upon taking possession of the property and business of any such credit union the commissioner may, pending the return of its property and business to the management of its board of directors, the decision of the Chancellor on an application under sections 28 and 29 of this act or its dissolution as herein provided, continue the operation of the business of such credit union and, for that purpose, the commissioner shall have and may exercise every authority and power theretofore conferred by law, by the provisions of its certificate of incorporation and by its by-laws upon its board of directors and committees and upon all and any of its officers, directors and committee members; *provided, however*, that this section shall not be construed to deprive any such credit union at any time of title to its property and all transfers and conveyances of property to said credit union during possession shall be made in its name and all transfers and conveyances of property from such credit union shall be made in the name of such credit union, under its seal or otherwise as the circumstances may require, by the Commissioner of Banking and Insurance; and any act or thing done by such credit union during possession over the signature of or by order of the Commissioner of Banking and Insurance shall be construed to be the act of such credit union and shall be valid and effectual in law if the statutes of this State, the certificate of incorporation of such credit union or its by-laws shall have authorized its board of directors, committees, any director thereof, any committee member thereof or any officer thereof to do or perform such act or thing; *provided, further*, that the commissioner shall not be obligated to carry on the business of such credit union in possession unless he deems it proper and expedient so to do but may, during possession, conserve its assets until such time as he shall determine it expedient and proper to continue the business or until otherwise ordered by the Chancellor after an application made pursuant to sections 28 and 29 hereof or until its dissolution as herein provided.

32. The commissioner may, under his hand and official seal appoint one or more special assistant deputy commissioners of banking and insurance as agent or agents to assist him in the operation of the business or conservation of the assets of any such credit union in possession; and the commissioner may, from time to time, delegate to any such special assistant deputy commissioner such of the powers conferred on him by this act with respect to the operation of the business or conservation of the assets of any such credit union in possession as to the commissioner shall seem proper; and the commissioner may employ such counsel or other expert assistance and advice and such other persons as shall in his opinion be needed for the continuation of the business or conservation of the assets of any such credit union, and the compensations and salaries of all such special assistant deputy commissioners, attorneys, expert assistants and other persons together with all other costs and expenses of such continuation of the business or conservation of the assets of such credit union shall be fixed by the commissioner and paid by said credit union and shall, until paid, constitute a prior claim against its assets. The commissioner shall require from such special assistant deputy commissioners and such other employees such security for the faithful performance of their respective duties as he may deem proper. Upon taking possession of any such credit union the commissioner shall have power to terminate the employment of any employee of such credit union and no officer or director shall thereafter and until notified by the commissioner resume the exercise of any power in the management of the business or conduct of the affairs of such credit union; and the commissioner shall have authority to call meetings of members for any purpose. The members present at any such meeting may by majority vote, and notwithstanding the provisions of the by-laws or certificate of incorporation of any such credit union, and without showing cause, declare vacant the office of any

Assistants.

Delegated powers.

Counsel.

Salaries and expenses

Security required from assistants.

Employees set aside.

Certain positions declared vacant.

director or committee member of such credit union and appoint a successor to fill the vacancy thus arising.

Notice served
to those con-
cerned.

As to lien.

Judgments,
etc., stayed.

If aggrieved
apply to court
of chancery.

Action by
court.

33. Upon taking possession of the property and business of any such credit union the commissioner shall forthwith give notice of such fact to any and all banks, trust companies, corporations, associations and individuals holding any assets of such credit union. No bank, trust company, corporation, association or individual knowing of such taking possession by the commissioner or notified as aforesaid shall have a lien or charge for any payment, advance or clearance thereafter made or liability thereafter incurred against any of the assets of such credit union in possession unless such payment, advance, clearance or liability shall have been authorized by the commissioner. Upon taking possession of the property and business of any such credit union by the commissioner all judgments, decrees, levies and executions against the property of such credit union shall be thereafter stayed until otherwise ordered by the Court of Chancery or until the property and business of such credit union shall have been returned to the management of its board of directors.

34. Whenever any such credit union of whose property and business the commissioner shall have taken possession as aforesaid or any member thereof deems itself or himself aggrieved by any act of the commissioner done pursuant to this section, such credit union or such member thereof may, at any time after such taking possession, apply to the Court of Chancery to enjoin further proceedings; and said court, after citing the commissioner to show cause why further proceedings should not be enjoined and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits, dismiss such application or enjoin the commissioner from further proceedings or from the doing of any act which will not be in the best interests of the members or grant such other or further relief as may be equitable and just.

35. Any such credit union may be dissolved and its business liquidated in the manner following: The board of directors shall pass a resolution declaring it advisable and for the best interests of the members that it be dissolved and calling a meeting of members to take action thereon. The meeting shall be held upon such notice as the by-laws provide and, in the absence of such provision, upon ten days' notice given by mail to the members at their addresses as shown on the records of said credit union. If three-fourths of the members present at such meeting, or any adjournment thereof, shall vote in favor of a resolution to dissolve such credit union a certificate setting forth the procedure had shall be filed in the Department of Banking and Insurance which certificate shall be acknowledged or proved as in the case of deeds to real estate and shall be signed in the name of such credit union by its president, vice-president and treasurer and attested by its secretary and shall have affixed thereto the seal of such credit union. The Commissioner of Banking and Insurance shall thereupon issue a certificate certifying that such certificate has been filed and that such credit union has been dissolved; *provided, however*, that the effective date of any such dissolution shall be set forth in the commissioner's certificate and the effective date shall be the date of issue of the commissioner's certificate unless the members in their resolution to dissolve shall have fixed a different effective date, in which case the commissioner's certificate shall set forth such different effective date; and upon dissolution of said credit union in the manner aforesaid its business shall be liquidated as hereinafter set forth.

Dissolving
credit unions.Resolution
passed.Notice of
meeting.Procedure to
dissolve filed.Certificate
issued that
union dis-
solved.

Proviso.

Liquidation.

36. At the meeting of members held to consider any resolution to dissolve any such credit union or any adjournment thereof the members present, by majority vote, shall appoint three or more trustees to wind up and liquidate the affairs of such credit union; and the trustees so appointed shall have

Trustees to
wind up
affairs.Powers of
trustees.

full power to demand, sue for, collect and receive, and take into their possession, all the goods, chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes, bonds and mortgages, securities and any other property of any and every description belonging to such credit union and to sell, convey or assign all the said real or personal estate and to compromise and settle with the borrowers of said credit union and to do any and all other things and acts which they think necessary for winding up the affairs of such credit union; and, after paying all allowances, expenses and costs and satisfying all debts presented to them, the said trustees shall divide the moneys and other property remaining among the holders of the shares of such credit union proportionately and according to the share liabilities of such credit union to such holders as of the effective date of dissolution; and balances due on unpaid retired shares, unpaid withdrawals, shares held by nonmembers and on terminated member accounts shall be included as share liabilities for the purposes of said division and the persons entitled to such balances shall be deemed to be shareholders for said purpose; and the trustees shall before entering upon their duties each give bond to such credit union, which bond shall be conditioned for the faithful performance of their duties as such trustees and shall be approved as to form, sufficiency and amount by a majority vote of the members present at such meeting or adjournment thereof and shall be filed in the office of the Commissioner of Banking and Insurance.

37. The trustees of any such credit union in dissolution shall have power to meet and act under the by-laws of such credit union in the same manner as its board of directors and with the same powers so far as such powers shall be necessary and, under regulations to be made by a majority of said trustees, to prescribe the terms and conditions of sale of any assets or property which may come into their hands and may sell all or any part

Settlement.

Balances.

Trustees
bonded.Meetings and
actions by
trustees.

thereof for cash, or partly on credit, or may take mortgages and bonds for part of the purchase price for all or any part thereof; and said trustees shall also have all the powers conferred on the trustees in dissolution of general corporations so far as such powers are not inconsistent with the provisions of this act.

Powers conferred on trustees.

38. The Commissioner of Banking and Insurance shall supervise any such credit union in dissolution and shall continue to inspect and examine the affairs of such credit union in dissolution in the same manner as if such credit union had not dissolved and such supervision and such inspection and examination shall be continued until the business of such credit union shall be finally liquidated.

General supervision.

39. The trustees of any such credit union in dissolution may bring suits and actions at law or in chancery and commence such proceedings as they may think necessary and proper in the name of such credit union and said trustees shall be suable in the same manner or in their own names or individual capacities for the debts owing by such credit union and shall be jointly and severally responsible for such debts to the amount of the moneys and property of such credit union which shall come to their hands or possession as such trustees; and any action or proceeding now pending or to be hereafter begun against such credit union shall not abate by reason of such dissolution, but no judgment, order or decree shall be entered therein except upon notice to said trustees; and said trustees shall, as soon after their appointment as convenient, give public notice to all persons having debts, demands or claims against such credit union to bring in their debts, demands or claims against such credit union, under oath, within three months from the date of such notice, which notice shall be set up in five of the most public places in the county in which such credit union maintains its principal office and which notice shall be advertised at least twice in each month during said three months' pe-

Legal proceedings.

Actions not abated by dissolution.

Notice to bring in claims.

Notice given by posting and advertising.

Claims not presented barred.	riod in a newspaper printed and published in said county; and, after the expiration of the time limited in said notice, all persons having debts, demands or claims against such credit union who shall not have brought in such debts, demands or claims within the said time limited shall be forever barred from any action therefor against the trustees or against such credit union; and if said trustees to whom any such debt, demand or claim shall have been presented shall dispute the same or any part thereof and shall give notice in writing thereof to the person presenting such debt, demand or claim or to his attorney or agent that such debt, demand or claim or any part thereof is disputed, such person shall bring suit therefor within thirty days from the time of giving notice disputing said debt, demand or claim; and if suit shall not be brought upon any such debt, demand or claim within thirty days after the trustees shall have given notice of the dispute as aforesaid then such debt, demand or claim shall be forever barred and no right of action shall lie thereon against said trustees or said credit union.
Disputed claims.	
If suit not brought right of action barred.	
Validity of conveyance.	40. Any deed for the conveyance of real property of any such credit union in dissolution shall be good and sufficient in law to pass title to the property therein conveyed if such deed shall be executed in the name of such credit union, under its corporate seal and shall be signed by its trustees in dissolution or the survivors of them.
Assistance in liquidation.	41. The trustees of any such credit union in dissolution shall have authority to employ such agents, auditors, attorneys or other persons they shall deem proper or necessary to facilitate the liquidation of the business of such credit union and may in their discretion pay reasonable and proper salaries or compensations for their services.
Majority action.	42. Every matter and thing by this act required or authorized to be done by the trustees of any such credit union in dissolution shall be good and effectual in law to all intents and purposes if performed by a majority of them.

43. The trustees of any such credit union in dissolution shall be entitled to be compensated for the administration of their respective trusts and the amount of the compensation to be paid them shall be approved by the Commissioner of Banking and Insurance.

Compensation
of trustees.

44. The Court of Chancery may upon application by petition of said commissioner remove any or all of the trustees of any such credit union in dissolution and appoint another or others in his or their place and, in case of any vacancy among the trustees, may fill such vacancy.

Removal of
trustees by
court.

Other appoint-
ments.

45. If any provision or section of this act shall be held to be unconstitutional the said provision or section thereof shall be excised and the remainder of the sections and provisions of this act shall be and remain valid with the same effect as if said section or provision so held to be unconstitutional had never been a part of this act.

Constitution-
ality.

46. The provisions of chapter six (17:6-1 et seq.) and chapter ten (17:10-1 et seq.) of the Title "Corporations and Institutions for Finance and Insurance" of the Revised Statutes and the provisions of chapters thirty-three to thirty-seven of the Title "Taxation" (54:33-1 et seq.) of the Revised Statutes shall not apply to any credit union governed by this act; and the provisions of chapter four of the Title "Taxation" (54:4-1 et seq.) shall not apply to any notes, investment securities or cash owned by any such credit union.

Certain acts
not to apply to
credit unions.

47. Sections 17:13-1 to section 17:13-25 inclusive of the Revised Statutes are hereby repealed and all laws and parts of laws inconsistent with or repugnant to the provisions of this act are hereby repealed.

Repealers.

48. This act shall take effect immediately.
Approved June 4, 1938.

CHAPTER 294

AN ACT to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

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

Definitions:

1. Definitions. In this act, unless the context or subject matter otherwise requires:

Buyer;

“Buyer in the ordinary course of trade” means a person to whom goods are sold and delivered for new value and who acts in good faith and without actual knowledge of any limitation on the trustee’s liberty of sale, including one who takes by conditional sale or under a pre-existing mercantile contract with the trustee to buy the goods delivered, or like goods, for cash or on credit. “Buyer in the ordinary course of trade” does not include a pledgee, a mortgagee, a lienor, or a transferee in bulk.

Document;

“Document” means any document of title to goods.

Entruster;

“Entruster” means the person who has or directly or by agent takes a security interest in goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. A person in the business of selling goods or instruments for profit, who at the outset of the transaction has, as against the buyer, general property in such goods or instruments, and who sells the same to the buyer on credit, retaining title or other security interest under a purchase money mortgage or conditional sales contract or otherwise, is excluded.

Goods;

“Goods” means any chattels personal other than: money, things in action, or things so affixed to land as to become a part thereof.

“Instrument” means

Instrument;

(a) any negotiable instrument as defined in the Uniform Negotiable Instruments Law and amendments thereto, or

Negotiable instrument;

(b) any certificate of stock, or bond or debenture for the payment of money issued by a public or private corporation as part of a series, or

Certain securities;

(c) any interim, deposit, or participation certificate or receipt, or other credit or investment instrument of a sort marketed in the ordinary course of business or finance, of which the trustee, after the trust receipt transaction, appears by virtue of possession and the face of the instrument to be the owner. “Instrument” does not include any document of title to goods.

Certain papers;

“Lien Creditor” means any creditor who has acquired a specific lien on the goods, documents or instruments by attachment, levy, or by any other similar operation of law or judicial process, including a distraining landlord.

Lien creditor;

“New value” includes new advances or loans made, or new obligations incurred, or the release or surrender of a valid and existing security interest, or the release of a claim to proceeds under section ten; but “new value” shall not be construed to include extensions or renewals of existing obligations of the trustee, nor obligations substituted for such existing obligations.

New value;

Exceptions;

“Person” means, as the case may be, an individual, trustee, receiver or other fiduciary, partnership, corporation, business trust, or other association, and two or more persons having a joint or common interest.

Person;

“Possession,” as used in this act with reference to possession taken or retained by the entruster, means actual possession of goods, documents or instruments, or, in the case of goods, such constructive possession as, by means of tags or signs or other outward marks placed and remaining in conspicuous places, may reasonably be expected in

Possession;

fact to indicate to the third party in question that the entruster has control over or interest in the goods.

- Purchase;** "Purchase" means taking by sale, conditional sale, lease, mortgage, or pledge, legal or equitable.
- Purchaser;** "Purchaser" means any person taking by purchase. A pledgee, mortgagee or other claimant of a security interest created by contract is, insofar as concerns his specific security, a purchaser and not a creditor.
- Security interest;** "Security interest" means a property interest in goods, documents or instruments, limited in extent to securing performance of some obligation of the trustee or of some third person to the entruster, and includes the interest of a pledgee, and title, whether or not expressed to be absolute, whenever such title is in substance taken or retained for security only.
- Transferee in bulk;** "Transferee in bulk" means a mortgagee or a pledgee or a buyer of the trustee's business substantially as a whole.
- Trustee;** "Trustee" means the person having or taking possession of goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. The use of the word "trustee" herein shall not be interpreted or construed to imply the existence of a trust or any right or duty of a trustee in the sense of equity jurisprudence other than as provided by this act.
- Value.** "Value" means any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, and whether against the transferor or against another person, constitutes value where goods, documents or instruments are taken either in satisfaction thereof or as security therefor.
- Trust receipt:** 2. What constitutes trust receipt transaction and trust receipt.
- Trust receipt transaction;** (1) A trust receipt transaction within the meaning of this act is any transaction to which an entruster and a trustee are parties, for one of the purposes set forth in subsection 3, whereby

(a) the entruster or any third person delivers to the trustee goods, documents or instruments in which the entruster (i) prior to the transaction has, or for new value (ii) by the transaction acquires or (iii) as the result thereof is to acquire promptly, a security interest; or

(b) the entruster gives new value in reliance upon the transfer by the trustee to such entruster of a security interest in instruments or documents which are actually exhibited to such entruster, or to his agent in that behalf, at a place of business of either entruster or agent, but possession of which is required by the trustee;

provided, that the delivery under paragraph (a) or the giving of new value under paragraph (b) either

(i) be against the signing and delivery by the trustee of a writing designating the goods, documents or instruments concerned, and reciting that a security interest therein remains in or will remain in, or has passed to or will pass to, the entruster, or

(ii) be pursuant to a prior or concurrent written and signed agreement of the trustee to give such a writing.

The security interest of the entruster may be derived from the trustee or from any other person, and by pledge or by transfer of title or otherwise. If the trustee's rights in the goods, documents or instruments are subject to a prior trust receipt transaction, or to a prior equitable pledge, section nine and section three, respectively, of this act, determine the priorities.

(2) A writing such as is described in subsection one, paragraph (i), signed by the trustee, and given in or pursuant to such a transaction, is designated in this act as a "trust receipt." No further formality of execution or authentication shall be necessary to the validity of a trust receipt.

- Equivalents; (3) A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a purpose substantially equivalent to any one of the following:
- Selling, etc.; (a) in the case of goods, documents or instruments, for the purpose of selling or exchanging them, or of procuring their sale or exchange; or
- Manufacturing or processing; (b) in the case of goods or documents, for the purpose of manufacturing or processing the goods delivered or covered by the documents, with the purpose of ultimate sale, or for the purpose of loading, unloading, storing, shipping, transshipping or otherwise dealing with them in a manner preliminary to or necessary to their sale; or
- Delivering instruments. (c) in the case of instruments, for the purpose of delivering them to a principal, under whom the trustee is holding them, or for consummation of some transaction involving delivery to a depository or registrar, or for their presentation, collection, or renewal.
- Pledging: 3. Attempted creation or continuance of pledge without delivery or retention of possession.
- Attempted pledge; (1) An attempted pledge or agreement to pledge not accompanied by delivery of possession, which does not fulfill the requirements of a trust receipt transaction, shall be valid as against creditors of the pledgor only as follows:
- Validity of pledge; (a) to the extent that new value is given by the pledgee in reliance thereon, such pledge or agreement to pledge shall be valid as against all creditors with or without notice, for ten days from the time the new value is given;
- Not new value; (b) to the extent that the value given by the pledgee is not new value, and in the case of new value after the lapse of ten days from the giving thereof, the pledge shall have validity as against lien creditors without notice, who be-

come such as prescribed in section eight, only as of the time the pledgee takes possession, and without relation back.

(2) Purchasers (including entrusters) for value and without notice of the pledgee's interest shall take free of any such pledge or agreement to pledge unless, prior to the purchase, it has been perfected by possession taken. Taking free;

(3) Where, under circumstances not constituting a trust receipt transaction, a person, for a temporary and limited purpose, delivers goods, documents, or instruments, in which he holds a pledgee's or other security interest, to the person holding the beneficial interest therein, the transaction has like effect with a purported pledge for new value under this section. Purported
pledge.

4. Contract to give trust receipt.

(1) A contract to give a trust receipt, if in writing and signed by the trustee, shall, with reference to goods, documents or instruments thereafter delivered by the entruster to the trustee in reliance on such contract, be equivalent in all respects to a trust receipt. Trust receipt:
Contract;

(2) Such a contract shall as to such goods, documents, or instruments be specifically enforceable against the trustee; but this subsection shall not enlarge the scope of the entruster's rights against creditors of the trustee as limited by this act. Contract en-
forceable.

5. Validity between the parties.

Between the entruster and the trustee the terms of the trust receipt shall, save as otherwise provided by this act, be valid and enforceable. But no provision for forfeiture of the trustee's interest shall be valid except as provided in subsection five of section six. Validity.
Between
entruster and
trustee.

6. Repossession, and entruster's rights on default.

(1) The entruster shall be entitled as against the trustee to possession of the goods, documents or instruments on default, and as may be otherwise specified in the trust receipt. Repossession:
Possession on
default;

Taking possession;	(2) An entruster entitled to possession under the terms of the trust receipt or of subsection one may take such possession without legal process, whenever that is possible without breach of the peace.
Holding goods;	(3) (a) After possession taken, the entruster shall, subject to subdivision (b) and subsection five, hold such goods, documents or instruments with the rights and duties of a pledgee.
Notice to sell;	(b) An entruster in possession may, on or after default, give notice to the trustee of intention to sell, and may, not less than five days after the serving or sending of such notice, sell the goods, documents or instruments for the trustee's account, at public or private sale, and may at a public sale himself become a purchaser. The proceeds of any such sale, whether public or private, shall be applied (i) to the payment of the expenses thereof, (ii) to the payment of the expenses of retaking, keeping and storing the goods, documents, or instruments, (iii) to the satisfaction of the trustee's indebtedness. The trustee shall receive any surplus and shall be liable to the entruster for any deficiency. Notice of sale shall be deemed sufficiently given if in writing, and either (i) personally served on the trustee, or (ii) sent by post-paid ordinary mail to the trustee's last known business address.
Proceeds;	
Surplus and deficiency;	
Giving notice to sell;	
Purchaser's rights;	(c) A purchaser in good faith and for value from an entruster in possession takes free of the trustee's interest, even in a case in which the entruster is liable to the trustee for conversion.
Surrender of interest;	(4) Surrender of the trustee's interest to the entruster shall be valid, on any terms upon which the trustee and the entruster may, after default, agree.

(5) As to articles manufactured by style or model, the terms of the trust receipt may provide for forfeiture of the trustee's interest, at the election of the entruster, in the event of the trustee's default, against cancellation of the trustee's then remaining indebtedness; *provided*, that in the case of the original maturity of such an indebtedness there must be canceled not less than eighty per centum (80%) of the purchase price to the trustee, or of the original indebtedness, whichever is greater; or, in the case of a first renewal, not less than seventy per centum (70%), or, in the case of a second or further renewal, not less than sixty per centum (60%).

Forfeiture of interest.

Proviso.

7. General effect of entruster's filing or taking possession.

Effect of possession.

(1) (a) If the entruster within the period of thirty days specified in subsection one of section eight files as in this act provided, such filing shall be effective to preserve his security interest in documents or goods against all persons, save as otherwise provided by sections eight, nine, ten, eleven, fourteen and fifteen of this act.

Preserving security;

(b) Filing after the lapse of the said period shall be valid; but in such event, save as provided in subdivision three (b) of section eight, the entruster's security interest shall be deemed to be created by the trustee as of the time of such filing, without relation back, as against all persons not having notice of such interest.

Filing valid;

(2) The taking of possession by the entruster shall, so long as such possession is retained, have the effect of filing, in the case of goods or documents; and of notice of the entruster's security interest to all persons, in the case of instruments.

Taking possession effect of notice.

8. Validity against creditors.

Validity.

(1) The entruster's security interest in goods, documents or instruments under the written terms

Entruster's interest valid.

of a trust receipt transaction, shall without any filing be valid as against all creditors of the trustee, with or without notice, for thirty days after delivery of the goods, documents or instruments to the trustee, and thereafter except as in this act otherwise provided.

Reckoning
time.

But where the trustee at the time of the trust receipt transaction has and retains instruments or documents, the thirty days shall be reckoned from the time such instruments are actually shown to the entruster, or from the time that the entruster gives new value under the transaction, whichever is prior.

Interest void
against lien
creditors.

(2) Save as provided in subsection one, the entruster's security interest shall be void as against lien creditors who become such after such thirty day period and without notice of such interest and before filing.

Becoming lien
creditor.

(a) Where a creditor secures the issuance of process which within a reasonable time after such issuance results in attachment of or levy on the goods, he is deemed to have become a lien creditor as of the date of the issuance of the process.

Lien creditor.

(b) Unless prior to the acquisition of notice by all creditors filing has occurred or possession has been taken by the entruster, (i) an assignee for the benefit of creditors, from the time of assignment, or (ii) a receiver in equity from the time of his appointment, or (iii) a trustee in bankruptcy or judicial insolvency proceedings from the time of filing of the petition in bankruptcy or judicial insolvency by or against the trustee, shall, on behalf of all creditors, stand in the position of a lien creditor without notice, without reference to whether he personally has or has not, in fact, notice of the entruster's interest.

9. Limitations on entruster's protection against purchasers. Limitations:

(1) Purchasers of negotiable documents or instruments. Purchasers;

(a) Nothing in this act shall limit the rights of purchasers in good faith and for value from the trustee of negotiable instruments or negotiable documents, and purchasers taking from the trustee for value, in good faith and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable, shall hold such instruments free of the entruster's interest; and filing under this act shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments, other than transferees in bulk. Not limiting rights of purchasers.

Filing not deemed notice.

(b) The entrusting (directly, by agent, or through the intervention of a third person) of goods, documents or instruments by an entruster to a trustee, under a trust receipt transaction or a transaction falling within section three of this act, shall be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution, or which represent the same goods or instruments or the proceeds thereof, and which the trustee negotiates to a purchaser in good faith and for value. Entrusting goods.

(2) Where a buyer from the trustee is not protected under subsection one hereof, the following rules shall govern: When buyer not protected.

(a) Sales by trustee in the ordinary course of trade. Sale by trustee.

(i) Where the trustee, under the trust receipt transaction, has liberty of sale and sells to a buyer in the ordinary course of trade, whether before or after the expiration of the thirty day period specified in subsection one Buyer free of entruster's interest.

of section eight of this act, and whether or not filing has taken place, such buyer takes free of the entruster's security interest in the goods so sold, and no filing shall constitute notice of the entruster's security interest to such a buyer.

Limitation
affecting
buyer.

(ii) No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade, unless the limitation is actually known to the latter.

Other pur-
chasers.

(b) Purchasers other than buyers in the ordinary course of trade.

Interest in
goods valid.

In the absence of filing, the entruster's security interest in goods shall be valid, as against purchasers, save as provided in this section; but any purchaser, not a buyer in the ordinary course of trade, who, in good faith and without notice of the entruster's security interest and before filing, either (i) gives new value before the expiration of the thirty day period specified in subsection one of section eight, or (ii) gives value after said period, and who in either event before filing also obtains delivery of goods from a trustee shall hold the subject matter of his purchase free of the entruster's security interest; but a transferee in bulk can take only under (ii) of this subdivision (b).

Liberty of
sale.
Placing goods
in stock.

(c) Liberty of sale.

If the entruster consents to the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition rooms, or allows such goods to be so placed or kept, such consent or allowance shall have like effect as granting the trustee liberty of sale.

Purchase for
new value.

(3) As to all cases covered by this section the purchaser of goods, documents or instruments on credit shall constitute a purchase for new value,

but the entruster shall be entitled to any debt owing to the trustee and any security therefor, by reason of such purchase; except that the entruster's right shall be subject to any set-off or defence valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest.

10. Entruster's right to proceeds.

Where, under the terms of the trust receipt transaction, the trustee has no liberty of sale or other disposition, or, having liberty of sale or other disposition, is to account to the entruster for the proceeds of any disposition of the goods, documents or instruments, the entruster shall be entitled, to the extent to which and as against all classes of persons as to whom his security interest was valid at the time of disposition by the trustee, as follows:

(a) to the debts described in section nine (3); and also

Right to proceed.
Accounting to entruster:

(b) to any proceeds or the value of any proceeds (whether such proceeds are identifiable or not) of the goods, documents or instruments, if said proceeds were received by the trustee within ten days prior to either application for appointment of a receiver of the trustee, or the filing of a petition in bankruptcy or judicial insolvency proceedings by or against the trustee, or demand made by the entruster for prompt accounting; and to a priority to the amount of such proceeds or value; and also

Proceeds or value;

(c) to any other proceeds of the goods, documents or instruments which are identifiable, unless the provision for accounting has been waived by the entruster by words or conduct; and knowledge by the entruster of the existence of proceeds, without demand for accounting made within ten days from such knowledge, shall be deemed such a waiver.

Other proceeds.

Liens.	11. Liens in course of business good against entruster.
Attached against trustee.	Specific liens arising out of contractual acts of the trustee with reference to the processing, warehousing, shipping or otherwise dealing with specific goods in the usual course of the trustee's business preparatory to their sale shall attach against the interest of the entruster in said goods as well as against the interest of the trustee, whether or not filing has occurred under this act; but this section shall not obligate the entruster personally for any debt secured by such lien; nor shall it be construed to include the lien of a landlord.
No obligation.	
Responsibility. Entruster not responsible.	12. Entruster not responsible on sale by trustee. An entruster holding a security interest shall not, merely by virtue of such interest or of his having given the trustee liberty of sale or other disposition, be responsible as principal or as vendor under any sale or contract to sell made by the trustee.
Filing:	13. Filing and refiling concerning trust receipt transactions covering documents or goods.
Statement;	(1) Any entruster undertaking or contemplating trust receipt transactions with reference to documents or goods is entitled to file with the Secretary of State a statement, signed by the entruster and the trustee, containing:
Place of business;	(a) a designation of the entruster and the trustee, and of the chief place of business of each within this State, if any; and if the entruster has no place of business within the State, a designation of his chief place of business outside the State; and
Financing;	(b) a statement that the entruster is engaged, or expects to be engaged, in financing under trust receipt transactions the acquisition of goods by the trustee; and
Description of goods;	(c) a description of the kind or kinds of goods covered or to be covered by such financing.

(2) The following form of statement (or any other form of statement containing substantially the same information) shall suffice for the purposes of this act.

Form of
statement;

“Statement of Trust Receipt Financing

Outline of
form;

“The entruster, whose chief place of business within this State is at, (or who has no place of business within this State and whose chief place of business outside this State is at) is or expects to be engaged in financing under trust receipt transactions the acquisition by the trustee, whose chief place of business within this State is at of goods of the following description: (coffee, silk, automobiles, or the like.)

(Signed)..... Entruster
(Signed)..... Trustee.”

(3) It shall be the duty of the filing officer to mark each statement filed with a consecutive file number, and with the date and hour of filing, and to keep such statement in a separate file; and to note and index the filing in a suitable index, indexed according to the name of the trustee and containing a notation of the trustee's chief place of business as given in the statement. The fee for such filing shall be one dollar.

Details to be
followed in
filing;

Fee;

(4) Presentation for filing of the statement described in subsection one, and payment of the filing fee, shall constitute filing under this act, in favor of the entruster, as to any documents or goods falling within the description in the statement which are within one year from the date of such filing, or have been, within thirty days previous to such filing, the subject-matter of a trust receipt transaction between the entruster and the trustee.

Presentation
for filing
deemed such;

(5) At any time before expiration of the validity of the filing, as specified in subsection four, a like statement, or an affidavit by the entruster alone,

Refiling:

Valid as original.	setting out the information required by subsection one, may be filed in like manner as the original filing. Any filing of such further statement or affidavit shall be valid in like manner and for like period as an original filing, and shall also continue the rank of the entruster's existing security interest as against all junior interests. It shall be the duty of the filing officer to mark, file and index the further statement or affidavit in like manner as the original.
Limitations.	14. Limitations on extent of obligation secured.
Entruster's interest extends to any obligation.	As against purchasers and creditors, the entruster's security interest may extend to any obligation for which the goods, documents or instruments were security before the trust receipt transaction, and to any new value given or agreed to be given as a part of such transaction; but not, otherwise, to secure past indebtedness of the trustee; nor shall the obligation secured under any trust receipt transaction extend to obligations of the trustee to be subsequently created.
Act inapplicable.	15. Act not applicable to certain transactions.
Single transaction.	This act shall not apply to single transactions of legal or equitable pledge, not constituting a course of business, whether such transactions be unaccompanied by delivery of possession, or involve constructive delivery, or delivery and redelivery, actual or constructive, so far as such transactions involve only an entruster who is an individual natural person, and a trustee entrusted as a fiduciary with handling investments or finances of the entruster; nor shall it apply to transactions of bailment or consignment in which the title of the bailor or consignor is not retained to secure an indebtedness to him of the bailee or consignee.
Bailment or consignment.	
Election.	16. Election among filing statutes.
Compliance.	As to any transaction falling within the provisions both of this act and of any other act requiring filing or recording, the entruster shall not be required to comply with both, but by complying with the provisions of either at his election may have the protection given by the act complied with;

except that buyers in the ordinary course of trade as described in subsection two of section nine, and lienors as described in section eleven, shall be protected as therein provided, although the compliance of the entruster be with the filing or recording requirements of another act. Buyers protected.

17. Cases not provided for.

In any case not provided for in this act the rules of law and equity, including the law merchant, shall continue to apply to trust receipt transactions and purported pledge transactions not accompanied by delivery of possession. Other cases.

18. Uniformity of interpretation.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the States which enact it. Uniform interpretation.

19. Constitutionality.

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Constitutionality.

20. Short title.

This act may be cited as the Uniform Trust Receipts Act. Short title.

21. Inconsistent laws repealed.

Notwithstanding the provisions of any general or special law, the provisions of this act shall control, except as to transactions entered into before its effective date. Repealer.

22. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 295

AN ACT concerning employment in the service of the State or in any county or municipality thereof.

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

Age in
employment.

Proviso.

Penalty.

1. In the selection of persons for employment in the service of the State, or of any county or municipality thereof, no appointing officer shall discriminate against any such applicant because such applicant has attained the age of at least forty years, at the time of his said application for employment; *provided*, that this act shall not apply to appointments to police and fire departments or to the positions of court attendant, process server, and prison or reformatory officer or guard in houses of detention, jails, county farms, and penal institutions. Any violation of this act shall be a misdemeanor and the violator punished accordingly.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 296

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 Limited brewery license; Fee;

than one hundred thousand 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
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. The fee for this license shall be five hundred dollars.

Fee;

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. 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.

Graduated
fees;

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

Supplementary
limited
distillery
license;

Graduated
fees;

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

Rectifier and blender 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. 2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 297

AN ACT concerning alcoholic beverages, and amending section 33:1-26 of the Revised Statutes.

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

Section amended. 1. Section 33:1-26 of the Revised Statutes is hereby amended to read as follows:

Annual license. 33:1-26. All licenses shall be for a term of one year from the first day of July in each year. The

Basis of fee. respective fees for any such license shall be prorated according to the effective date of such license and based on the respective annual fee as in this

Refund. chapter provided. Where the license fee deposited with the application exceeds such prorated fee, a refund of the excess shall be made to the licensee.

Transfer. Licenses are not transferable except as herein-

after provided. A separate license is required for each specific place of business and the operation and effect of every license is confined to the licensed premises. No retail license of any class shall be issued to any holder of manufacturer's or wholesaler's license, and no manufacturer's or wholesaler's license shall be issued to the holder of a retail license of any class. Any person who shall exercise or attempt to exercise, or hold himself out as authorized to exercise, the rights and privileges of a license except the licensee and then only with respect to the licensed premises, shall be guilty of a misdemeanor.

Each place
licensed.

Retailer's and
wholesaler's
license
limited.

False repre-
sentation.

In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the commissioner or other issuing authority may, in his or its discretion, extend said license for a limited time, not exceeding its term, to the executor, administrator, trustee, receiver or other person upon whom the same has devolved by operation of law as aforesaid. Under no circumstances, however, shall a license, or rights thereunder, be deemed property, subject to inheritance, sale, pledge, lien, levy, attachment, execution, seizure for debts, or any other transfer or disposition whatsoever, except to the extent expressly provided by this chapter.

Extension of
license.

License not
deemed
property.

On application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises, and after publication of notice of intention to apply for transfer, in the same manner as is required in case of an application for license as to said premises, the commissioner or other issuing authority may transfer, upon payment of a fee of five dollars, any license issued by him or it respectively to a different place of business than that

Transfer of
license.

Fee.

specified therein, by indorsing permission upon such license.

Requirements.

On application made therefor setting forth the same matters and things with reference to the person to whom a transfer of license is sought as are required to be set forth in connection with an original application for license, which application for transfer shall be signed and sworn to by the person to whom the transfer of license is sought and shall bear the consent in writing of the licensee to such transfer, and after publication of notice of intention by the person to whom the transfer of license is sought, to apply for transfer in the same manner as is required in the case of an original application for license, the commissioner or other issuing authority, as the case may be, may transfer any license issued by him or it respectively to such applicant for transfer by indorsing the license. Such application and the applicant shall comply with all requirements of this chapter pertaining to an original application for license and shall be accompanied, in lieu of the license fee required on the original application, by a fee of ten per centum (10%) of the annual license fee for the license sought to be transferred, which ten per centum (10%) shall be retained by the commissioner or other issuing authority, as the case may be, whether the transfer be granted or not, and accounted for as other license fees.

Application.

Compliance
with all
requirements.

Fee.

Appeal may
be taken.

The action of the other issuing authority in granting or refusing to grant any application for a transfer of license to a different place of business or person shall be subject to appeal to the commissioner within thirty days from the date such action was taken.

Employees
qualified.

Special
workers.

No person who would fail to qualify as a licensee under this chapter shall be knowingly employed by or connected in any business capacity whatsoever with the licensee; but specialized technical workers, required in any business may, with the approval of the commissioner, and subject to rules and regulations, be employed although failing to

qualify as to residence or citizenship. Persons failing to qualify as to age, residence or citizenship may, with the approval of the commissioner, and subject to rules and regulations, be employed by any licensee, but such employee, if disqualified by age or citizenship, shall not, in any manner whatsoever, sell or solicit the sale or participate in the manufacture, rectification, blending, treating, fortification, mixing, processing or bottling of any alcoholic beverage; *and further provided*, that no permit shall be necessary for the employment in a bona fide hotel or restaurant of any person failing to qualify as to residence so long as such person shall not in any manner whatsoever serve, sell or solicit the sale of any alcoholic beverage, or participate in the mixing, processing or preparation thereof.

Employing
unqualified
persons.

Proviso.

2. This act shall take effect immediately.
Approved June 4, 1938.

CHAPTER 298

AN ACT concerning municipalities, and supplementing section ten of chapter forty-seven of Title 40 of the Revised Statutes.

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

1. Any member of any police department or fire department in any municipality in this State not operating under the provisions of subtitle three 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 or fire department in such municipality, may appeal such conviction to the court of common pleas of the county in which such municipal-

Fireman or
policeman
may appeal
conviction.

Notice of
appeal.

Petition show-
ing grounds
of appeal.

Retrial by
court of
common pleas.

Order by
court.

Witnesses.

ity is situated. Such appeal shall be taken by giving written notice thereof to the officer or board convicting the member of the police department or fire 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 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 subpoena witnesses and the procedure for such trial shall be the same as in other trials in the court of common pleas.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 299

AN ACT to extend Route S-41 from Route 43 (White Horse Pike) at Berlin to Route 42 (Black Horse Pike) at Folsom; and add extension to State highway system.

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

1. The State Highway Commission 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, lay out and construct as an addition to the present State highway system the following described route:

Additional road.

Continuation of Route S-41 from Route 43 in Berlin borough, Camden county, to Route 42 in Folsom borough in Atlantic county through the Blue Anchor and Mays Landing roads in Camden and Atlantic counties.

Continuing route S-41.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 300

AN ACT concerning municipalities, 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 any lands or buildings or any right or interest therein not needed for public use. All such

Municipal property may be sold.

Manner of sale:	sales or disposition 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
To highest bidder;	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
Property advertised.	insertions at least once a week during two consecutive weeks, the last publication to be not more than
May set price.	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
Adjournment.	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 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
Minimum price.	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
List of properties advertised.	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.
Offers for properties.	
Sale commission.	

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.

Private 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 of
sale.

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 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.

Sale on credit
a municipal
lien.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 301

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*:

1. All assignments of certificates of sale for unpaid taxes, assessments or other municipal liens

Validates
assignments
of certificates
of sale of
unpaid taxes,
etc.

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 June 4, 1938.

CHAPTER 302

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-five, chapter two hundred seventy-five.

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:

Term and
salary of
mayor.

3. The mayor shall be the chief executive officer of such city and shall possess the powers and privileges and shall perform the duties which are hereinafter specified and shall be elected for the term of two years at the annual general election to be held on the first Tuesday after the first Monday in November in each year, and shall receive such annual compensation for this service not exceeding 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

Proviso.

mayor of any such city located in counties of the fourth and sixth class shall be elected for a term of four years.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 303

AN ACT concerning the dissolution of corporations, and supplementing Title 14 of the Revised Statutes.

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

1. Every corporation organized under Title 14 of the Revised Statutes may be dissolved by the decree of the Court of Chancery when it is made to appear that the corporation has an even number of directors who are equally divided respecting the management of its affairs, and that the voting shares of such corporation are equally divided into two independent ownerships or interests and one-half thereof is owned or controlled by persons favoring the course or views of part of the directors, and one-half is owned or controlled by persons favoring the course or views of the other directors, or that the persons owning or controlling the voting shares are unable to agree on, or vote for, the election of a board of directors consisting of an uneven number, and, in either such event, the holders of shares entitling them to exercise one-half or more of the voting power shall have voted for such dissolution, or shall have agreed in writing thereto, or shall join in filing the petition for dissolution. The petition for dissolution may be filed by one-half of the directors when there is an even number of directors who are unable to agree as to management, if the holders of one-half or more of the shares have voted for or agreed in writing to such dissolution, or it may be filed by

Dissolution of
corporation
by Court of
Chancery.

Petition.

the persons holding one-half of the voting shares when such persons are unable to agree with the persons holding the other half of such shares as hereinabove provided. The petition shall be verified by the petitioners or one of them. A schedule shall be annexed to the petition setting forth the name of each shareholder, his address if it is known, or, if it is not known, stating that fact, and the number of shares belonging to him. Such schedule need not be annexed if the petitioner shall state that he is unable to annex a list of such shareholders. Whenever shares, the holders of which are entitled to petition for dissolution, shall be deposited subject to the control of a committee which is authorized by the deposit agreement to represent depositing shareholders with respect to dissolution proceedings, the petition may be filed by such committee or the majority of the members thereof.

Schedule of shareholders.

Filing.

Provisions applicable.

The provisions of chapter thirteen of Title 14 of the Revised Statutes shall be applicable hereto, except so far as they be inconsistent with the provisions hereof.

Approved June 4, 1938.

CHAPTER 304

AN ACT concerning wild birds and animals, and amending section 23:4-23 of the Revised Statutes.

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

Section amended.

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

Removal of skin prohibited.

23:4-23. No person in this State shall remove the skin or feathers, or in any way mutilate the body of a wild bird or animal killed, caught or taken while hunting, for the purpose of concealing

its identity or sex, under a penalty of one hundred dollars. A person's possession of a wild bird or animal or part thereof that has been plucked, skinned or mutilated in the woods, fields or meadows or on the waters of this State, shall be prima facie evidence that he has violated this section.

Penalty.

Possession
prima facie
evidence.

The removal of the entrails of a deer shall not be considered a violation of this section, but the carcass shall not be otherwise mutilated, cut up or divided until the board or one of its members or a fish and game warden has received notification or report of the killing from the person who killed it, together with all information as required. Any person having any part or portion of a deer in his or her possession or in any conveyance, while in the woods or fields or on the roads or highways during the open season for the killing of deer and during the day next following the last day of such open season shall be required to furnish satisfactory proof that the same came from a legally killed deer that has been properly reported and failing to do so shall be liable to a penalty of one hundred dollars.

Removal of
deer's entrails
no violation.

Other mutilation a
violation.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 305

AN ACT concerning the merger or consolidation of corporations, and amending section 14:12-4 of the Revised Statutes.

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

1. Section 14:12-4 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

14:12-4. No corporation, organized under any law of this State or organized under any law of any other State or country, may merge or consol-

Not to merge
until taxes are
paid.

idate under this chapter unless and until all taxes, fees, penalties and interest levied upon or assessed against it by this State under any statute imposing State taxes, as defined in section 54:48-2 of the Revised Statutes, and providing for the collection thereof by the State Tax Commissioner, have been fully paid, and a certificate to that effect, signed by the State Tax Commissioner, has been annexed to the agreement of merger or consolidation and filed therewith in the office of the Secretary of State.

Does not
apply to
railroads.

Nothing herein contained shall apply to any railroad company organized under the laws of this State, or under the laws of any other State or country, which is being merged or consolidated with any other railroad company organized under the laws of this State, or of any other State or country, as the result of proceedings in receivership or in bankruptcy, provided notice of such proceedings, including notice of the proposed merger or consolidation, has been given the State Tax Commissioner, to be evidenced by his certificate annexed to the agreement of merger or consolidation to be filed with the Secretary of State. No such merger or consolidation shall prejudice or impair the claim of the State or any lien to which it may be entitled for any unpaid taxes, fees, penalties or interest.

Merger not
to impair
State's claim.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 306

AN ACT for the regulation of power vessels, providing for the registration of the same and the licensing of the operators thereof, fixing the amount of license and registration fees and penalties for violations, and supplementing Title 12 of the Revised Statutes.

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

1. In addition to the powers conferred upon the Board of Commerce and Navigation by the provisions of Title 12 of the Revised Statutes, the said Board of Commerce and Navigation is hereby authorized and empowered to establish these rules and regulations to govern the operation, docking, mooring and anchoring of power vessels and all other craft navigating the Inland Waterway within the confines of the State of New Jersey.

Rules and regulations for vessels using inland waters:

(a) The speed of power vessels shall at all times be regulated so as to avoid danger or injury to all manner of floating craft either by the effect of the wave or wash raised by power vessels through excessive speed or otherwise.

Speed;

(b) All boats shall reduce their speed to six miles per hour when passing within two hundred feet of a wharf or dock at which boats are berthed.

Reduce speed;

(c) All boats navigating the Bay Head-Manasquan canal in Ocean county between Barnegat bay and the Manasquan river shall be operated at a speed not exceeding six miles per hour.

Speed in Bay Head-Manasquan canal;

(d) No person shall operate a power vessel while under the influence of any intoxicating liquor or any narcotic or habit-producing drugs, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit-producing drugs to operate any power boat owned by him or her or in his or her custody and control.

Operating while under influence of liquor or drugs prohibited;

Length of tows;	(e) No dredge operator shall tow excessive lines of pontoons and other equipment and thereby endanger buoys, lights and other aids to navigation. A length of pontoon or other tow exceeding one hundred feet measured from the stern of the towing vessel shall be deemed for the purpose of this act presumptive evidence of guilt of damage to any aids to navigation certified to have occurred within twenty-four hours after the passage of such pontoon line.
Reckless operation;	(f) In all cases, no power vessel shall be operated in a reckless manner. Reckless operation shall include operating a vessel in a manner which unnecessarily interferes with the free and proper use of any waters, or unnecessarily endangers other craft therein, or the life or limb of any person upon such other craft or in the water.
Mooring, etc., derelicts by power vessel.	(g) No power vessel shall be utilized to moor, ground or abandon any hulk or derelict on State lands below mean high water mark.
Harbor masters.	2. The board may, whenever in its discretion it shall be necessary, appoint harbor masters who shall have controlling jurisdiction under the law governing said Board of Commerce and Navigation to supervise the use of the inland waterways within the limits of this act. Such harbor masters shall be appointed for one year and shall serve without salary or other compensation. Harbor masters appointed under this act shall be supplied with a shield or badge indicating their office and with an insignia to be carried on their boats while used on official duty in discharging the requirements of this statute.
Term.	
Supplied with badge.	
Complaint and summons.	3. Any complaint having been made in writing and duly verified that any person has violated any of the provisions of this act, any magistrate of the county or recorder or police magistrate of any municipality in which the offense is committed may within thirty days after the commission of said offense issue either a summons or a warrant directed to any constable, police officer or harbor master appointed under the provisions of this act

for the appearance or arrest of the person so charged and the complaint shall state what section or provision of the act has been violated by the defendant, and the time, place and nature of said violation, and upon the return of said summons or warrant, the said magistrate or recorder shall proceed with or without a jury, to hear and determine the guilt or innocence of such person and upon conviction may impose on the person so convicted the penalty by this act prescribed, together with the cost of prosecution for such offense, and upon the return day of any summons or warrant issued in accordance with the provisions of this act, said defendant may demand and have a trial by a jury of twelve men; when a demand is made by the said defendant for a trial by jury, said defendant shall pay the costs of all proceedings of said jury trial.

Contents of
complaint.

Trial.

4. Such magistrate or recorder upon receiving the complaint in writing, duly verified, of the violation of any provision of this act by any corporation, is hereby authorized and required to issue a summons directed to any constable, police officer or harbor master appointed under the provisions of this act, requiring such corporation to be and appear before such magistrate or recorder on the date therein named to answer to said complaint, which said summons shall be served on the president, vice-president, secretary, superintendent or manager of said corporation or upon the captain or acting captain of any boat, dredge, scow or other craft by which the offense is committed, at least five days before the time and appearance mentioned therein, and thereafter all proceedings shall be the same as against an individual.

Complaint
and summons
against a
corporation.

5. Any hearing to be held pursuant to this act shall on the request of the defendant be adjourned for a period not exceeding thirty days from the return date named in any summons or from the return of any warrant or from the date of any arrest without warrant as the case may be. But in such case it shall be the duty of the magistrate or recorder to detain the defendant in safe custody

Adjournment
not to exceed
thirty days.

Bond.

unless he shall make a cash deposit or enter into a bond with the State of New Jersey, with at least one sufficient surety to all and in amount not to exceed five hundred dollars (\$500.00), conditioned for his appearance on the day to which the hearing may be adjourned and thence from day to day until the case is disposed of; and such bond if forfeited may be prosecuted by the Board of Commerce and Navigation or by the Attorney-General of the State of New Jersey in any court of competent jurisdiction and such cash deposit if forfeited shall be paid to said Board of Commerce and Navigation by said magistrate or recorder with whom the said cash shall have been deposited, to be by said board paid over to the State Treasurer; *provided, however*, that in lieu of said bond or cash deposit the person under arrest may leave with the magistrate or recorder the vessel owned or operated by the said person or corporation at the time of the commission of said offense.

Proviso.

Appeal.

Proviso.

6. The defendant in any proceeding instituted under this act may appeal from the judgment or sentence of the magistrate or recorder to the court of common pleas of the county in which such proceedings shall have taken place; *provided*, said defendant shall within ten days after the date of said judgment, deliver to the magistrate or recorder a bond to the State of New Jersey with at least one sufficient surety or make a cash deposit with said magistrate or recorder of such amount as the magistrate or recorder shall direct, not exceeding the sum of five hundred dollars (\$500.00), conditioned to stand and to abide by such further order or judgment, as may thereafter be made against said party.

Days for instituting suit.

7. Proceedings under this act may be instituted on any day of the week. Any process served on Sunday will be as valid as if served on any other day of the week.

Summons valid.

8. A summons or warrant issued by any magistrate in accordance with the provisions of this act shall be valid throughout the State and any officer

who has power to serve the said summons, or to serve said warrant and make arrest thereon, in the county where the same shall have been issued, shall have like power to serve said summons and to serve said warrant and make arrest thereon in any of the several counties of the State.

9. Any person who shall be guilty of violating the provisions of this act shall be subject to a fine not exceeding one hundred dollars (\$100.00), in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any offender shall be convicted of a second offense of the same violation will be fined double the amount herein prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty (20) days.

Penalty.

Proviso.

10. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 307

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

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

1. The board of education of any school district may maintain a program of adult education and utilize buildings, equipment, and other school facilities of the district for such purpose. The local board of education shall determine the courses which are to be offered with the approval of the State Department of Public Instruction.

May maintain
program of
adult educa-
tion.

2. Any district offering adult education courses may charge tuition for them to those resident in the district, and to persons received from other

Tuition.

- Proviso. districts; *provided*, such tuition shall not exceed the actual cost per pupil.
- Apportioning moneys. 3. Moneys allotted to this State by the Federal Government which are to be devoted to the object set forth in this act together with moneys and apportionments made available under Title 18 of the Revised Statutes shall be apportioned by the Commissioner of Education under rules and regulations approved by the State Board of Education.
4. This act shall take effect immediately.
- Approved June 4, 1938.

CHAPTER 308

AN ACT concerning public questions in elections, and amending section 19:3-6 of the Revised Statutes.

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

Section amended.

1. Section 19:3-6 of the Revised Statutes is hereby amended to read as follows:

Public questions to be presented in clear manner.

19:3-6. Any public question voted upon at an election shall be presented in simple language that can be easily understood by the voter. The printed phrasing of said question on the ballots shall clearly set forth the true purpose of the matter being voted upon. Where the question concerns any amendment to the State Constitution, or any act or statute or other legal titles of any nature, the printed phrasing on the ballots shall include a brief statement interpreting same.

Deemed approved.

Such public question, when duly voted upon at an election, shall be deemed to be approved when that percentage of the legal voters of the State or any subdivision thereof as required by the statute authorizing the proposal of such public question shall vote in favor of its adoption.

For the purpose of this title it is hereby declared that the intent and meaning in any such statute of the words "legal voters" are persons entitled to vote, and who do vote, at the time and in the manner prescribed in and by such statute upon the public question submitted; and for the purpose of ascertaining what is the percentage of the legal voters of any district defined in such statute, upon the public question therein directed to be submitted, the persons who do not vote at such election, the persons who do not vote upon the public question and the persons whose ballots may be declared invalid, shall not be estimated, counted or considered.

Legal voters defined.

Ascertaining percentage.

2. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 309

AN ACT extending the hotel keepers lien and making it available to proprietors of apartment hotels, inns and boarding houses, and amending sections 2:60-49 and 2:60-50 of the Revised Statutes.

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

1. Section 2:60-49 of the Revised Statutes is hereby amended to read as follows:

Section amended.

2:60-49. Any hotel proprietor, apartment hotel, inn and boarding house proprietor, shall have a lien on all baggage, and other property belonging to any guest, or brought upon the premises by any guest, tenant, boarder or lodger, in a hotel, apartment hotel, inn or boarding house, for the amount of his bill due to the proprietor thereof for the hire or rent of rooms, board, lodging, cash advanced or other accommodations furnished in said hotel, apartment hotel, inn or boarding house, and shall have the right, without the process of law,

Lien on property of guest.

to retain the same until the said amount of indebtedness is discharged.

Section
amended.

2. Section 2:60-50 of the Revised Statutes is hereby amended to read as follows:

Sale of
property.

2:60-50. Property detained by the hotel, apartment hotel, inn or boarding house proprietor pursuant to section 2:60-49 of this Title may be sold at public auction upon a notice published for three days in a public newspaper published in the city or town where said hotel, apartment hotel, inn or boarding house shall be kept, and the proceeds thereof shall be applied to the payment of such lien and the expense of such sale and the balance, if any remaining, shall be paid over to the owner of such property or his representatives; and if such balance is not claimed by such owner or his representative within thirty days after such sale then the balance shall be paid to the overseer of the poor of the municipality.

Liability for
loss.

No proprietor of any hotel, apartment house, inn or boarding house shall be liable in any sum to any guest, tenant, boarder or lodger for the loss of wearing apparel, goods, merchandise or other property, unless it shall appear that such loss occurred through the fault or negligence of such proprietor, nor shall any such proprietor be liable for any sum for the loss of any article or articles of wearing apparel, trunk, satchel, valise, bag, box, bundle, or the contents thereof, or any property belonging to any such guest, tenant, boarder or lodger in any hotel, apartment hotel, inn or boarding house, and not within a room or rooms assigned to him, unless the same shall be especially entrusted to the care and custody of such proprietor or his duly authorized agent, and if so specially entrusted with such article or articles of wearing apparel, trunk, satchel, valise, bag, box and bundle, and the contents thereof, or any other property belonging to such guest, or traveler, the proprietor shall not be liable for the loss of same in any sum exceeding one hundred dollars.

Property
entrusted to
proprietor.

Total liability.

3. This act shall take effect immediately.

Approved June 4, 1938.

CHAPTER 310

AN ACT concerning the retirement on pension of municipal recorders, and amending section 43:12-50 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*:

1. Section 43:12-50 of the Revised Statutes is hereby amended to read as follows: Section amended.

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 shall, upon his own request, be retired from service by the body, board or officer having power to appoint his successor in case of vacancy. Recorder may be pensioned..

Approved June 4, 1938.

CHAPTER 311

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

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

1. It shall be the duty of each board of education in any school district to save harmless and protect all teachers and members of supervisory and administrative staff from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to any person within or with- To indemnify teachers, etc.

- Proviso.** out the school building; *provided*, such teacher or member of the supervisory or administrative staff at the time of the accident or injury was acting in the discharge of his duties within the scope of his employment and/or under the direction of said board of education; and said board of education may arrange for and maintain appropriate insurance with any company created by or under the laws of this State, or in any insurance company authorized by law to transact business in this State, or such board may elect to act as self-insurers to maintain the aforesaid protection.
- Insurance.**
2. This act shall take effect immediately.
- Approved June 6, 1938.

CHAPTER 312

AN ACT to provide that the term employment within the meaning of the laws providing for the establishment and administration of unemployment compensation, providing for the levy and collection of contributions therefor, and providing penalties for violation thereof, shall not include certain classes of employments, and amending section 43:21-19 of the Revised Statutes.

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

- Section amended.** 1. Section 43:21-19 of the Revised Statutes is hereby amended to read as follows:
- Terms defined:** 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.

(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. Average annual payroll;

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter, with respect to his unemployment. Benefits;

(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. Base 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. 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 Employing unit;
Single unit;

Daily employ-
ment;

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 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.

Understand-
ing;

Proviso;

Employer;

(h) "Employer" means:

(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);

(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;

(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;

(4) Any employing unit which together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable 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;

(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

(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.

(i) (1) "Employment" means service, including Employment; service in interstate commerce performed for remuneration or under any contract of hire, written or oral, expressed or implied.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this State if:

(A) The service is localized in this State; or

(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.

(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.

(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;

(5) Service shall be deemed to be localized with- Service;
in a State if

(A) the service is performed entirely within such State; or

(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.

(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

(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

(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.

(7) The term "employment" shall not include: Employment exceptions;

(A) Agricultural labor;

(B) Domestic service in a private home;

(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(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;

(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;

(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;

(G) Services performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, 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;

(H) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or 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.

(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.

(J) Service performed in the employ of a corporation or association with respect to which no contributions are required and paid under any unemployment compensation law of the Federal Government.

(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. Employment office;

(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. Fund;

(l) "State" includes, in addition to the States of the United States of America, Alaska, Hawaii, and the District of Columbia. State;

(m) "Total unemployment period" Total unemployment period;

(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 as 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. When week begins;

- Unemployment Compensation; (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.
- Wages; (o) "Wages" means remuneration payable by employers for employment.
- Remuneration; (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.
- Week; (q) "Week" means such period or periods of seven consecutive calendar days ending at midnight, as the commission may by regulation prescribe.
- Calendar quarter; (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.
- Exception;
- Weekly benefit amount. (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.

2. This act shall take effect immediately.

Approved June 6, 1938.

CHAPTER 313

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.

ANTICIPATED REVENUES OF THE GENERAL STATE
FUND FOR THE FISCAL YEAR 1938-39

Estimated surplus, July 1, 1938 ...	\$100,000 00	Estimated surplus.
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Revenues

Transfer inheritance taxes	\$9,000,000 00	Anticipated revenues.
Main Stem R. R. taxes	10,500,000 00	
Miscellaneous corporation taxes ..	3,350,000 00	
Foreign corporations	350,000 00	
Beverage taxes	9,100,000 00	
Beverage licenses	575,000 00	
Foreign insurance corporation tax.	2,100,000 00	
Fertilizer inspection fees, et cetera	55,000 00	
Department of Banking and Insurance	1,100,000 00	
Secretary of State	350,000 00	
Clerk in Chancery	490,000 00	
Clerk of the Supreme Court	130,000 00	
Interest on deposits	40,000 00	
Real Estate Commission	95,000 00	
Commissioners of High Point Park	15,000 00	
State Board of Beauty Culture Control	65,000 00	
Commissions	40,000 00	
Judicial fees	25,000 00	

Board of Commerce and Navigation	10,000 00
Shell fisheries	40,000 00
Department of Labor	60,000 00
Dividends	20,000 00
Athletic Commissioner	60,000 00
State Department of Local Government	60,000 00
Municipal Finance Commission ...	30,000 00
Department of Health	77,000 00
Laboratory	1,500 00
Tenement House Supervision	5,000 00
Board of Fish and Game Commission	330,000 00
Department of Conservation and Development	35,000 00
Board of Public Utility Commissioners	2,500 00
State Tax Department, Public Utility Division	20,000 00
Department of Weights and Measures	60,000 00
Academic Certificate Fund	17,300 00
Manual Training and Industrial School for Colored Youth	70,000 00
School for the Deaf	2,000 00
State Normal School, Glassboro:	
Extension course fees	9,800 00
Tuition fees	40,000 00
State Normal School, Jersey City:	
Extension course fees	2,000 00
Tuition fees	45,000 00
State Normal School, Newark:	
Extension course fees	30,000 00
Tuition fees	55,000 00
State Normal School, Paterson:	
Extension course fees	10,000 00
Tuition fees	30,000 00
State Teachers College, Montclair:	
Extension course fees	32,000 00
Tuition fees	80,000 00
Boarding hall fees	60,000 00

State Teachers College, Trenton:	
Extension course fees	10,000 00
Tuition fees	75,000 00
Boarding hall fees	105,000 00
State Board of Examiners	15,000 00
Agricultural Experiment Station..	75,000 00
Department of Agriculture	7,000 00
State Employees' Retirement Sys- tem	1,800 00
State Board of Milk Control	80,000 00
Rehabilitation Commission	8,000 00
Colony for Feeble-Minded Males, New Lisbon	158,500 00
Colony for Feeble-Minded Males, Woodbine	103,700 00
Commission for the Blind	4,277 50
Home for Disabled Soldiers, Menlo Park	7,000 00
Home for Disabled Soldiers, Vine- land	11,000 00
North Jersey Training School, Totowa	107,000 00
Reformatory at Annandale	3,000 00
Reformatory at Rahway	300 00
Sanatorium for Tuberculous Dis- eases	110,000 00
State Home for Boys	500 00
State Hospital, Greystone Park ..	845,000 00
State Board of Children's Guard- ians	116,000 00
State Hospital, Marlboro	332,500 00
State Hospital, Trenton	585,000 00
State Prison	500 00
Village for Epileptics	257,000 00
Vineland State School	208,000 00
Miscellaneous Sources	35,000 00
Total revenues	<u>\$41,935,177 50</u>

Transfers

Transfers.	Commerce and Navigation, from School Fund	\$58,440 00
	State Water Policy Commission, from Water Supply Fund	42,280 00
	Rehabilitation Commission, from Federal Aid	67,000 00
	Total transfers	<u>\$167,720 00</u>
	Total anticipated in the State Fund	\$42,202,897 50
	Reserved to provide for State Fi- nancial Assistance, chapter 88, Laws of 1938 (effective July 1, 1938)	<u>1,000,000 00</u>
	Balance anticipated revenues in State Fund	<u><u>\$41,202,897 50</u></u>

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

Annual appro-
priations.

1. The following sums or so much thereof as may be necessary, be and they are hereby appropriated out of the State fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirtieth day of June, in the year one thousand nine hundred and thirty-nine, 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.

Balances to
lapse.

A. EXECUTIVE AND ADMINISTRATIVE

A 1. ATTORNEY-GENERAL'S DEPARTMENT

Salaries:

Attorney-General	\$7,000 00	Attorney- General.
Other personnel	95,760 00	
	<u> </u>	
	\$102,760 00	

Materials and supplies	4,200 00
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Services other than personal	1,900 00
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Unclassified:

Investigation expenses	5,000 00
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<u> </u>	\$113,860 00
<u> </u>	

A 2. BUDGET COMMISSION

Salaries:

Budget Commissioner	\$7,000 00	Budget Commission.
Other personnel	10,440 00	
	<u> </u>	
	\$17,440 00	

Materials and supplies	1,275 00
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Services other than personal	5,700 00
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<u> </u>	\$24,415 00
<u> </u>	

A 3. CIVIL SERVICE COMMISSION

Salaries:

Commissioners	\$18,000 00	Civil Service.
Chief examiner and secretary	10,000 00	
Other personnel	163,250 00	
	<u> </u>	
	\$191,250 00	

Materials and supplies	11,500 00
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Services other than personal	5,250 00
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<u> </u>	\$208,000 00
<u> </u>	

A 4. COMPTROLLER'S DEPARTMENT

Comptroller.	Salaries:	
	Comptroller	\$6,000 00
	Other personnel	94,020 00
		<hr/>
		\$100,020 00
	Materials and supplies	4,500 00
	Services other than personal	2,350 00
		<hr/>
		\$106,870 00
		<hr/>

A 5. COMMISSIONER OF FINANCE

Commissioner of Finance.	Salaries:	
	Commissioner	\$10,000 00
	Other personnel	19,380 00
		<hr/>
		\$29,380 00
	Materials and supplies	2,650 00
	Services other than personal	800 00
		<hr/>
		\$32,830 00
		<hr/>

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
		<hr/>

A 7. EXECUTIVE DEPARTMENT

Executive Department.	Salaries:	
	Governor	\$20,000 00
	Other personnel	29,600 00
		<hr/>
		\$49,600 00
	Materials and supplies	2,000 00
	Services other than personal	16,600 00
		<hr/>
		\$68,200 00
		<hr/>

A 8. SECRETARY OF STATE

Salaries:			Secretary of State.
Secretary	\$6,000 00		
Other personnel	52,640 00		
		\$58,640 00	
Materials and supplies		8,900 00	
Services other than personal		30,000 00	
		<u>\$97,540 00</u>	

A 9. STATE AUDITOR'S DEPARTMENT

Salaries:			State Auditor.
State Auditor	\$7,500 00		
Other personnel	42,500 00		
		\$50,000 00	
Materials and supplies		1,000 00	
Services other than personal		6,800 00	
		<u>\$57,800 00</u>	

A 10. STATE HOUSE COMMISSION

Salaries and Wages:			State House Commission.
Custodian, State House	\$5,000 00		
Other personnel	254,150 00		
		\$259,150 00	
Materials and supplies		65,500 00	
Current repairs		18,000 00	
Services other than personal	\$5,600 00		
Capitol post office, postage	110,000 00		
Telephone and telegraph, State Departments in Trenton	65,000 00		
		180,600 00	
Rentals		239,400 00	
		<u>\$762,650 00</u>	

A 11. TREASURER'S DEPARTMENT

Treasurer.	Salaries:	
	Treasurer	\$6,000 00
	Other personnel	41,140 00
		<hr/>
		\$47,140 00
	Materials and supplies	2,400 00
	Services other than personal	1,500 00
		<hr/>
		<u>\$51,040 00</u>

A 12. STATE PURCHASING DEPARTMENT

Purchasing Department.	Salaries and Wages:	
	State Purchasing Com-	
	missioner	\$7,000 00
	Other personnel	58,375 00
		<hr/>
		\$65,375 00
	Materials and supplies	9,000 00
	Services other than personal	4,600 00

Printing

Printing and binding	125,000 00
	<hr/>
	<u>\$203,975 00</u>

A 13. STATE ATHLETIC COMMISSIONER

State Athletic Commissioner.	Salaries:	
	Commissioner	\$5,000 00
	Other personnel	25,000 00
		<hr/>
		\$30,000 00
	Materials and supplies	750 00
	Services other than personal	4,500 00
		<hr/>
		<u>\$35,250 00</u>

A 14. MUNICIPAL FINANCE COMMISSION

Expenses of operation of municipal finance commission, pursuant to the provisions of chapter 340, Laws of 1931		Municipal Finance Commission.
	\$20,000 00	

A 15. MUNICIPAL FUNDING COMMISSION

Expenses of the commission, compris- ing the Attorney-General, the State Tax Commissioner and the State Auditor, to investigate and pass upon municipal funding and re- funding plans and proposals, in ac- cordance with chapter 1 of Title 40 of the R. S.	\$4,000 00	Municipal Funding Commission.
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A 16. STATE DEPARTMENT OF LOCAL GOVERNMENT

Salaries:		Department of Local Government.
Commissioner	\$10,000 00	
Members of board ...	18,000 00	
Other personnel	105,600 00	
	\$133,600 00	
Materials and supplies	2,550 00	
Services other than personal	35,500 00	
	\$171,650 00	

B. LEGISLATIVE

B 1. LEGISLATURE

Salaries:		Legislature.
Senators and members of General Assem- bly	\$40,833 32	
Other personnel	25,000 00	
	\$65,833 32	

Materials and supplies	4,000 00
Services other than personal	35,000 00
	<u>\$104,833 32</u>

C. JUDICIAL

C 1. CLERK IN CHANCERY

Clerk in Chancery.	Salaries:		
	Clerk in Chancery ...	\$6,000 00	
	Other personnel	102,360 00	
		<u>\$108,360 00</u>	
	Materials and supplies	10,000 00	
	Services other than personal	1,250 00	
		<u>\$119,610 00</u>	

C 2. CLERK OF THE SUPREME COURT

Supreme Court Clerk.	Salaries:		
	Clerk of the Supreme Court	\$6,000 00	
	Other personnel	50,100 00	
		<u>\$56,100 00</u>	
	Materials and supplies	3,600 00	
	Services other than personal	800 00	
		<u>\$60,500 00</u>	

C 3. COURT OF CHANCERY

Court of Chancery.	Salaries:		
	Chancellor	\$19,000 00	
	Vice-Chancellors	180,000 00	
	Other personnel	158,420 00	
		<u>\$357,420 00</u>	
	Materials and supplies	5,000 00	
	Services other than personal	500 00	
		<u>\$362,920 00</u>	

C 4. COURT OF ERRORS AND APPEALS

Salaries:

Court of
Errors and
Appeals.

Compensation of judges of the Court of Errors and Ap- peals, at \$40.00 per diem	\$54,000 00	
Other personnel	3,500 00	
		\$57,500 00
Services other than personal		2,700 00
		<u>\$60,200 00</u>

C 5. COURT OF PARDONS

Salaries:

Court of
Pardons.

Compensation of judges of the Court of Pardons, at \$20.00 per diem	\$2,500 00	
Other personnel	1,350 00	
		\$3,850 00
Materials and supplies		300 00
Services other than personal		75 00
		<u>\$4,225 00</u>

C 6. JUDICIAL COUNCIL

Salaries:

Judicial
Council.

Secretary	\$1,500 00	
Materials and supplies		50 00
Services other than personal		300 00
		<u>\$1,850 00</u>

C 7. LAW AND EQUITY REPORTS

Law and Equity reports.	Salaries:		
	Chancery reporter ...	\$500 00	
	Supreme Court re- porter	500 00	
		<hr/>	\$1,000 00
	Services other than personal		11,000 00
			<hr/>
			\$12,000 00
			<hr/>

C 8. STENOGRAPHIC REPORTERS

Court reporters.	For amount to be refunded to vari- ous counties in this State for sala- ries of stenographic reporters ap- pointed by the justices of the Supreme Court, pursuant to R. S. 2:16-21		
		\$55,500 00	
		<hr/>	

C 9. SUPREME COURT

Supreme Court.	Salaries:		
	Chief Justice	\$19,000 00	
	Associate justices ...	144,000 00	
	Circuit court judges..	224,000 00	
	Other personnel	37,150 00	
		<hr/>	\$424,150 00
	Materials and supplies	300 00	
	Services other than personal	2,000 00	
			<hr/>
			\$426,450 00
			<hr/>

D. REGULATIVE

D 1. BOARD OF COMMERCE AND NAVIGATION

Commerce and Navigation.	Salaries:		
	Director	\$4,500 00	
	Other personnel	43,980 00	
		<hr/>	\$48,480 00

Materials and supplies	17,000 00
Services other than personal	21,920 00
Current repairs	6,000 00
Expenditures for waterways	4,000 00

Extraordinary:

Litigation of lightering case	8,000 00
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Unclassified:

The unexpended balance of the appropriation made for expenses of the New Jersey Council to advertise the advantages of the State, pursuant to Title 52, chapter 9-C of the R. S., as of June 30, 1938, is hereby reappropriated.

Appropriation for administration expenses receivable from School Fund pursuant to R. S. 18:10-7, estimated as 60 per centum of the total appropriations.

\$105,400 00

D 2. BOARD OF 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.

Fish and
Game Commis-
sioners.

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.

Proviso. 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-eight, 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-eight, 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.

Salaries:

Executive secretary ..	\$5,000 00	
Other personnel	155,260 00	
	<hr/>	\$160,260 00

Materials and supplies	129,750 00
Current repairs	3,000 00
Services other than personal	32,790 00
Additions and improvements	6,200 00
	<hr/>
	<u>\$332,000 00</u>

D 3. BOARD OF PUBLIC UTILITY COMMISSIONERS

Salaries:

Public Utility
Commissioners.

Members of the board	\$36,000 00	
Other personnel	223,378 00	
	<u> </u>	\$259,378 00
Materials and supplies		3,250 00
Services other than personal		10,900 00
		<u> </u>
		<u>\$273,528 00</u>

D 4. BOARD OF SHELL FISHERIES

Salaries:

Board of Shell
Fisheries.

Director	\$4,000 00	
Other personnel	50,400 00	
	<u> </u>	\$54,400 00
Materials and supplies		4,100 00
Current repairs		3,500 00
Services other than personal		8,900 00
Additions and improvements		1,100 00
Expenditures for oyster propagation		19,000 00
		<u> </u>
		<u>\$91,000 00</u>

D 5. COUNTY BOARDS OF TAXATION

For salaries of members of the county

County Tax
Boards.

boards of taxation	\$140,700 00	
	<u> </u>	

D 6. DEPARTMENT OF BANKING AND INSURANCE

Salaries:

Banking and
Insurance.

Commissioner	\$6,000 00	
Other personnel	668,500 00	
	<u> </u>	\$674,500 00
Materials and supplies		4,500 00
Services other than personal		81,650 00
		<u> </u>
		<u>\$760,650 00</u>

D 7. DEPARTMENT OF CONSERVATION AND
DEVELOPMENTConservation
and Develop-
ment.

Salaries:

State Forester and Di-

rector \$6,000 00

Other personnel 321,320 00

\$327,320 00

Materials and supplies 22,800 00

Services other than personal 36,010 00

Current repairs 19,850 00

Additions and improvements 11,040 00

Extraordinary:

Fire fighting costs 15,000 00

\$432,020 00

D 8. DEPARTMENT OF HEALTH

Department of
Health.

Salaries:

Director \$6,760 00

Other personnel 371,800 00

\$378,560 00

Materials and supplies 43,375 00

Services other than personal 56,460 00

Additions and improvements 1,550 00

The unexpended balance in the appro-
priation of \$25,000.00 for anti-pneu-
mococcic serum as of June 30, 1938,
is hereby reappropriated.

Extraordinary:

Investigation of pollution of Rari-
tan River 2,500 00

\$482,445 00

D 9. DEPARTMENT OF LABOR

Salaries:

Department of
Labor.

Commissioner of La-		
bor	\$6,000 00	
Other personnel	320,000 00	
	<hr/>	\$326,000 00
Materials and supplies		9,000 00
Current repairs		150 00
Services other than personal		30,760 00
		<hr/>
		\$365,910 00
		<hr/>

D 10. DEPARTMENT OF WEIGHTS AND MEASURES

Salaries:

Weights and
Measures.

Superintendent	\$5,000 00	
Other personnel	37,600 00	
	<hr/>	\$42,600 00
Materials and supplies		7,800 00
Services other than personal		9,600 00
		<hr/>
		\$60,000 00
		<hr/>

D 11. HEALTH OFFICERS, PORT OF PERTH AMBOY

Health officer of the Port of Perth Am-
boy, for salary, pursuant to R. S.Health
Officer, Perth
Amboy.

26:4-111	\$1,000 00
Deputy health officer	250 00
	<hr/>
	\$1,250 00
	<hr/>

D 12. STATE BOARD OF TAX APPEALS

Tax Appeals.	Salaries:		
	Members of board ...	\$33,500 00	
	Other personnel	45,460 00	
		<hr/>	\$78,960 00
	Materials and supplies	4,450 00	
	Services other than personal	4,000 00	
		<hr/>	\$87,410 00
		<hr/>	

D 13. STATE BOARD OF TENEMENT HOUSE
SUPERVISION

Tenement House Supervision	Salaries:		
	Secretary and execu- tive officer	\$7,000 00	
	Other personnel	92,340 00	
		<hr/>	\$99,340 00
	Materials and supplies	2,000 00	
	Services other than personal	6,500 00	
		<hr/>	\$107,840 00
		<hr/>	

D 14. REAL ESTATE COMMISSION

Real Estate Commission.	Salaries:		
	Commissioners (5) ..	\$17,000 00	
	Other personnel	33,920 00	
		<hr/>	\$50,920 00
	Materials and supplies	300 00	
	Services other than personal	6,280 00	
		<hr/>	\$57,500 00
		<hr/>	

D 15. DEPARTMENT OF STATE POLICE

Salaries:

State Police.

Colonel and superintendent	\$9,000 00	
Other personnel	744,050 00	
	<hr/>	\$753,050 00
Materials and supplies		155,400 00
Current repairs		5,000 00
Services other than personal		213,600 00
Additions and improvements		5,500 00
		<hr/>
		\$1,132,550 00
Payment of fifty per centum of this appropriation to be made from State Highway Fund	566,275 00	
	<hr/>	\$566,275 00
		<hr/>

D 16. STATE WATER POLICY COMMISSION

Salaries:

Water Policy Commission.

Engineer in charge ..	\$5,760 00	
Other personnel	28,020 00	
	<hr/>	\$33,780 00
Materials and supplies		1,500 00
Services other than personal		7,000 00
		<hr/>
		\$42,280 00
		<hr/>

D 17. STATE TAX DEPARTMENT

Salaries:

Tax Department.

State Tax Commissioner	\$7,500 00	
Other personnel	520,000 00	
	<hr/>	\$527,500 00
Materials and supplies		27,000 00
Services other than personal		39,000 00

Unclassified:

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 five per centum 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 ...

385,000 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, Taxation, of the Revised Statutes and any statutes superseded thereby, and the State Treasurer shall pay same upon warrant of the said Comptroller.

The unexpended balances of the appropriations made pursuant to chapter 40, Laws of 1938, as of June 30, 1938, are hereby reappropriated.

Public utility. The appropriation included in this account for the Public Utility Division amounts to \$20,000.00.

\$978,500 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
Other personnel	6,020 00
	<hr/>
	\$12,020 00
Materials and supplies	800 00
Services other than personal	4,500 00
Additions and Improvements:	
Two parachutes	450 00
	<hr/>
	\$17,770 00
	<hr/>

D 19. DEPARTMENT OF ALCOHOLIC BEVERAGE
CONTROL

Salaries:	Alcoholic Beverage Control.
Commissioner	\$16,500 00
Other personnel	328,580 00
	<hr/>
	\$345,080 00
Materials and supplies	13,500 00
Services other than personal	96,200 00
	<hr/>
	\$454,780 00
	<hr/>

D 20. UNEMPLOYMENT COMPENSATION COMMISSION
(*State Employment Service*)

Salaries:	Unemployment Compensation Commission.
Director	\$5,000 00
Other personnel	115,020 00
	<hr/>
	\$120,020 00
Materials and supplies	3,700 00
Current repairs	800 00
Services other than personal	30,000 00
Additions and Improvements:	
Office equipment	1,200 00
	<hr/>
	\$155,720 00
	<hr/>

D 21. STATE BOARD OF BEAUTY CULTURE CONTROL

Beauty Culture Control.	Salaries:	
	Commissioners	\$10,000 00
	Other personnel	12,420 00
		<hr/>
		\$22,420 00
	Materials and supplies	1,600 00
	Services other than personal	5,700 00
		<hr/>
		\$29,720 00
		<hr/>

D 22. COMMISSION ON INTERSTATE CO-OPERATION

Interstate Co-operation.	Expenses incurred by the commis-	
	sion appointed pursuant to Joint	
	Resolution No. 3, approved March	
	12, 1935	\$11,500 00
		<hr/>

D 23. INTERSTATE SANITATION COMMISSION

Interstate Sanitation.	Expenses incurred by the commis-	
	sion appointed pursuant to chapter	
	321, Laws of 1935	\$12,000 00
		<hr/>

E. EDUCATIONAL

E 1. STATE BOARD OF REGENTS (STATE
AGRICULTURAL COLLEGE)

Board of Regents.	Rutgers University (State Agricul-	
	tural College)	\$710,000 00
	Purchase of scholarships at Rutgers	
	University, including the New Jer-	
	sey College for Women	100,000 00
	College for Women	345,000 00
	Newark Technical School and Newark	
	College of Engineering	55,000 00

Administrative

Board of Regents	7,500 00
Payments under this account to be made pursuant to R. S. 18:10-31.	
	<u>\$1,217,500 00</u>

E 2. COMMISSIONER OF EDUCATION

Salaries:		Commissioner of Education.
Commissioner	\$15,000 00	
Other personnel	128,650 00	
	<u>\$143,650 00</u>	
Materials and supplies	13,500 00	
Services other than personal	30,000 00	
The moneys in this item appropriated shall be deducted in the same man- ner as the moneys heretofore ap- propriated to the Superintendent of Public Instruction are required to be deducted pursuant to R. S. 18:10-31.		
	<u>\$187,150 00</u>	

E 3. COUNTY SUPERINTENDENTS

For county superintendents, for sal- aries, payments to be made pursu- ant to R. S. 18:10-31	\$105,000 00	County super- intendents of schools.
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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	\$14,000 00	Evening schools.
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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., chap- ter 9 of Title 52	686,000 00
	Payments under this account to be made pursuant to R. S. 18:10-31.	
		<hr/> \$755,000 00 <hr/>

E 6. MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR
COLORED YOUTH

Bordentown Industrial School.	For salaries and wages, and for main- tenance of the Manual Training and Industrial School for Colored Youth, on the basis of four hundred and seventy students.	
	Salaries:	
	Principal	\$6,000 00
	Other personnel	120,770 00
		<hr/> \$126,770 00
	Materials and supplies	79,100 00
	Current repairs	9,500 00
	Services other than personal	4,400 00
	Additions and improvements	6,770 00
	Payments under this account to be made pursuant to R. S. 18:10-31.	
		<hr/> \$226,540 00 <hr/>

E 7. SCHOOL FOR THE DEAF

For salaries and wages and for maintenance of the New Jersey School for the Deaf, on a basis of four hundred and twenty-five pupils.

School for the
Deaf.

Salaries:

Superintendent	\$5,000 00	
Other personnel	213,812 00	
	<hr/>	\$218,812 00

Materials and supplies	81,500 00
Current repairs	4,750 00
Services other than personal	4,000 00
Additions and improvements	8,500 00
Payments under this account to be made pursuant to R. S. 18:10-31.	
	<hr/>
	\$317,562 00
	<hr/> <hr/>

E 8. STATE BOARD OF EDUCATION

Expenses incurred by the Board of Education	\$1,000 00
Fire and other insurance premiums on buildings under control of State Board of Education	21,000 00
Payments under this account to be made pursuant to R. S. 18:10-31.	
	<hr/>
	\$22,000 00
	<hr/> <hr/>

State Board of
Education.

E 9. STATE BOARD OF EXAMINERS

Board of Examiners.	Salaries:	
	Head clerk	\$2,100 00
	Other personnel	2,640 00
		<hr/> \$4,740 00
	Materials and supplies	400 00
	Services other than personal	250 00
	Payments under this account to be made pursuant to R. S. 18:10-31.	
		<hr/> <hr/> \$5,390 00

E 10. STATE NORMAL SCHOOL, GLASSBORO

Normal School, Glassboro.	For salaries and wages and for the maintenance of the State Normal School, Glassboro, on the basis of four hundred students.	
	Salaries:	
	President	\$7,500 00
	Other personnel	102,949 00
		<hr/> \$110,449 00
	Materials and supplies	16,600 00
	Current repairs	3,000 00
	Services other than personal	3,200 00
	Unclassified:	
	All receipts from extension courses are hereby appropriated for use of the said courses, estimated ..	
		9,800 00
	Additions and improvements	1,800 00
	The moneys in this item appropriated to be deducted in the same manner as the moneys appropriated to nor- mal schools are required to be de- ducted, pursuant to R. S. 18:10-31.	
		<hr/> <hr/> \$144,849 00

E 11. STATE NORMAL SCHOOL, JERSEY CITY

For salaries and wages and for the maintenance of the State Normal School, Jersey City, on the basis of four hundred and fifty students.

Normal
School,
Jersey City.

Salaries:

President	\$7,500 00	
Other personnel	131,130 00	
	<hr/>	\$138,630 00

Materials and supplies	13,700 00
Current repairs	4,500 00
Services other than personal	2,800 00

Unclassified:

All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..	2,000 00
Additions and improvements	3,000 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.	

\$164,630 00

E 12. STATE NORMAL SCHOOL, NEWARK

For salaries and wages, and for maintenance of the State Normal School, Newark, on the basis of five hundred and fifty students.

Normal School,
Newark.

Salaries:

President	\$7,500 00	
Other personnel	162,621 00	
	<hr/>	\$170,121 00

CHAPTER 313, LAWS OF 1938

Materials and supplies	13,185 00
Current repairs	4,500 00
Services other than personal	3,160 00

Unclassified:

All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..	30,000 00
Additions and improvements	2,700 00
Payments under this account to be made pursuant to R. S. 18:10-31.	

\$223,666 00

E 13. STATE NORMAL SCHOOL, PATERSON

Normal School,
Paterson.

For salaries and wages, and for maintenance of the State Normal School, Paterson, on the basis of three hundred students, pursuant to the provisions of R. S. 18:16-29 and R. S. 18:16-19.

Salaries:

President	\$7,500 00	
Other personnel	72,229 00	
		\$79,729 00
Materials and supplies		7,575 00
Services other than personal		1,950 00

Unclassified:

All receipts from extension courses are hereby appropriated for the use of said courses, estimated ..	10,000 00
Additions and improvements	4,000 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.	

\$103,254 00

E 14. STATE TEACHERS COLLEGE, MONTCLAIR

For salaries and wages and for maintenance of the State Teachers College, Montclair, on the basis of eight hundred students.

Teachers
College,
Montclair.

Salaries:

President	\$7,500 00	
Other personnel	234,282 00	
	<hr/>	\$241,782 00

Materials and supplies	22,450 00
Current repairs	9,000 00
Services other than personal	5,275 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 .

32,000 00

92,000 00

Additions and improvements	1,200 00
Payments under this account to be made pursuant to R. S. 18:10-31.	

\$371,707 00

E 15. STATE TEACHERS COLLEGE AND STATE
NORMAL SCHOOL, TRENTON

Teachers
College and
Normal School,
Trenton.

For salaries and wages, and for the maintenance of the State Teachers College and State Normal School, Trenton, on the basis of seven hundred and fifty students.

Salaries:

President	\$7,500 00	
Other personnel	262,426 00	
	<hr/>	\$269,926 00
Materials and supplies		38,780 00
Current repairs		5,850 00
Services other than personal		5,550 00

Unclassified:

For the expenses of maintenance of the boarding halls and lunch rooms, there is hereby appropriated all the receipts therefrom pursuant to the provisions of R. S. 18:16-31, and all unexpended balances

\$105,000 00

All receipts from extension courses are hereby appropriated for the use of said courses, estimated .

10,000 00

115,000 00

Additions and improvements 3,000 00

Payment under this account to be made pursuant to R. S. 18:10-31.

\$438,106 00

E 16. TEACHERS' LIBRARIES

Establishment and maintenance of libraries for use of teachers	\$400 00	Teachers' Libraries.
Payment under this account to be made pursuant to R. S. 18:10-31.		

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.		Teachers' Retirement Fund.
Salaries of clerks	\$6,000 00	
Materials, supplies and services other than personal	100 00	
	<hr/>	
	\$6,100 00	
Payments under this account to be made pursuant to R. S. 18:10-31.		

E 18. 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	\$387,782 74	Vocational schools.
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	15,000 00
Payments under this account to be made pursuant to R. S. 18:10-31.	
	<hr/>
	\$436,830 37
	<hr/>

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	\$4,890,398 00
	<hr/>

(See Chapter 88, Laws of 1938)

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.	
Salaries:	
Director	\$6,000 00
Other personnel	374,515 00
	<hr/>
	\$380,515 00

Materials and supplies	71,000 00
Current repairs	5,250 00
Services other than personal	36,875 00
Additions and improvements	5,000 00
	<hr/>
	\$498,640 00
	<hr/>

F 2. DEPARTMENT OF AGRICULTURE

Salaries and administration of the
Department of Agriculture, pursu-
ant to chapter 1, of Title 4 of the
R. S.

Department of
Agriculture.

Salaries:

Secretary	\$7,500 00	
Other personnel	282,585 00	
	<hr/>	\$290,085 00

Materials and supplies	23,350 00
Services other than personal	77,250 00

World's Poultry Congress

Expenses incurred by participation in
the 1939 World's Poultry Congress,
Cleveland, Ohio, pursuant to Senate
Bill No. 104; *provided*, said bill be-
comes a law

Proviso.

7,500 00
<hr/>
\$398,185 00
<hr/>

F 3. STATE BOARD OF MILK CONTROL

Salaries:

Board members' fees	\$4,000 00	
Executive secretary		
and supervisor	4,000 00	
Other personnel	49,110 00	
	<hr/>	\$57,110 00

Milk Control
Board.

Materials and supplies	4,100 00
Services other than personal	15,300 00
	<hr/>
	\$76,510 00
	<hr/>

G. MILITARY

G 1. ADJUTANT-GENERAL'S DEPARTMENT

Adjutant-
General.

Salaries:

Adjutant-General	\$7,500 00	
Other personnel	48,631 00	
	<hr/>	\$56,131 00

Materials and supplies	1,950 00
Services other than personal	2,600 00

Unclassified:

Pursuant to the provisions of chapter 20 of Title 38 of the R. S., to provide assistance in the education of "War Orphans"

Repair of old flags ...	\$2,000 00	
	2,500 00	
	<hr/>	4,500 00
		<hr/>
		\$65,181 00
		<hr/>

G 2. NATIONAL GUARD

National
Guard.

Maintenance of organizations	\$117,720 00
Maintenance of armories, arsenals and camp grounds	335,580 00
Army instruction and field training, provided that payment for services and supplies incident to the field training of part of the National Guard during the month of June, 1938, is authorized from this item..	101,240 00

General maintenance expenses	9,000 00
Armory repairs and furnishings	50,000 00
Compensation awards	7,542 67
	<hr/>
	\$621,082 67
	<hr/>

G 3. NAVAL MILITIA RESERVE

Maintenance of organizations	\$2,900 00	Naval Militia.
Instruction and training	6,000 00	
Maintenance of armories, wharves and drill hall	15,940 00	
	<hr/>	
	\$24,840 00	
	<hr/>	

G 4. QUARTERMASTER-GENERAL'S DEPARTMENT

Salaries:		Quartermaster- General.
Quartermaster-		
General	\$7,500 00	
Other personnel	32,315 00	
	<hr/>	
	\$39,815 00	
Materials and supplies	500 00	
Services other than personal	200 00	
	<hr/>	
	\$40,515 00	
	<hr/>	

G 5. STATE MILITIA

Equipping, quartering and training a Colored Battalion of State Militia, five companies	\$50,000 00	State Militia.
	<hr/>	

H. PENSION AND RETIREMENT FUND

H 1. JUDICIAL RETIREMENT FUND

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

H 2. PENSIONS

Sundry
pensions.

For amount required to pay pensions
pursuant to various acts relative
thereto, irrespective of any provi-
sions therein that pensions shall be
made in the appropriation or tax
levy for the department of the pub-
lic service from which the pensioner
shall be so retired \$93,000 00

H 3. STATE EMPLOYEES' RETIREMENT SYSTEM

State
Employees'
Retirement
System.

Expenses in carrying into effect the
provisions of chapter 14 of Title 43
of the R. S.

Salaries:

Secretary	\$4,000 00	
Other personnel	12,960 00	
	<hr/>	\$16,960 00

Materials and supplies	1,000 00
Services other than personal	475 00

Unclassified:

To the Treasurer of
the State of New
Jersey, custodian
for Contingent Re-
serve Fund, created
by R. S. 43:14-12
and 43:14-14 \$90,611 00

Contributions on account of members' service	268,514 00	
Receipts from counties or municipalities pursuant to chapter 15 of Title 43 of the R. S., estimated	1,800 00	
	<u>360,925 00</u>	
	<u>\$379,360 00</u>	

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 for Governor's widow.
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J. CONSTRUCTIVE

J 1. PORT RARITAN DISTRICT COMMISSION

Carrying out the provisions of chapter 12 of Title 12 of the R. S.	\$7,000 00	Port Raritan Commission.
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J 2. SOUTH JERSEY PORT COMMISSION

For the purpose of carrying out the provisions of chapter 11 of Title 12 of the R. S.	\$27,500 00	South Jersey Port Commission.
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J 3. STATE PLANNING BOARD

Salaries:		
Personnel	\$7,500 00	State Planning Board.
Materials and supplies	1,000 00	
Services other than personal	1,500 00	
Additions and improvements	500 00	
	<u>\$10,500 00</u>	

J 4. STATE HOUSING AUTHORITY

State Housing Authority.	Salaries:	
	Personnel	\$42,000 00
	Materials and supplies	2,500 00
	Services other than personal	4,950 00
	Unclassified:	
	A revolving fund is hereby estab- lished for project preparation, not exceeding	2,500 00
		<u>\$51,950 00</u>

J 5. SOUTH JERSEY TRANSIT AUTHORITY

South Jersey Transit Authority.	Expenses of the commission accord- ing to the provisions of chapter 21 of Title 48 of the R. S.	\$1,000 00
		<u></u>

K. GENERAL

K 1. BURIAL GROUNDS

Shipwrecked bodies.	For the care and maintenance of bur- ial grounds, purchased by the State pursuant to chapter 171, Laws of 1898	\$75 00
		<u></u>

K 2. COMMISSIONERS OF HIGH POINT PARK

High Point Park.	Expenses incurred by the commission appointed pursuant to the provi- sions of chapter 5 of Title 13 of the R. S.	
	Salaries:	
	Superintendent and executive secretary.	\$3,000 00
	Other personnel	24,700 00
		<u>\$27,700 00</u>

Materials and supplies	8,900 00
Current repairs	5,000 00
Services other than personal	1,400 00
Additions and improvements	350 00

Unclassified:

Receipts pursuant to chapter 5 of Title 13 of the R. S., are appro- priated, approximating	15,000 00
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\$58,350 00

K 3. COMMISSIONERS OF PALISADES INTERSTATE PARK

Expenses of commissioners in the op-
eration of the Palisades Interstate
Park.

Palisades
Interstate
Park.

Personnel	\$95,000 00
Materials and supplies	12,575 00
Services other than personal	5,300 00
Current repairs	4,000 00
Additions and improvements	5,000 00

\$121,875 00

K 4. COMMISSION TO INVESTIGATE CRIPPLED
CHILDREN

Carrying out the provisions of chap-
ter 188, Laws of 1926, and supple-
ments.

Crippled
children.

Salaries:

Director	\$5,000 00
Other personnel	6,900 00
	<hr/>
	\$11,900 00

Materials and supplies	6,845 00
Services other than personal	1,675 00

\$20,420 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
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K 6. PUBLIC LIBRARY COMMISSION

Public Library Commission.	Salaries:	
	Secretary and librarian	\$5,000 00
	Other personnel	16,880 00
		<hr/> \$21,880 00
	Materials and supplies	20,700 00
	Services other than personal	11,800 00
		<hr/> \$54,380 00

K 7. PUBLIC RECORD OFFICE

Public Record Office.	Salaries:	
	Director	\$3,000 00
	Other personnel	3,720 00
		<hr/> \$6,720 00
	Materials and supplies	250 00
	Services other than personal	900 00
		<hr/> \$7,870 00

K 8. REHABILITATION COMMISSION

Rehabilitation Commission.	For the purpose of carrying into effect the provisions of chapter 16 of Title 34 of the R. S.	
	Salaries:	
	Director	\$7,000 00
	Other personnel	123,480 00
		<hr/> \$130,480 00

Materials and supplies	36,800 00
Current repairs	700 00
Services other than personal	22,000 00
	<hr/>
	\$189,980 00
	<hr/>

K 9. REFUND OF RAILROAD TAX

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.

Refund of
overpaid
railroad
taxes.

K 10. REFUNDING TAXES ON MISCELLANEOUS
CORPORATIONS

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

Refund of
miscellaneous
taxes.

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	
	Other personnel	19,580 00	
		<hr/>	\$24,580 00
	Materials and supplies	3,900 00	
	Services other than personal	3,550 00	
		<hr/>	\$32,030 00
		<hr/>	

K 12. COMMISSION TO MARK HISTORIC SITES

Historic sites.	Expenses of the commission, pursuant to chapter 1 of Title 28 of the R. S.	\$15,000 00
		<hr/>

K 13. UNCLAIMED WAGES

Unclaimed wages.	The Comptroller is hereby authorized to pay from this fund any claim for unclaimed wages, properly approved.
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K 14. NEW JERSEY ARCHIVES

Archives.	Expenses incurred in printing the New Jersey Archives	\$2,000 00
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K 15. GROVER CLEVELAND BIRTH PLACE
ASSOCIATION

Expenses incurred by the commis- sion appointed pursuant to chap- ter 270, Laws of 1933	\$1,200 00	Cleveland Association.
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K 16. NEW JERSEY GRAND ARMY OF THE REPUBLIC

Providing assistance to the Depart- ment of New Jersey, Grand Army of the Republic, pursuant to chap- ter 156, Laws of 1921	\$1,000 00	G. A. R.
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K 17. SPANISH-AMERICAN WAR VETERANS

To compile and preserve record of proceedings of the Spanish-Ameri- can War Veterans of New Jersey..	\$1,000 00	Spanish- American War Veterans.
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K 18. VETERANS OF FOREIGN WARS

Expenses incident to the reception and entertainment of the honorably discharged, wounded, injured or disabled soldiers, sailors and ma- rines of the State of New Jersey, at the State Convention of the De- partment of New Jersey, Veterans of Foreign Wars	\$1,000 00	Veterans of Foreign Wars.
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K 19. NEW JERSEY VETERANS OF ALL WARS
MEMORIAL ASSOCIATION

Salaries:		Veterans of All Wars Association.
Caretaker	\$300 00	
Materials and supplies	50 00	
Services other than personal	100 00	
Current repairs	50 00	
	\$500 00	

K 20. DEPARTMENT OF NEW JERSEY, JEWISH WAR
VETERANS OF UNITED STATES

Jewish War
Veterans.

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, Jewish War Veterans of United States, to be held during the month of June, 1938 \$1,000 00

K 21. DEPARTMENT OF NEW JERSEY, TWENTY-NINTH
DIVISION ASSOCIATION

Twenty-ninth
Division
Association.

Expenses incident to the reception and entertainment of the honorably discharged, wounded, injured or disabled soldiers, of the State of New Jersey, at the State Convention of the Department of New Jersey, Twenty-Ninth Division Association, to be held during the month of August, 1938 \$1,000 00

K 22. SEVENTY-EIGHTH DIVISION VETERANS
ASSOCIATION

Seventy-eighth
Division
Association.

Expenses incident to the reception and entertainment of the honorably discharged, wounded, injured or disabled soldiers, of the State of New Jersey, at the State Convention of the Seventy-Eighth Division Veterans Association to be held during the month of August, 1938.. \$1,000 00

K 23. STATE CONVENTION OF DISABLED AMERICAN
VETERANS OF THE WORLD WAR

Expenses attending the reception and entertainment of the honorably discharged, wounded, injured or disabled soldiers, sailors and ma- rines of the State of New Jersey at the State Convention of Disabled American Veterans of the World War, of the State of New Jersey, to be held in June, 1938	Disabled American Veterans of the World War.	\$1,000 00
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L. STATE EMERGENCY FUND

L 1. STATE EMERGENCY FUND

For the State House Commission to meet conditions of emergency and contingency the sum of	Emergency Fund.	\$25,000 00
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<i>Provided, however,</i> that all disburse- ments therefrom shall be made upon the written authorization of members of said commission, in ac- cordance with the provisions of chapters 20 and 22 of Title 52 of the R. S.	Proviso.
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L 2. FIRE INSURANCE

For the State House Commission for payment of fire insurance pre- miums not otherwise provided for, maturing during the current fiscal year, fire insurance on all State buildings to be placed by said Com- mission, all bills to be approved by said Commission, and policies filed with the State Comptroller as Sec- retary of the State House Commis- sion	Fire Insurance.	\$88,000 00
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L 3. DEBT SERVICE

Debt Service.	Principal and interest requirements on Emergency Relief Bonds authorized at the election held November 6, 1934	\$1,390,625 00
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X. INSTITUTIONS AND AGENCIES

X 1. DEPARTMENT OF INSTITUTIONS AND AGENCIES

Department of Institutions and Agencies.	Salaries:	
	Commissioner	\$15,000 00
	Other personnel	302,678 00
		<u>\$317,678 00</u>

It is hereby provided that additional employees in the Division of Architecture and Construction, shall be paid from the fees received by the Division at rates fixed by the Civil Service Commission.

Materials and supplies	23,500 00
Services other than personal	16,150 00

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.

Industrial Supervision .	<u>\$35,990 00</u>
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The following sum is appropriated
from the State Use Revolving Fund,
for further plant and equipment for
State use industries from the sur-
plus in the revolving fund in excess
of the amount of \$50,000.00

Repair, replacement and extension of State use industry	\$37,500 00	
	<hr/>	\$357,328 00
		<hr/>

X 2. COLONY FOR FEEBLE-MINDED MALES,
NEW LISBON

For salaries and wages, and for main-
tenance of the Colony for Feeble-
Minded Males, on the basis of eight
hundred inmates.

New Lisbon
Colony.

Salaries:

Superintendent	\$5,000 00	
Other personnel	123,500 00	
	<hr/>	\$128,500 00

Materials and supplies	107,950 00
Current Repairs	6,500 00
Services other than personal	4,900 00
Additions and improvements	1,500 00
	<hr/>
	\$249,350 00
	<hr/>

This colony is authorized to pay for
the maintenance of any county in-
digent 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, what-
ever sum or sums is received from

the counties to pay the cost of such maintenance of any said patient in the colony.

X 3. COLONY FOR FEEBLE-MINDED MALES,
WOODBINE

Woodbine
Colony.

For salaries and wages, and for maintenance of the Colony for Feeble-Minded Males, Woodbine, on the basis of six hundred and sixty-five inmates.

Salaries:

Superintendent	\$4,500 00	
Other personnel	121,764 00	
	<hr/>	\$126,264 00

Materials and supplies	92,900 00
Current repairs	4,800 00
Services other than personal	3,150 00
Additions and improvements	3,250 00

Extraordinary:

Compensation award to Mrs. Callo- way	710 92
	<hr/>
	<u>\$231,074 92</u>

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

Salaries:

Commission
for the Blind.

Executive officer and secretary	\$4,000 00	
Other personnel	37,540 00	
	<hr/>	\$41,540 00

Materials and supplies	2,700 00
Services other than personal	56,900 00
Additions and improvements	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-eight, 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-eight, is hereby reappropriated as a Revolving Industrial Fund, in the sum of \$2,000.00.

\$101,640 00

X 5. COUNTY INSANE HOSPITALS

For the support of patients pursuant to R. S. 30:4-78, in County Insane

County
Hospitals
for Insane.

Hospitals	\$1,100,000 00
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Said amounts to include payment of bills prior to current fiscal year.

X 6. COUNTY TUBERCULOSIS HOSPITALS

County
Hospitals for
Tuberculosis.

For the support of patients pursuant
to subdivision C, article 4, chapter
9, of Title 30, of the R. S., in county
hospitals \$890,800 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 main-
tenance of the Home for Disabled
Soldiers, Menlo Park, on the basis
of eighty veterans.

Salaries:

Superintendent	\$5,000 00	
Other personnel	29,360 00	
		<hr/>
		\$34,360 00

Materials and supplies	18,950 00
Current repairs	400 00
Services other than personal	1,815 00
Additions and improvements	300 00
	<hr/>
	\$55,825 00

X 9. HOME FOR DISABLED SOLDIERS, ETC., 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 twenty members.

Soldiers'
Home,
Vineland.

Salaries:

Superintendent	\$5,000 00	
Other personnel	57,380 00	
	<hr/>	\$62,380 00

Materials and supplies	52,600 00
Current repairs	5,500 00
Services other than personal	1,509 15
	<hr/>
	<u>\$121,989 15</u>

X 10. NORTH JERSEY 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.

Training
School,
Totowa.

Salaries:

Superintendent	\$5,000 00	
Other personnel	142,480 00	
	<hr/>	\$147,480 00

Materials and supplies	108,300 00
Current repairs	4,500 00
Services other than personal	3,348 53
Additions and improvements	1,900 00

Unclassified:

Compensation award	520 00
	<hr/>
	<u>\$266,048 53</u>

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 sixty-five inmates.

Salaries:

Superintendent	\$5,000 00	
Other personnel	159,760 00	
	<hr/>	\$164,760 00

Materials and supplies	88,750 00
Current repairs	3,200 00
Services other than personal	7,160 00
Additions and improvements	500 00

Unclassified:

Compensation award	724 76
	<hr/>
	<u>\$265,094 76</u>

X 12. REFORMATORY, RAHWAY

Reformatory,
Rahway.

For salaries and wages and for maintenance of the Reformatory at Rahway on the basis of eight hundred and fifty inmates.

Salaries:

Superintendent	\$6,000 00	
Other personnel	293,430 00	
	<hr/>	\$299,430 00

Materials and supplies	137,500 00
Current repairs	18,000 00
Services other than personal	4,110 00

\$459,040 00

X 13. REFORMATORY FOR WOMEN, CLINTON

For salaries and wages, and for maintenance of the Reformatory for Women, Clinton, on the basis of three hundred and seventy-five inmates.

Reformatory,
Clinton.

Salaries:

Superintendent	\$4,000 00	
Other personnel	86,010 00	
	<hr/>	\$90,010 00

Materials and supplies	62,900 00
Current repairs	4,000 00
Services other than personal	3,850 00
Additions and improvements	1,280 00
	<hr/>
	\$162,040 00
	<hr/> <hr/>

X 14. SANATORIUM FOR TUBERCULOUS DISEASES

For salaries and wages, and for the maintenance of the Sanatorium for Tuberculous Diseases, on the basis of four hundred and ninety-four patients.

Glen Gardner
Sanatorium.

Salaries:

Superintendent	\$8,000 00	
Other personnel	247,320 00	
	<hr/>	\$255,320 00

Materials and supplies	172,875 00
Current repairs	10,000 00
Services other than personal	7,125 00
Additions and improvements	5,386 00

Extraordinary:

Compensation award, Joan MacLennon	1,040 00
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	<hr/>
	\$451,746 00
	<hr/> <hr/>

X 15. STATE BOARD OF CHILDREN'S GUARDIANS

Children's
Guardians.

Salaries:

Superintendent	\$6,500 00	
Other personnel	404,172 00	
	<hr/>	\$410,672 00

Materials and supplies	35,000 00
Services other than personal	23,750 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.

\$469,422 00

X 16. STATE HOME FOR BOYS

State Home
for Boys,
Jamesburg.

For salaries and wages and for maintenance of the State Home for Boys, on the basis of five hundred and fifty inmates.

Salaries:

Superintendent	\$7,000 00	
Other personnel	201,700 00	
	<hr/>	\$208,700 00

Materials and supplies	124,250 00	
Current repairs	8,000 00	
Services other than personal	3,650 00	
Additions and improvements	1,500 00	
	<hr/>	
	<hr/>	\$346,100 00

X 17. STATE HOME FOR GIRLS

For salaries and wages, and for maintenance of the State Home for Girls on the basis of three hundred twenty-five inmates.

State Home
for Girls,
Trenton.

Salaries:

Superintendent	\$4,000 00	
Other personnel	91,700 00	
	<hr/>	\$95,700 00

Materials and supplies	53,650 00
Current repairs	3,500 00
Services other than personal	2,500 00
	<hr/>
	<u>\$155,350 00</u>

X 18. STATE HOSPITAL, GREYSTONE PARK

For salaries and wages, and for maintenance of the State Hospital, Greystone Park, on the basis of five thousand three hundred and fifty inmates.

State
Hospital,
Greystone
Park.

Salaries:

Medical director and superintendent	\$8,000 00	
Other personnel	1,111,120 00	
	<hr/>	\$1,119,120 00

Materials and supplies	680,150 00
Current repairs	37,000 00
Services other than personal	18,400 00
Additions and improvements	17,800 00
Unclassified:	
Compensation awards	2,500 00
	<hr/>
	<u>\$1,874,970 00</u>

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 two hundred and fifty inmates.

Salaries:

Medical director	\$5,000 00	
Other personnel	472,180 00	
		\$477,180 00

Materials and supplies	293,900 00
Current repairs	12,000 00
Services other than personal	6,850 00
Additions and improvements	3,900 00
	<u>\$793,830 00</u>

X 20. STATE HOSPITAL, TRENTON

State
Hospital,
Trenton.

For salaries and wages, and for maintenance of the State Hospital, Trenton, on the basis of two thousand eight hundred and fifty inmates.

Salaries:

Medical director	\$6,000 00	
Other personnel	879,153 00	
		\$885,153 00

Materials and supplies	449,900 00
Current repairs	27,500 00
Services other than personal	10,425 00
Additions and improvements	2,000 00
	<u>\$1,374,978 00</u>

X 21. STATE PRISON

For salaries and wages, and for maintenance of the State Prison on the basis of one thousand inmates.

State Prison.

Salaries:

Principal keeper	\$6,000 00	
Other personnel	380,020 00	
	<u> </u>	\$386,020 00

Materials and supplies	147,650 00
Current repairs	12,000 00
Services other than personal	6,250 00
Additions and improvements	1,480 00

Extraordinary:

Compensation award to Mrs.	
Butcher	820 91
	<u> </u>
	<u>\$554,220 91</u>

X 22. STATE PRISON FARM, BORDENTOWN

For salaries and wages, and for maintenance of the State Prison Farm, Bordentown, on the basis of six hundred inmates.

Prison Farm,
Bordentown.

Salaries:

Superintendent	\$4,000 00	
Other personnel	149,740 00	
	<u> </u>	\$153,740 00

Materials and supplies	85,350 00
Current repairs	4,500 00
Services other than personal	1,200 00
	<u> </u>
	<u>\$244,790 00</u>

X 23. STATE PRISON FARM, LEESBURG

Prison Farm,
Leesburg.

For salaries and wages, and for maintenance of the State Prison Farm, Leesburg, on the basis of two hundred and forty inmates.

Salaries:

Superintendent	\$3,000 00	
Other personnel	59,310 00	
		\$62,310 00

Materials and supplies	37,125 00
Current repairs	2,400 00
Services other than personal	1,350 00
Additions and improvements	500 00

\$103,685 00

X 24. VILLAGE FOR EPILEPTICS

Village for
Epileptics.

For salaries and wages, and for maintenance of the Village for Epileptics on the basis of one thousand five hundred and fifty inmates.

Salaries:

Superintendent	\$8,000 00	
Other personnel	299,027 00	
		\$307,027 00

Materials and supplies	196,150 00
Current repairs	10,000 00
Services other than personal	5,200 00
Additions and improvements	700 00

Extraordinary:

Compensation award granted to Clarence Parker	640 12
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\$519,717 12

X 25. VINELAND STATE SCHOOL

For salaries and wages, and maintenance of the Vineland State School, on the basis of one thousand four hundred and fifty inmates.

Vineland State
School.

Salaries:

Superintendent	\$7,000 00	
Other personnel	206,610 00	
	<hr/>	\$213,610 00

Materials and supplies	177,150 00
Current repairs	8,500 00
Services other than personal	5,750 00
Additions and improvements	5,100 00

Extraordinary:

Compensation award to Randolph Cobianchi	520 00
	<hr/>
	<u>\$410,630 00</u>

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
Subsidy.

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 30,000 recipi-
ents\$7,196,031 00

Less:

Federal
contri-
bution
(50%) ..\$3,559,899 00

County
contri-
bution
(12½%) 909,034 00

4,468,933 00

Net estimate amount to borne by
State\$2,727,098 00

X 27. STATE SUBSIDY FOR MAINTENANCE OF CHIL-
DREN UNDER THE CARE OF THE BOARD OF CHIL-
DREN'S GUARDIANS PURSUANT TO CHAPTER 5 OF
TITLE 30 OF THE REVISED STATUTES

State
Subsidy for
Children.

Total estimated cost ...\$5,188,766 64

Less esti-
mated
Federal
contri-
bution ..\$1,106,930 38

Estimated
county
contri-
bution ..

2,040,084 79

3,147,015 17

Net estimated amount to be borne by

State\$2,041,751 47

Total State Fund Appropriation ...\$39,256,036 22

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 Approp-
riations.

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 Accrued
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

School Fund
Expenses..

Refunds

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 lease is in excess of the amount actually accruing and owing thereunder, and 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

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 1939.

State Forest Fund

Silviculture improvement of the State forests	\$15,000 00	State Forests.
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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 forty-seven thousand five hundred 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

State Purchase
Fund.

Proviso.

Proviso.

Proviso.

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.

Salaries	\$27,000 00
Other expenses	20,500 00
	<hr/>
	\$47,500 00
	<hr/>

Public Shooting and Fishing Grounds Fund

Shooting and Fishing Grounds.	Salaries	\$30,540 00
	Materials and supplies	37,965 00
	Current repairs	1,300 00
	Miscellaneous expenses	5,500 00
	Additions and improvements	3,400 00
	New buildings and land	20,000 00
		<hr/>
		\$98,705 00
		<hr/>

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 revenue, 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, and taxes for the use of taxing districts in this State, Grade Crossing Elimination Fund, Emergency Relief Funds, Forest Fires Fund, Forest Nursery Fund, Workmen's Compensation Tax Fund, 1837 Surplus Revenue Fund Income, State Police Retirement Fund, Clerk in Chancery Enrollment Fund, Unemployment Compensation Commission, Compensation award, pursuant to chapter one hundred and sixty-four, laws of one thousand nine hundred and thirty-five, and Student Loans, Billboard Regulation Fund, moneys

received from tuition at the summer schools, which last named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous years; moneys received by the Department of Conservation and Development from the sale or lease of forest reserve lands pursuant to 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.

Construing.

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.

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

Corrections made to comply with intentions.

thereof, shall be legally binding and of full force and virtue.

Certain
increments
discontinued.

7. The regulation increments granted State officers and employees receiving three thousand dollars (\$3,000.00) or more per annum on the basis of length of service alone for the fiscal year ending June thirtieth, one thousand nine hundred and thirty-eight and as provided in section 7, chapter 177, of the Session Laws of 1937, under regulations approved by the State House Commission, shall be discontinued as of the effective date of this act and the compensation of each such officer and employee shall be reduced in the amount of such regulation increment, except that the compensation of no officer or employee now receiving above three thousand dollars (\$3,000.00) per annum shall be reduced below that amount.

Limitation.

No increase
in compensa-
tion.

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 one thousand nine hundred and thirty-eight, less the reductions hereinabove provided, 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.

Provisions to
apply to all
employees.

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.

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.

Transfers
from various
appropriations.

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.

Petty cash
fund.

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,

Empowered
to transfer
appropriations.

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-eight. Approved June 14, 1938.

CHAPTER 314

AN ACT to amend an act entitled "An act to provide that the term of employment within the meaning of the laws providing for the establishment and administration of unemployment compensation, providing for the levy and collection of contributions therefor, and providing penalties for violation thereof, shall not include certain classes of employments, and amending section 43:21-19 of the Revised Statutes," approved June sixth, one thousand nine hundred and thirty-eight.

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

Terms defined:

1. Section one, subsection seven of this act is amended to read as follows:

Employment
excludes;

(7) The term "employment" shall not include:

- (A) Agricultural labor;
- (B) Domestic service in a private home;
- (C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;
- (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;

(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;

(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;

(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;

(H) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or 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;

(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;

(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.

Employment
office;

- 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 employment period; (m) "Total unemployment period."
 (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.
 (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.
- Unemployment compensation administration fund; (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.
- Wages; (o) "Wages" means remuneration payable by employers for employment.
- Remuneration; (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.
- Week; (q) "Week" means such period or periods of seven consecutive calendar days ending at midnight, as the commission may by regulation prescribe.

(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.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 315

AN ACT respecting the foreclosures of mortgages against trustees and fiduciaries.

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

1. Parties to foreclosure suit against trustee or fiduciary. It shall not be necessary in prosecuting any suit to foreclose any mortgage or mortgages 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 mortgaged premises 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.

Foreclosure
against
trustee or
fiduciary.

Nothing in this section 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.

Construing.

2. This act shall take effect immediately.

Approved June 14, 1938.

New Jersey State Library

CHAPTER 316

AN Act providing for the payment from the State funds, a sum of money to be expended by and under the direction of the Board of Commerce and Navigation for the construction in whole or in part of such works and structures including jetties, bulkheads and seawalls and other approved devices necessary and proper to protect the riparian lands and taxable property of this State in municipalities within any county bordering on the Atlantic ocean from destruction by encroachments of the Atlantic ocean and other destruction agencies of the sea.

Preamble. WHEREAS, The coast and seashore of New Jersey in many cases and in many locations has been or is likely to be encroached upon by the Atlantic ocean, thereby causing a great destruction of the riparian lands and to taxable property of great value from which, and from riparian leases, annually, by taxation for State purposes large sums may be and are derived by the State; and

Preamble. WHEREAS, Such encroachments by the ocean can, in the judgment of the Legislature, be checked and prevented by the construction and maintenance of jetties, bulkheads and seawalls along said ocean and by other approved devices; therefore,

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

Appropriation
for construct-
ing jetties,
wharves, etc.

1. There is hereby appropriated and directed to be paid out of the treasury of the State of New Jersey a sum or sums not to exceed in the aggregate three hundred thousand dollars (\$300,000.00), which when included partly or wholly in any appro-

priation act shall be used and expended under the direction of the Board of Commerce and Navigation of the State of New Jersey, for the construction of such works, jetties, bulkheads, seawalls or sand-tight structures and devices, to be built of units of durable materials, having a weight too great to be lifted, separated or ravelled out and lost from the said structures, and having sufficient penetration into the materials of the sea bottom to insure a stability to stand alone and intact against the pressures of winds and waves and the eroding forces thereof during the severest storms, to permanently protect the riparian lands of this State and/or the public or private properties from which this State or any public political subdivision or agency thereof receives a revenue by taxation, or for rents for riparian leases, bordering upon any municipalities located in any county of this State which borders upon the Atlantic ocean, from the encroachment of the Atlantic ocean, which sum of money, or so much thereof as may be necessary, is to immediately become available and payable. The plans for all such works or work built in whole or in part shall be approved by the Board of Commerce and Navigation of the State of New Jersey, and the selection and designation of the section or sections of the sea coast of New Jersey to be protected shall also be determined by said board, and said board is hereby empowered to make such rules and regulations respecting the doing of such work and the inspection and approval thereof as it may deem necessary; said board is hereby authorized to assume the construction of any part of or the whole of any work or works approved by it, and provided the cost thereof does not exceed the amount set aside for any such work or works; *provided, however*, that no greater amount or portion of the sum of money hereby appropriated shall be available and paid out for the purposes of such work or works in any single municipality than is appropriated by such municipality (or any contribution by the county to be added to

Type of construction.

Approval of plans.

Proviso.

the share of said municipality) in which or upon the borders of which such work or works are to be constructed, and is available for expenditure therefor.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 317

AN ACT to amend an act entitled "An act authorizing and regulating the issuance of bonds by municipalities other than counties for the financing of relief of the poor," approved May twenty-ninth, one thousand nine hundred and thirty-seven, being chapter two of Appendix A of the Revised Statutes.

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

Section
amended.

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

Act operative.

5. This act shall take effect immediately and shall become inoperative on March first, one thousand nine hundred and thirty-eight. No bonds shall be issued pursuant to this act **after March first**, one thousand nine hundred and thirty-eight, unless the ordinance authorizing the issuance of such bonds, required by section two of this act, shall have been introduced and **passed on first reading** prior to March first, one thousand nine hundred and thirty-eight.

Bonds not to
be issued.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 318

AN ACT for the protection of striped bass, and providing for the licensing of nets for taking same, and repealing section 23:5-5, and amending section 23:5-8 of the Revised Statutes, inconsistent herewith.

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

1. No person shall take in any manner whatsoever from or in any of the fresh or salt waters of this State, including the waters of the Atlantic ocean within three nautical miles of the coast line, or have in possession, any striped bass, commonly called rockfish, between the first day of March and the thirty-first day of May, both dates inclusive.

Closed season
for striped
bass or
rockfish.

2. No person shall take, catch, kill, or have in possession at any time any striped bass measuring less than eighteen inches in length.

Size.

3. No person shall take, catch or kill any striped bass from or in any of the waters heretofore mentioned, by means of a net, of any description, without first having obtained a license for that purpose as hereinafter provided.

License to
fish.

4. A person intending to take striped bass with a net in the above mentioned waters shall apply to the Board of Fish and Game Commissioners for a license therefor. The board upon the receipt of the application and payment to it of the fee provided in this act, may in its discretion, issue a license to persons to take striped bass not less than eighteen inches in length by means of a net from the first day of November to the last day of February, both dates inclusive in each and every year.

Application
for license.

5. The fees for licenses issued under this act shall be as follows:

License fees:

A. Gill net, staked at one or both ends, the mesh of which shall not be less than five inches stretched

Gill net;

mesh while being fished, and said nets not to exceed thirty fathoms in total length. Fee, \$1.00.

Seines; B. Hauling seines, not less than three inches stretched mesh while being fished and not to exceed seventy fathoms in total length. Fee, \$10.00.

Fykes. C. Fykes, with or without leaders, and wings and leaders where employed shall not exceed thirty fathoms in length, and no part of net or wings or leaders to be less than two and one-half inches stretched mesh while being fished. Fee, \$3.00.

Penalty. 6. Any person, persons or corporations, operating a net of any type whatsoever who shall take and retain any striped bass measuring less than eighteen inches in total length shall be liable to the penalty prescribed in this act, together with the forfeiture of all fish, nets, boats, or other appurtenances used or employed in the operations.

Possession. 7. No person shall sell, possess for sale, or offer for sale, any striped bass measuring less than eighteen inches in length, whether caught within the jurisdictional limits of this State or otherwise, *provided, however*, that this act shall not apply to striped bass, packed and in transportation in unbroken packages and coming from any other State or country, but such packages shall be clearly marked by stencil, tag or otherwise showing the true origin of the shipment and its destination beyond the limits of the State of New Jersey.

Proviso. Packages plainly marked. 8. Any person, or persons, company or corporation violating any of the provisions of this act shall be liable to a penalty of fifty dollars for each and every offense, and upon failure to pay the penalty imposed, be committed to the common jail of the county in which the conviction was secured, for a period not exceeding ninety days, or until the fine and costs are paid.

Penalty. Enforcement. 9. This act shall be enforced in the manner and by the persons authorized under chapter ten of Title 23 of the Revision of Laws, passed December twentieth, one thousand nine hundred and thirty-seven.

10. The following section inconsistent herewith is hereby repealed:

Section 23:5-5 of the Revision of Statutes be
and the same is hereby repealed in its entirety. Section
repealed.

11. Section 23:5-8 of the Revision of Laws inconsistent herewith is hereby amended to read as follows: Section
amended.

23:5-8. No person shall purchase, sell, offer for sale or expose for sale any codfish measuring less than ten inches in length, bluefish or weakfish measuring less than nine inches in length, sea bass or kingfish measuring less than eight inches in length, blackfish, mackerel or porgy measuring less than seven inches in length, or flounder or butterfish measuring less than six inches in length, under a penalty of five dollars for each fish so purchased, sold, offered for sale or exposed for sale. Sale of
codfish,
bluefish,
sea bass, etc.

Penalty.

12. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 319

AN ACT concerning the alcoholic beverage tax law, and amending sections 54:41-2, 54:42-1, 54:42-2, 54:42-3, 54:42-4, 54:43-1, 54:43-2, 54:43-4, 54:44-1, 54:44-2, 54:44-3, 54:44-4, 54:44-5, 54:45-1, 54:45-2, 54:45-4, 54:45-5, 54:46-1, 54:46-2 and 54:47-7 of the Revised Statutes, and supplementing chapter forty-four of Title 54 of the Revised Statutes by adding thereto a new section numbered 54:44-2.1, and supplementing chapter forty-five of Title 54 of the Revised Statutes by adding thereto a new section numbered 54:45-7.

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

1. Section 54:41-2 of the Revised Statutes is hereby amended to read as follows: Section
amended.

Terms defined:	54:41-2. As used in this subtitle:
Alcoholic beverages;	"Alcoholic beverages" means liquors, beer, wines, and sparkling wine, as defined in this section.
Beer;	"Beer" means beer, lager beer, ale, stout, porter, and all similar fermented malt beverages, having an alcoholic content of one-half of one per centum or more by volume.
Bonded warehouse;	"Bonded warehouse" means the warehouse of any licensed manufacturer or licensed wholesaler or licensed warehouseman for which the licensee has given special security to obtain certain privileges given by this subtitle.
Commissioner;	"Commissioner" means the State Tax Commissioner.
Container;	"Container" means the receptacle immediately surrounding the alcoholic beverage and not the carton, box, case, sack, bag or other covering in which such containers may be packed, placed, or transported.
Department;	"Department" means the State Tax Department.
Licensed export wholesaler;	"Licensed export wholesaler" means any person holding a valid and unrevoked export wholesaler's license issued pursuant to the provisions of any relevant law of this State.
Licensed manufacturer;	"Licensed manufacturer" means any person holding a valid and unrevoked brewery, winery, distillery, or rectifier's license issued pursuant to the provisions of any relevant law of this State.
Licensed transporter;	"Licensed transporter" means any person holding a valid and unrevoked license or permit to transport alcoholic beverages pursuant to the provisions of any relevant law of this State.
Liquors;	"Liquors" means all distilled or rectified spirits, alcohol, brandy, whisky, rum, gin and all similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, such as liqueurs, cordials and similar compounds, having an alcoholic content of one-half of one per centum or more by volume.

"Person" means a natural person, an association, a partnership or a corporation. Person;

"Sale" means and includes, in addition to its ordinary meaning, any exchange, gift, loss, theft, or other disposition. In every case where alcoholic beverages are exchanged, given, lost, stolen or otherwise disposed of, they shall be deemed to have been sold, unless, in case of loss by fire, proof is furnished to the satisfaction of the commissioner, that the alcoholic beverages have been so destroyed that they could not have been put to any use. Sale;

"Sparkling wine" means champagne and other effervescent wine charged with carbon dioxide, whether artificially or as the result of secondary fermentation of the wine within the container. Sparkling wine;

"Taxpayer" means a person chargeable with the payment of a tax pursuant to the provisions of this subtitle. Taxpayer;

"Treasurer" means the Treasurer of the State of New Jersey. Treasurer;

"Vermouth" means any compound made by the mixture of extracts from macerated aromatic flavoring materials with wines and manufactured in such manner that the product possesses the taste, aroma, and characteristics generally attributed to vermouth. Vermouth;

"Warehouse receipt" means a certificate or receipt given upon the storage of alcoholic beverages in a United States Custom or United States Internal Revenue warehouse under Federal bond. Warehouse receipt;

"Wines" means all wines whether known as "dry wines," "sweet wines," "still wines," or "fortified wines" and any artificial or imitation wine or compound sold as wine, and any fruit juice containing one-half of one per centum or more of alcohol by volume, and any other beverage containing alcohol produced by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, which beverage contains one-half of one per centum or more of alcohol by volume, but shall not mean or include vermouth, or cider containing less than three and two-tenths per centum of alcohol by volume. Wines.

Section amended.	2. Section 54:42-1 of the Revised Statutes is hereby amended to read as follows:
Rules and regulations.	54:42-1. The commissioner may carry into effect and execute the provisions of this subtitle and in pursuance thereof may make and enforce such rules and regulations as he may deem necessary for the administration and enforcement of the same. He may require a bond or other security satisfactory to him for the payment of the taxes, penalties, and interest imposed by and payable pursuant to this subtitle, and for compliance with its provisions and with the rules and regulations of the commissioner made pursuant hereto.
May require bond for payment of taxes, etc.	
Section amended.	3. Section 54:42-2 of the Revised Statutes is hereby amended to read as follows:
Investigations and examinations.	54:42-2. The commissioner shall have power, whenever he deems it expedient, to make or cause to be made by his deputies, supervisors, auditors or investigators, an examination or investigation of the books, records, papers, vouchers, accounts and documents of any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation, solicitation or sale of alcoholic beverages, or in purchasing, transferring, selling or agreeing to sell warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, and of the premises of any such person, for the purpose of administering the provisions of this or any other law of this State imposing taxes upon the sale or delivery of alcoholic beverages. Every such person and every director, officer, agent or employee of every such person shall exhibit to the commissioner, his deputy, supervisor, auditor or investigator, all of the books, records, papers, vouchers, accounts, documents, and premises of said person, and facilitate, as far as it may be in his or their power, any such examination or investigation. The commissioner, his deputies, supervisors, auditors and investigators may take the oath of any person signing a deposition, statement, return or report required by the commissioner in
To exhibit records.	
Assistants may take oath.	

the administration of this or any other law of this State imposing taxes upon the sale or delivery of alcoholic beverages.

4. Section 54:42-3 of the Revised Statutes is hereby amended to read as follows:

Section amended.

54:42-3. The commissioner or his deputies, supervisors, auditors or investigators shall have power to conduct hearings and to administer oaths to, and to examine under oath, any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation, solicitation, or sale of alcoholic beverages or in purchasing, transferring, selling or agreeing to sell warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages and the directors, officers, agents and employees of any such person and all other witnesses, relative to the alcoholic beverage business of such person, in respect to any matter incident to the administration of this subtitle or any other law of this State imposing taxes upon the sale or delivery of alcoholic beverages.

Conduct hearings, etc.

5. Section 54:42-4 of the Revised Statutes is hereby amended to read as follows:

Section amended.

54:42-4. The commissioner shall have power by subpoena, to compel the attendance of witnesses and the production of any books, records, papers, vouchers, accounts and documents of any person engaged in the manufacture, distribution, transportation, storage, warehousing, importation, solicitation or sale of alcoholic beverages, or in purchasing, transferring, selling or agreeing to sell warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, or of any other person, at any such hearing. The fees of the witnesses required to attend any such hearing shall be the same as those allowed to witnesses appearing in the Supreme Court. Such fees shall be paid in the manner provided for the payment of other expenses incident to the administration of this subtitle.

Subpoena witnesses and records.

Witness fees.

Section
amended.

Schedule of
excise taxes.

6. Section 54:43-1 of the Revised Statutes is hereby amended to read as follows:

54:43-1. There are hereby levied and imposed upon any sale or delivery within this State of alcoholic beverages intended ultimately for consumption the following excise taxes:

a. Beer—three and one-third cents a gallon or fraction thereof.

b. Liquors—at the rate of one dollar a gallon.

c. Wines—at the rate of ten cents a gallon.

d. Vermouth—at the rate of fifteen cents a gallon.

e. Sparkling wines—at the rate of forty cents a gallon.

Section
amended.

7. Section 54:43-2 of the Revised Statutes is hereby amended to read as follows:

No tax on
out-of-State
sales.

54:43-2. No tax imposed by this subtitle shall be payable on any sale of alcoholic beverages by any licensed manufacturer or by any licensed export wholesaler for resale and consumption outside of this State, or directly for consumption outside of this State, when said sale is accompanied by the actual transportation of such beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery. If any such beverages shall thereafter be brought back into this State the licensed manufacturer or the licensed export wholesaler who shall have sold such beverages and transported or caused the same to be transported out of this State shall then pay such tax unless the same has been paid by some other person.

Taxes if
brought back
into State.

Tax not to be
paid export
wholesaler,
etc.

No tax imposed by this subtitle shall be payable by the holder of a special or temporary permit issued by the State Commissioner of Alcoholic Beverage Control to dispose of alcoholic beverages theretofore acquired by the permittee while engaged as a licensed manufacturer or as a licensed export wholesaler, on any sale heretofore or hereafter made of such beverages, for resale and consumption outside of this State, or directly for consumption outside of this State, when the sale shall

have been accompanied by the actual transportation of the beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery. If any such beverages shall thereafter be brought back into this State the holder of said special or temporary permit shall then pay such tax unless the same has been paid or secured by some other person.

No tax imposed by this subtitle shall be payable by the holder of a transportation license issued by the State Commissioner of Alcoholic Beverage Control, *provided*, such licensee shall have complied with all of the rules and regulations of the State Tax Commissioner relating to said licensee and made pursuant to the provisions of this subtitle.

No tax to be paid by transportation licensee.

Proviso.

No tax imposed by this subtitle shall be payable on any sale or delivery of alcoholic beverages or alcohol intended for use and actually used in the manufacture or sale of the following products or for the following purposes, but subject to the regulations of the commissioner:

No tax where product is to be used in manufacture of certain products.

a. Denatured alcohol produced and used pursuant to Acts of Congress and regulations promulgated thereunder.

b. Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

c. Flavoring extracts, syrups and food products.

d. Scientific, chemical, mechanical and industrial products and purposes.

e. Use for medical and dental purposes.

The delivery of alcoholic beverages from without this State into a licensed public warehouse in this State for temporary storage by any person other than the holder of a license issued pursuant to the provisions of Title 33 of the Revised Statutes, shall be exempt from the tax imposed by this law, *provided*, such alcoholic beverages, when released from storage are actually transported outside of this State by a licensed transporter. If any such licensed transporter shall fail to consummate the

Temporary storage exempt.

Proviso.

delivery of any such beverages to a point outside of this State such licensed transporter and the person to whom he shall deliver such beverages shall be liable for the tax due by reason of the delivery of such alcoholic beverages.

Beverages for personal use exempt.

The importation into this State of alcoholic beverages by the individual owner thereof for personal consumption and not for sale or delivery to any other person, in quantities not exceeding one-quarter barrel or one case containing not in excess of twelve quarts in all of beer, and one gallon of wine, and one gallon of other alcoholic beverages, within any consecutive period of twenty-four hours shall be exempt from the tax imposed by this law.

Beverages in continuous transportation exempt.

The delivery into this State of alcoholic beverages which are not intended for sale or delivery herein and which pass through this State in continuous transportation and are delivered to a point outside of this State shall be exempt from the tax imposed by this law.

Section amended.

8. Section 54:43-4 of the Revised Statutes is hereby amended to read as follows:

Taxing warehouse receipts.

54:43-4. For the purposes of this subtitle, sales of warehouse receipts, given upon the storage of alcoholic beverages in United States Customs or United States Internal Revenue warehouses under Federal bond, shall not be construed as sales of the beverages represented by the receipts, but the tax herein imposed upon the sale or delivery of such beverages, if not paid or the payment thereof secured prior thereto, shall be paid upon the removal of the same from the warehouse, if that shall occur in this State, if not, then upon the first subsequent sale or delivery of said beverages in this State.

Section amended.

8a. Section 54:43-5 of the Revised Statutes is hereby amended to read as follows:

Tax credit where sale is canceled, etc.

54:43-5. Where a sale has been rescinded or canceled and the alcoholic beverages if delivered have been returned, or where alcoholic beverages have been destroyed under the supervision of the commissioner, as unfit for consumption, the taxpayer shall be entitled to a credit for the amount of the

tax which would have accrued had the alcoholic beverages not been destroyed or the sale not been rescinded or canceled. If the tax has already been paid to the commissioner, the credit shall be applied against any present or future liability of the taxpayer, under this subtitle, and if there be no such liability the taxpayer shall be entitled to a refund of the tax so paid, unless the taxpayer is indebted to the State of New Jersey for taxes, penalties or interest which have accrued under any statute imposing a tax payable to or collectible by the commissioner.

9. Section 54:44-1 of the Revised Statutes is hereby amended to read as follows:

54:44-1. The taxes imposed by this subtitle shall be due and payable at the time of the first sale or delivery, as the case may be, in this State. In case the tax so imposed has not been paid or secured by the person making the sale or delivery, or causing the delivery to be made, the purchaser or the person accepting delivery shall also be liable to the tax and the payment thereof. The commissioner, upon such terms and conditions as he may prescribe, may permit a postponement of payment until a subsequent resale thereof and in any case may permit a postponement to a date not later than the fifteenth day of the month next following the month in which the sales or resales or deliveries so taxed were made. If any tax be not paid when the same becomes payable as herein provided, there shall be added to the amount of the tax a sum equivalent to five per centum thereof, and, in addition thereto, interest on the tax at the rate of one per centum a month or fraction of a month, from the date the tax became payable until the same be paid. Nothing herein contained shall be construed to relieve any subsequent seller of liability to pay the tax upon any sale or delivery should payment thereof not have been made. When alcoholic beverages are delivered into a United States Customs or United States Internal Revenue warehouse under Federal bond the commissioner may further

Section
amended.

Taxes due and
payable.

May postpone
payment.

Penalty for
not paying.

Construing.

May remit penalty.	postpone and by rule and regulation fix the time and method of payment of the tax. The commissioner, if satisfied that the failure to comply with any provisions of this section was excusable, may remit the whole or part of any penalty or of any interest herein imposed.
Section amended.	10. Section 54:44-2 of the Revised Statutes is hereby amended to read as follows:
Recovery of tax.	54:44-2. The taxes imposed by this subtitle and interest and penalties thereon from the time the same shall be due and payable until the same be paid shall be a personal debt due from the taxpayer to the State, recoverable in any court of competent jurisdiction in an action at law to be commenced by the Attorney-General, at the request of the commissioner, in the name of the State. Such debt, whether sued upon or not, shall be a lien on all the property of the debtor except as against an innocent purchaser for value in the usual course of business and without notice thereof, and shall be preferred in any distribution of the assets of the taxpayer whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment obtained hereunder shall be paid to the commissioner.
A lien.	
Section amended.	11. Section 54:44-3 of the Revised Statutes is hereby amended to read as follows:
May docket judgment.	54:44-3. As an additional or alternative remedy, the commissioner may issue a certificate to the Clerk of the Supreme Court or to the clerk of the court of common pleas of any county, that any person is indebted under this subtitle in an amount named in the certificate and thereupon the clerk to whom the certificate shall have been issued shall immediately enter upon his record of docketed judgments the name of such person as defendant, and of the State as plaintiff, the amount of the debt so certified, a short name of the tax, and the date of making the 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 of the remedies and may take all of the proceedings for

the collection thereof which may be had or taken upon the recovery of a judgment in an action at law upon contract but without prejudice to the taxpayer's right of appeal. Every person who shall be licensed to manufacture, distribute, transport, store, warehouse, import, offer for sale or sell alcoholic beverages, or to sell warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, under any law of this State shall, by the acceptance of such license, be deemed to have consented to the procedure set forth in this section.

Deemed to have accepted procedure.

12. Section 54:44-4 of the Revised Statutes is hereby amended to read as follows:

Section amended.

54:44-4. The commissioner, upon application made to him and upon the payment of a fee of one dollar may release any property from the lien of any certificate, judgment or levy procured by him provided payment be made to him of such sum as he shall deem adequate consideration for such release, or, a deposit be made with him of such bond or other security as he shall deem adequate to secure the payment of any debt evidenced by any such certificate, judgment, or levy, the lien of which is sought to be released. Such release shall be given under his seal, and may be recorded in any office in which conveyances of real estate may be recorded.

Release of liens on property.

13. Section 54:44-5 of the Revised Statutes is hereby amended to read as follows:

Section amended.

54:44-5. The commissioner may, with the approval of the Attorney-General, compromise any claim for taxes which shall be alleged to be due pursuant to the provisions of this or any other law of this State imposing taxes upon the sale or delivery of alcoholic beverages.

Compromise taxes and claims.

14. Chapter forty-four of Title 54 of the Revised Statutes is hereby supplemented by adding thereto a new section numbered 54:44-2.1 and reading as follows:

New section added.

54:44-2.1. To enforce the lien created by section 54:44-2 of the Revised Statutes and as an additional remedy, or an alternative to the remedy pro-

Sale of property to satisfy taxes, etc.

vided in section 54:44-3 of the Revised Statutes, the commissioner, if any taxes, penalties or interest imposed by this subtitle shall remain unpaid after the same shall become due, may issue a warrant under his official seal directed to the sheriff of any county of this State commanding him to levy upon and sell the real and personal property of the taxpayer from whom such taxes, penalties and interest are due and owing, found within his county, for the payment of the said taxes, penalties and interest, and the cost of executing the warrant, and to return such warrant to the commissioner and pay to him the money collected by virtue thereof by a time to be therein specified, and not less than sixty days from the date of such warrant. Before delivering the warrant to the sheriff, the commissioner shall file a copy thereof with the clerk of the county in which the sheriff holds office, and thereupon the clerk shall enter in his judgment docket the name of the State of New Jersey as creditor, the name of the taxpayer as debtor, a short name of the tax, the amount of such taxes, penalties and interest as specified in such warrant, and the date when the copy of the warrant is filed in his office, and if requested shall record the same in the book of executions. The filing of the warrant shall operate as notice to all other persons of the existence of the lien of the State but shall not operate in any respect as a judgment. Upon filing the copy of the warrant the clerk shall endorse upon the original warrant the fact and the time of the filing of the copy and whether so recorded. Thereafter the sheriff shall proceed upon the warrant in all respects, with like effect, and in the manner prescribed by law in respect to executions issued upon judgments of a court of record, and he shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. Nothing contained in this section shall be construed to prejudice the right of any taxpayer to appeal from the assessment upon which any proceedings under this section are taken, and if any

Copy of
warrant filed
with county
clerk.

Filing warrant
to constitute
notice.

Procedure of
sheriff.

Construing.

appeal shall be taken from any such assessment, any court of competent jurisdiction may stay the proceeding instituted under this section, pending the determination of the appeal, provided the taxpayer shall have first paid into the court from which the stay is sought, a deposit in such sum as the court shall consider adequate to secure the payment of the full amount claimed by the State.

15. Section 54:45-1 of the Revised Statutes is hereby amended to read as follows:

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 on or before the fifteenth day of each month a report under oath, on such form as the commissioner shall prescribe, which report shall disclose the amount of alcoholic beverages manufactured, distributed, transported, stored, warehoused, withdrawn from storage, imported, purchased and sold and the number and kind of 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, 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.

Section
amended.

Monthly
reports by
licensees.

Contents of
report.

Quarterly
report.

Payment of
tax.

Penalty for failure to file report.

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.

May remit penalty.

Section amended.

Records kept by licensee.

16. Section 54:45-2 of the Revised Statutes is hereby amended to read as follows:

54:45-2. Every person, who, within this State, shall manufacture, import, distribute, transport, store, warehouse, sell or offer for sale alcoholic beverages, or who shall engage in purchasing, transferring, agreeing to sell or selling 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 keep complete and accurate records of all alcoholic beverages purchased, sold, manufactured, improved, brewed, fermented, distilled, produced, stored, warehoused, withdrawn from storage, imported or transported and of all warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages. Such records shall be of a kind and in the form prescribed by the commissioner and shall be safely preserved for five years in such a manner as to insure permanency and accessibility for inspection by the commissioner or any duly authorized employee of said commissioner. All such records shall be kept and maintained in this State, but the commissioner may, in his discretion, permit the records of any such person to be kept and maintained at a place outside of this State to be designated by him.

17. Section 54:45-4 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

54:45-4. All reports filed with the commissioner pursuant hereto shall be preserved for five years and thereafter may be destroyed by order of the commissioner.

Reports kept
for five years.

18. Section 54:45-5 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

54:45-5. a. If any taxpayer shall fail to make a report as herein required, the commissioner may make an estimate of the taxable liability of such taxpayer from any information he may obtain and, according to such estimate so made by him, assess the taxes, penalties and interest due the State from such taxpayer, give notice of such assessment to the taxpayer, and make demand upon him for payment.

Arbitrary
assessment
upon failure
to make
report.

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

Adjustment
after report is
filed.

c. All taxes, penalties and interest assessed by the commissioner pursuant to the provisions of paragraphs "a" and "b" of this section shall be paid within fifteen days after notice and demand shall have been mailed to the taxpayer by the commissioner. If such taxes, penalties and interest, so assessed, shall not be paid within the fifteen days, there shall be added to the amount of the assessment a sum equivalent to five per centum of the tax assessed as a penalty, which penalty shall be in addition to the penalties provided for in sections 54:44-1 and 54:45-1 of the Revised Statutes. All such additional penalties shall be payable to and recoverable by the commissioner in the same man-

Taxes paid in
15 days after
notice.

Penalty for
nonpayment
of tax.

Recovery of
penalties.

ner as if the penalties were taxes imposed by this subtitle. If the failure to pay the taxes, penalties and interest so assessed when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any such additional penalty.

Arbitrary
assessment
where licensee
attempts to
remove
property.

d. If the commissioner finds that a taxpayer designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property, or to discontinue business, or to do any other act tending to prejudice or render wholly or partly ineffectual proceedings to assess or collect such tax, unless such proceedings be brought without delay, the commissioner may immediately make an arbitrary assessment as hereinbefore provided in paragraph "a" of this section, whether or not any report is then due by law, and may proceed under such arbitrary assessment to collect the tax, or compel the posting of security for the payment of the same, and thereafter he shall cause notice of such finding to be given to such taxpayer, together with a demand for an immediate report and immediate payment of such tax. All taxes, assessed pursuant to the provisions of this paragraph "d," shall be payable forthwith after notice and demand shall have been mailed to the taxpayer by the commissioner. If such payment be not made within fifteen days thereafter, there shall be added to the amount of the tax so assessed a sum equivalent to five per centum thereof, and in addition thereto interest thereon at the rate of one per centum a month for each month or fraction thereof from the date demand was made for payment of said tax until the same shall be paid. All such penalties and interest shall be payable to, and recoverable by, the commissioner in the same manner as if the penalty or interest were a tax imposed by this subtitle. If failure to pay the taxes, penalties and interest so assessed when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any penalty or of any interest herein imposed.

Taxes payable
immediately.

Recovery of
penalties and
interest.

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

Filing protest.

Hearing.

Order.

Filing protest
not to abate
penalties.

19. Chapter forty-five of Title 54 of the Revised Statutes is hereby supplemented by adding thereto a new section numbered 54:45-7 and reading as follows:

New section.

54:45-7. Any notice required to be given by the commissioner pursuant to this subtitle may be served personally or by mailing the same to the person for whom it is intended, addressed to such person at the address given in the last report filed by him pursuant to the provisions of this subtitle, or if no report has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it was addressed.

Service of
notices.

20. Section 54:46-1 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

54:46-1. Any person who shall be aggrieved by any decision of the commissioner denying any hearing requested hereunder, or by any order, finding or assessment having the effect of fixing, correcting, amending or modifying the amount of any tax to be paid by such person, or by any decision declining so to do, or by any certification of debt to the clerk of a court, may appeal from the action of the commissioner in making any such decision,

Appeal.

assessment, finding, or order, or issuing any such certificate, to the State Board of Tax Appeals by filing a petition of appeal with that board in the manner and form and within the time and subject to such terms and conditions as the board shall by reasonable rules and regulations prescribe, but no such appeal shall stay the collection of any such tax or the enforcement of the same by entry as a judgment, unless as provided by order of such board, after giving security approved by the commissioner or the board. The judgment or order of the State Board of Tax Appeals respecting any matter arising under the provisions of this subtitle may be reviewed by certiorari in the same manner as other judgments of said board.

Review of
judgment or
order.

Section
amended.

21. Section 54:46-2 of the Revised Statutes is hereby amended to read as follows:

Payment of
refund.

54:46-2. If by the decision or order of the State Board of Tax Appeals, or of any court of competent jurisdiction, the taxpayer shall be adjudged to be entitled to a refund, it shall be paid by the treasurer, upon presentation to him by the taxpayer of a certified copy of such decision or order, out of the tax moneys paid to him pursuant to the provisions of this subtitle.

Section
amended.

22. Section 54:47-7 of the Revised Statutes is hereby amended to read as follows:

Request local
authorities to
suspend or
revoke license.

54:47-7. In case any person having a license to manufacture, distribute, transport, store, warehouse, import or sell alcoholic beverages, or warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, issued pursuant to any law of this State shall fail to pay any tax, penalty or interest which he is required to pay under the provisions of this subtitle, or fails to comply with any provision of this subtitle, or with any rule or regulation made by the commissioner pursuant to this subtitle, notice whereof has been given to such licensee, the commissioner may forward a statement of the facts showing such default to the authority which issued such license and request the suspension or the rev-

ocation of the license on account of such default, whereupon the license may be suspended or revoked and no new, restored or reissued license may thereafter be given or issued to such licensee without the consent of the commissioner.

23. This act shall take effect July first, one thousand nine hundred and thirty-eight. Act effective.

Approved June 14, 1938.

CHAPTER 320

AN ACT to validate certain conveyances heretofore made by husband and wife.

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

1. Where in any deed of conveyance of real property heretofore made by husband and wife, both the husband and wife have signed the said deed of conveyance and where their signatures have been duly acknowledged as required by law, but where in the premises, stating part or body of the deed of conveyance the name of the husband or wife, who signs and acknowledges to bar curtesy or dower, has been omitted, or where the husband and wife convey by separate deeds, such deed or deeds shall be as good and valid and shall vest all estate of the husband and wife signing and acknowledging such deed or deeds in the grantee or grantees in such deed or deeds to the same effect as if they had conveyed by both joining in the same deed; *provided, however*, that such deed or deeds Validating conveyance when name omitted. are good and valid in all other respects. Proviso.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 321

AN ACT concerning banking, savings, trust, guaranty, safe deposit, indemnity, mortgage, investment, loan and building corporations and associations, amending sections 17:16-2, 17:16-3 and 17:16-10 and repealing section 17:16-15 of the Revised Statutes.

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

Section
amended.

1. Section 17:16-2 of the Revised Statutes is hereby amended to read as follows:

Certificate of
authority
necessary.

17:16-2. No banking, savings, trust, safe deposit or mortgage corporation or association organized under the laws of another State or Foreign Government, shall solicit or transact any business in this State until it shall have secured from the commissioner a certificate of authority to transact business.

Section
amended.

2. Section 17:16-3 of the Revised Statutes is hereby amended to read as follows:

Application
for authority.

17:16-3. Any such foreign corporation desiring to secure such certificate of authority shall make application therefor to the commissioner, who shall issue such certificate of authority to transact business in this State to any such corporation when:

Certain re-
quirements.

a. The corporation has filed in the office of the commissioner a copy of its charter or certificate of organization or incorporation, attested by its president or vice-president and secretary or treasurer under its corporate seal, and a statement attested in the same manner showing the financial condition of the corporation at the close of business on the thirty-first day of December last preceding, which statement shall be in such form as may be prescribed by the commissioner, who shall furnish blank forms for that purpose;

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

Actual capital.

c. The corporation shall deposit with the commissioner such securities as he may prescribe amounting to at least thirty thousand dollars in value, to be held by him in trust for the benefit of the creditors of the corporation within this State, but if any such corporation shall have and keep a deposit of at least one hundred thousand dollars in cash or securities approved by the commissioner, with any department or office of the State or country where the corporation is organized, the commissioner shall not require the deposit of any securities;

Securities on deposit.

d. The corporation shall, by a duly executed instrument filed in the office of the commissioner, constitute the commissioner, and his successor in office, its true and lawful attorney upon whom all original process in any action or legal proceeding against it may be served, and therein shall agree that any original process against it which may be served upon the commissioner shall be of the same force and validity as though served on the company, and that the authority thereof shall continue in force, irrevocably, so long as any liability of the corporation remains outstanding in this State.

Commissioner constituted attorney.

3. Section 17:16-10 of the Revised Statutes is hereby amended to read as follows:

Section amended.

17:16-10. When the commissioner shall find that the affairs of any such corporation are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, he may cancel and revoke any certificate of authority issued to such corporation pursuant to the provisions of sections 17:16-2 to 17:16-15 of this Title.

Right to revoke certificate of authority.

4. Section 17:16-15 of the Revised Statutes is hereby repealed.

Section repealed.

5. This act shall take effect October first, one thousand nine hundred and thirty-eight.

When act in effect.

Approved June 14, 1938.

CHAPTER 322

AN ACT concerning investment companies, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled "investment companies."

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

Definitions:

1. Definitions. As used in this chapter

Investment company;

a. "Investment company" means any corporation, foreign or domestic, any partnership or any individual which engages principally in an investment business as defined in this section, but this chapter shall not be construed to affect any corporation, partnership or individual, other than an investment company, to which a certificate of authority to do business has been issued in accordance with, may be issued on compliance with, or the issue of which is prohibited by the provisions of any other chapter of this Title;

Investment contract;

b. "Investment contract" means any agreement, certificate, instrument or other writing containing an undertaking by the company making, issuing or guaranteeing the same to pay the holder thereof, or his assignee, or his personal representative, a stated or determinable maturity value in cash or its equivalent on a fixed or determinable date, the consideration for which consists of the payment to the company of payments, deposits, dues, installments or a single sum, according to a plan fixed by the contract, regardless of whether the holder is entitled to share in the profits or earnings of the issuer;

Investment business.

c. "Investment business" means the business of making, issuing, or guaranteeing investment contracts, but does not include the business of any mortgage guaranty corporation, bank, trust company or other corporation of this State incorpo-

rated under any general or special law which makes insurance against, or guarantees against, loss by reason of nonpayment of principal or interest on bonds and mortgages, or any corporation authorized to do a life insurance business in this State.

2. Prohibition to do business. No investment company as defined in this chapter shall undertake the transaction of an investment business in this State until it shall have complied with the applicable requirements of this chapter and shall have received a certificate of authority from the Commissioner of Banking and Insurance setting forth that it has complied with the provisions of this chapter and specifying the kind of business to be transacted by it. The directors and corporators of any investment company incorporated under the laws of this State shall be jointly and severally liable for all obligations incurred by the company after the effective date of this chapter by reason of its having transacted such business in this State before it has received a certificate of authority from the commissioner pursuant to the provisions of this chapter.

Certificate of authority necessary to do business.

Liability.

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:

Application to do business:

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

When certain prescribed requirements are fulfilled;

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.

When commissioner satisfied that conditions are as authorized;

Capitalization;

Deposits.

Must conform to requirements.

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 possessed 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 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 cash equal to one-half the minimum capital stock required by this chapter. 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).

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, having a market value of not less than fifty thousand dollars (\$50,000.00).

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.

Refusing
certificate or
cancellation.

4. Authorization of foreign companies. Any investment company incorporated by authority of another State or Foreign Government, upon complying with the conditions hereinafter specified, may be admitted to transact in this State any business authorized by this chapter to be transacted by an investment company of this State. No such company shall be admitted until:

Admission of
foreign com-
panies to do
business.

Necessary
conditions:

a. It shall file in the department a certified copy of its charter, or deed of settlement or certificate of organization, and a statement of its financial condition and business, in such form and detail as the commissioner may require, signed and sworn to by its president and secretary or other proper officer;

Certified copy
of charter and
financial state-
ment;

b. It shall satisfy the commissioner that it is fully and legally organized under the laws of its State to do the business it proposes to transact; that its condition or methods of operation are not such as would render its operation hazardous to the public or to its creditors in this State; that it has a fully paid-up, well invested and minimum unimpaired capital and surplus of not less than the amount required by section three of this chapter to be possessed by an investment company of this State;

Commissioner
satisfied that
methods are
correct;

c. It shall, by an instrument filed in the department, constitute the commissioner and his successor in office its true and lawful attorney, upon whom all original process in any action or legal proceeding against it may be served, and therein shall

Recognized
attorney;

Authority.	agree that any original process against it which may be served upon said commissioner shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this State;
Required amount of securities deposited.	d. It shall deposit with the commissioner securities amounting to at least thirty thousand dollars (\$30,000.00) which securities shall be of such kinds and value as are prescribed for deposit by domestic companies by the provisions of section three of this chapter. The securities shall be held in trust for the benefit of the creditors of the company in this State. If any such company shall have and keep a deposit of at least one hundred thousand dollars (\$100,000.00) in cash or such securities with any department or office of the State where the company is organized and the cash or securities so deposited are held in trust for all the creditors of the company, the commissioner shall not require the deposit of securities as herein provided;
Certificate of compliance with requirements.	e. It shall obtain from the commissioner a certificate that it has complied with all the requirements of this chapter applicable to it, and is authorized to transact business in this State. The certificates shall expire on May first next after their issue, and shall be renewed each year before May first. All certificates issued to investment companies by the commissioner under any other law and outstanding and in force at the effective date of this chapter shall continue in full force and effect until May first, one thousand nine hundred and thirty-nine unless sooner revoked in the manner in this chapter provided.
Effective period.	
Agents must be authorized.	5. Agents. No officer or agent of any foreign investment corporation shall make, issue, sell, offer for sale, negotiate or guarantee any investment contract or transact any business or act, or aid in any way, in the transaction of any business authorized by a certificate of authority issued to such foreign corporation until he shall have procured

from the commissioner a certificate of authority to do so. The certificate shall state in substance that the corporation is authorized to transact business in this State and that the person named therein is an agent of the company for the transaction of such business. Upon receipt of a certificate from such corporation of its appointment of a suitable person to act as its agent in this State, the commissioner shall, if the facts warrant it, grant such certificate which shall continue in force until May first after its issue, and by renewal thereof before May first of each year until revoked by the commissioner for noncompliance with the laws, or until the appointment of such agent is revoked by written notice from the corporation to that effect. All certificates outstanding and in force on the effective date of this chapter shall continue in full force and effect until May first, one thousand nine hundred thirty-nine, unless sooner revoked in the manner above provided.

6. Service of process. When any original process is served upon the commissioner as attorney for an investment company of another State, and a service fee of two dollars (\$2.00) paid to him, he shall forthwith notify the company of such service by letter directed to its secretary, or resident manager in the case of a company of a foreign country; and shall within two days after such service forward by letter a copy of the process served on him to such secretary or manager, or to such other person as may have been previously designated by the company by written notice filed in the department. The commissioner shall keep a record of all such process, which shall show the day and hour of service. The serving of such process shall be made by leaving a copy of the same in the office of the commissioner with a service fee of two dollars. Service upon the commissioner as herein provided shall be deemed sufficient service upon the company. The plaintiff in the action shall be entitled to recover the amount of the service fee so paid as part of the taxable costs if he prevails in the action.

Substance of agent's certificate.

Certificate granted.

Renewals.

Continuance.

Company notified when process served.

Records kept.

Service.

Fee.

Certified copy
in evidence.

7. Incorporation. When an investment company of another State shall hold the certificate of the commissioner authorizing it to transact business in this State, in any action at law or in equity in which such company is plaintiff or defendant, or in any criminal proceeding brought under the laws of this State, a copy of such certificate of authority, certified under the hand and official seal of the commissioner, shall be prima facie evidence of the incorporation of such company.

Change of
securities.

8. Deposits. a. The commissioner may order a change of any of the securities deposited by any investment company incorporated under the laws of any other State or country as hereinabove provided, or any part of them, at any time during the continuance of the certificate of authority issued to the company, and during the same period the company may change the securities or any part thereof with the consent of the commissioner. The company so depositing securities shall be entitled to receive the dividends or interest thereon, and upon the termination of its authority to transact business in this State it shall be entitled to withdraw any part of or all of the securities. The amount of such deposit shall not be reduced by any withdrawal to less than the total outstanding liability of the company to its creditors in this State.

Receipt of
income.

Commissioner
to retain
securities.

b. As to investment companies other than those affected by paragraph (a) of this section, the commissioner shall hold the securities deposited for the benefit and security of all the creditors of the company depositing them, but shall, so long as the company shall continue solvent and comply with all the requisites of the laws of this State applicable to it, permit the company to collect the interest or dividends on the securities so deposited, and, from time to time, with his assent, to withdraw any of such securities, on depositing with him other like securities, the par value of which shall be equal to the par value of such as may be withdrawn.

Interest and
dividends.

Securities in
case of dis-
solution or
merger.

c. Whenever any investment company incorporated under the laws of this State shall voluntarily

dissolve or a receiver thereof shall be appointed by the Court of Chancery or other court of competent jurisdiction, or shall have heretofore or hereafter become legally merged into another corporation, the commissioner shall thereupon deliver to such receiver or to the directors or trustees on dissolution, or to the corporation into which merged, the securities deposited as aforesaid, and upon such delivery the commissioner shall be relieved of all further responsibility or obligation in regard to the securities so deposited; *provided*, that said deposited securities shall not be delivered to the directors or trustees on dissolution until all proceedings in such voluntary dissolution shall have been first approved by the commissioner.

Proviso.

d. The securities deposited by any individual or partnership shall not be returned to such individual or partnership until after cancellation of its outstanding certificate of authority and the commissioner is satisfied, on the basis of such reasonable evidence and security as he may require, that all liabilities under its investment contracts have been fully discharged. In the event of death or insolvency of the individual or insolvency of the partnership, the commissioner may deliver such securities to the executor, administrator, receiver, trustee in bankruptcy or such other legal representative as may be authorized by a court of competent jurisdiction to administer the estate of the deceased person or insolvent debtor. The commissioner shall not be liable for the surrender of securities pursuant to this subdivision.

Return of securities.

9. Investments. An investment company incorporated under the laws of this State, for the purpose of investing its capital, surplus or other funds, or any part thereof, may purchase or hold as collateral security or invest in any and all the kinds of property and securities, to the same extent and subject to the same limitations, which are legally permitted to be acquired by life insurance companies for the purpose of investing their funds. An investment company may lend to the holder of any

Investments by investing companies.

Rate of lending.

investment contract, at an interest rate not exceeding six per centum (6%) annually, any sum or sums which shall not exceed the company's liability thereon at the time the loan is made, and which shall be a lien upon such contract and all additions or credits thereon.

Issuance of
investment
contract.

10. Contracts. Except as herein otherwise provided, no investment contract shall be issued by any investment company of this State or be made, issued, solicited, sold or delivered in this State by any investment company of another State or country until after the expiration of at least thirty days after the form thereof shall have been filed with the commissioner. After the expiration of such period, or if prior to the expiration of such period the commissioner shall acknowledge such filing, investment contracts in the form so filed, or so filed and acknowledged, as the case may be, may thereafter be made, issued, solicited, sold and delivered in this State by the company filing the same while the company is authorized to transact an investment business in this State. If the commissioner shall at any time notify the company filing such form of his disapproval thereof, as containing provisions which are unfair, unjust, inequitable, contrary to law or to the public policy of this State, the company shall not thereafter make, issue, solicit, sell or deliver in this State any investment contract in the form so disapproved unless and until such disapproval is canceled or withdrawn by him. The disapproval of the commissioner may be reviewed by a writ of certiorari and the procedure shall be the same as is provided for by section eighteen of this chapter.

If contract
disapproved.

Review by
certiorari.

Reserves
maintained.

Amount.

11. Reserves. Every investment company authorized to transact business in this State shall maintain on all its outstanding investment contracts the reserves specified in this section. The reserve on any investment contract at any time shall not be less than the amount which the issuer, under the terms of such contract, is liable as of such time to pay in cash or its equivalent as a sur-

render value or otherwise to the holder of such contract. If the commissioner shall not be satisfied of the sufficiency of such minimum reserves as affording reasonable assurance of the company's ability to meet all such liabilities, including all deferred maturities under its outstanding investment contracts as they fall due, he may require the company to increase such reserves to such amount as shall be deemed by him sufficient for such purposes. The reserve on any investment contract shall not be required to be increased to an amount exceeding the net value of such investment contract as determined by the commissioner. The net value of an investment contract shall be based upon such assumed annual net payments as may bear reasonable relationship to the incidence of reasonable expenses of procurement, issue and maintenance of such contract, the net payments to be exactly sufficient to provide for the maturity payments provided for in such contract when due, at such rate of interest as may be determined by the commissioner in the exercise of reasonable discretion and based on the company's experience and on the rate of interest earned or earnable by the company on its investments.

Increase may
be required.

Net value of
investment
contract.

12. Surrender values. Every investment contract issued or delivered in this State to any resident of this State by any investment company, providing for payments, dues or deposits by the holder to the company on an installment plan over a period of years, shall contain a provision that after the payment by the holder of the contract of all deposits, payments, dues or assessments due thereon for at least one year, and after such contract shall have been maintained in force by such payments for the period for which the same have been made, the holder thereof shall be entitled to a surrender value payable in cash or its equivalent. The surrender value shall, if so required by the commissioner, be equal to the amount of the net value of the contract, as defined in section eleven of this chapter, less such reasonable surrender

Surrender
value.

Amount.

Surrender charge deemed on consent by commissioner.	charge or charges as may be imposed thereon by the company subject to the right of the commissioner to approve or disapprove the same. If an investment contract filed pursuant to the provisions of this chapter shall contain a provision which stipulates the amounts of the surrender values available to the holder, at intervals not greater than the period covered by one year's payment or payments by the holder under the terms of the contract, during its entire duration prior to maturity, the surrender charge as determined thereby shall be deemed to have been imposed with the consent of the commissioner, and such surrender values are hereby authorized with respect to all such investment contracts legally issued prior to any disapproval of the form of such contract by the commissioner pursuant to this chapter.
Annual report.	13. Annual reports. Every investment company transacting business in this State shall annually on or before March first file in the department a statement, subscribed and sworn to by its president and secretary, or, in their absence, by two of its principal officers, showing its financial condition at the close of business on December thirty-first of the year last preceding, and its business for that year.
Requirements.	The statement shall be in the form and contain the matters the commissioner prescribes. The commissioner may also address any inquiries to the company or its officers in relation to its condition or affairs, or any matter connected with its transactions and the officer of the company shall promptly reply in writing to all such inquiries. For good cause shown the commissioner may extend the time within which any such statement may be filed.
Penalty for not filing report.	Any such company that neglects to make and file its annual statement in the form and within the time provided by this section shall forfeit one hundred dollars (\$100.00) for each day's neglect, and upon notice by the commissioner to that effect, its authority to do new business in this State shall cease while such default continues.

14. Examinations. The commissioner may, whenever he deems the same expedient, make or cause to be made, an examination of the assets and liabilities, method of conducting business and all other affairs of every investment company authorized to transact business in this State. For the purpose of the examination the commissioner may commission and employ such persons to conduct the same or to assist therein as he may deem advisable. The examination may be conducted in any State or country in which the company examined is incorporated or has an office, agent or place of business. The reasonable expenses of such examination shall be fixed and determined by the commissioner, and he shall collect them from the company examined, which shall pay them on presentation of a detailed account of the expenses. If any company, after the examination, shall be declared by the court of chancery to be insolvent, the expense of the examination, if unpaid, shall be taxed in the costs of the proceedings in the court of chancery and paid out of the assets of the company. No company shall, either directly or indirectly, pay, by way of gift, credit or otherwise, any other or further sum to the commissioner or to any person in the employ of the department for extra service or for purposes of legislation, or for any other purpose. It shall be the duty of the officers, agents and employees of any such company to exhibit all its books, records and accounts for the purpose of the examination, and otherwise to facilitate it so far as it may be in their power to do, and for that purpose the commissioner, his deputy, assistants and employees may examine, under oath, the officers, agents and employees of any such company relative to its business and affairs.

Investigation
of affairs of
company.

Assistants.

Where
conducted.

Expenses.

If insolvent.

No gratuity
given.Help in
examinations.

15. Fees. The commissioner shall charge and collect for his services under the provisions of this charter and pay into the State treasury the following fees: for issue of certificate of authority annually, two hundred fifty dollars (\$250.00); for filing the certified copy of the charter, deed of set-

Fees in
connection
with invest-
ment com-
panies.

tlement or certificate of organization of an investment company, twenty dollars (\$20.00); for filing each annual statement of each investment company, twenty dollars (\$20.00); for each certificate of authority to an agent of an investment company of another State, five dollars (\$5.00); for each certificate of the condition or qualification of an investment company, one dollar (\$1.00); for each copy of any paper filed in the department, twenty cents (\$0.20) a sheet or folio of one hundred words and one dollar (\$1.00) for certification; for services in connection with deposits of securities by investment companies, the depositing company shall pay to the commissioner an annual fee of ten dollars (\$10.00) on January first of each year, and on each substitution of securities an additional fee of five dollars (\$5.00); and all other fees and charges due and payable into the State treasury for any official act or service of the commissioner.

Revocation of
certificate of
investment
companies.

16. Revoking certificate. When the commissioner shall find that the affairs of any investment company incorporated under the laws of another State or country are in an unsound condition because of illegal or unsafe investments, or that its assets do not exceed its liabilities including reserves and exclusive of capital stock, by at least one hundred thousand dollars (\$100,000.00), or that the transaction of business in this State by the company has resulted in the establishing of a contract or contracts between the purchaser or purchasers and the company which are unlawful, unfair, unjust, oppressive, inequitable, or against the public policy of this State, or if the commissioner finds that the solicitation or selling plan, soliciting or selling representations, or methods of solicitation or selling used by the company or by its agents, in conducting solicitation or sales of investment contracts or securities within this State are unfair, unjust, oppressive, inequitable, or against the public policy of this State, or are calculated to mislead the purchaser thereof, the commissioner may cancel and revoke the certificate of

authority issued to the company pursuant to the provisions of this chapter.

17. Procedure on revocation. Before any such certificate of authority shall be canceled or revoked as provided in section sixteen of this chapter, the commissioner shall give at least twenty days' notice by mail to the company whose certificate of authority is sought to be canceled or revoked. The notice shall be directed to the address of the said company as shown on the records of the department, shall notify the company of the time and place of a hearing before the commissioner at which it will be required to show cause why its certificate of authority should not be canceled or revoked, and shall contain a statement of the acts or conditions upon which the proceedings for revocation are based.

Procedure seeking to revoke certificate of authority.

18. Review of commissioner's revocation, cancellation or refusal to issue certificate. In any case where the commissioner shall fail or neglect to act within a reasonable time upon an application for a certificate of authority or renewal thereof, made pursuant to the provisions of this chapter, the applicant for such certificate of authority or renewal thereof may apply to the Supreme Court for a writ of mandamus, and the practice in any proceedings which may ensue shall be according to the practice and procedure obtaining in this State with respect to the prosecution of writs of mandamus. The judgment of the Supreme Court in any such writ of mandamus shall be subject to review by the Court of Errors and Appeals in the manner prescribed by law.

Review of commissioner's action by court.

The refusal of the commissioner to issue or renew a certificate of authority, or the cancellation or revocation of a certificate of authority by the commissioner may be reviewed by the Supreme Court on a writ of certiorari. No writ of certiorari to review a refusal to issue or renew a certificate of authority, or to review a cancellation or revocation of any certificate of authority, shall be allowed unless application therefor be made within

Carrying judgment to Court of Errors and Appeals.

Review on certiorari.

Time allowed for issuing writ of certiorari.

sixty days from the date on which the applicant shall have received notice of the refusal to issue or renew the certificate of authority or within sixty days from the date on which a cancellation or revocation of the certificate of authority shall become effective, nor unless notice in writing of the application shall be given to the commissioner together with a copy of the affidavits and proof upon which the application for a writ is based.

Serving appli-
cation for
writ.

Notice of the application for a writ shall be served upon the commissioner personally or by leaving it at his office in the city of Trenton. In every case where the commissioner shall refuse to issue or renew, or shall cancel or revoke a certificate of authority, the Supreme Court shall have jurisdiction to review the entire proceedings resulting in the refusal, or the cancellation or revocation, including the facts and evidence upon which such refusal, cancellation, or revocation is based. The court shall determine the matter on its merits, and may set aside, modify, or revise any finding of the commissioner which shall have resulted in any such refusal, cancellation or revocation of any order in relation thereto.

Determination
by court.

Scope of
court's con-
sideration.

Reinstatement.

Evidence
presented to
court.

The Supreme Court in its proceedings shall not be limited to the facts or evidence presented to or considered by the commissioner, but shall have authority to take and consider such further evidence as it may deem proper and just. If the finding of the commissioner resulting in any such refusal, cancellation or revocation or any order in relation thereto shall be set aside, modified or revised, the Supreme Court may, by its order, direct the commissioner, in the case of a refusal, to issue or renew a certificate of authority and, in case of cancellation or revocation, to reinstate the certificate of authority so canceled or revoked. All of the evidence presented to the commissioner together with his findings and such orders as he may have issued respecting the application for a certificate of authority, the refusal to issue or renew or the cancellation or revocation, shall be certified by the com-

missioner to the Supreme Court as his return. No findings or order of the commissioner shall be set aside, revised or modified for any irregularity or informality in the proceedings before him unless such irregularity or informality tends to defeat or impair the substantial right of the prosecutor in certiorari. If with respect to any finding or order of the commissioner it shall appear equitable and just that a rehearing shall be had before him, the Supreme Court may order that such a hearing be had upon such terms and conditions as are reasonable, and the said commissioner shall thereupon proceed to such hearing upon the testimony theretofore taken and upon which the finding or order under review was based and upon such additional testimony, if any, as may be produced. After rehearing, the commissioner may revise, alter, modify or amend such finding and any order made pursuant thereto. The findings and orders of the commissioner made as a result of a rehearing shall also be subject to review by the Supreme Court in the same manner as herein prescribed with respect to the original findings and orders. In any proceedings brought hereunder to review the action of the commissioner in refusing to issue or renew a certificate of authority, or in canceling or revoking it, the practice and procedure thereon shall be according to the practice and procedure obtaining in this State with respect to the prosecution of writs of certiorari, except as the same may be expressly changed hereby. The judgment of the Supreme Court on any writ of certiorari prosecuted hereunder shall be subject to review by the Court of Errors and Appeals in the manner prescribed by law.

As to setting
aside order.

Rehearing.

Findings on
rehearing.

Procedure to
be followed.

Judgment
subject to
review.

Whenever a judgment in the Supreme Court upon a writ of certiorari prosecuted hereunder shall be appealed to the Court of Errors and Appeals and the said Court of Errors and Appeals shall deem it equitable and just that a rehearing shall be had before the commissioner, the court shall remit the record and proceedings before it to

Action de
novo.

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

In case of
insolvency.

Application
for injunction
to restrain
further busi-
ness.

Receiver
appointed.

Duties.

Penalty for
not complying
with this act.

19. Receiver. When any investment company of this State shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, or when the commissioner shall ascertain, as a result of examination as authorized by this chapter, or in any other manner, that any company is exceeding its powers, or violating the law, or that its condition or methods of business are such as to render the continuance of its operations hazardous to the public or its creditors, or that the assets of the company are less than its liabilities including capital and all reserve funds required by the provisions of this chapter, the commissioner may apply to the Court of Chancery for an injunction restraining such company from the transaction of any further business, or the transfer or disposal of its property in any manner whatsoever, and the court, being satisfied of the sufficiency of the application, may order an injunction and appoint a receiver, with power to sue for, collect, receive and take into his possession all the goods and chattels, rights, and credits, moneys and effects, lands and tenement, books, papers, choses in action, bills, notes and property of every description belonging to such company, and sell and convey and assign the same, and hold and dispose of the proceeds thereof under the directions of the Court of Chancery.

20. Penalty. If any investment company itself or by its agents, attorneys, solicitors, surveyors, canvassers, collectors or other representatives of whatsoever designation shall solicit, negotiate, or in anywise transact any business in this State except in the enforcement of contracts by legal

process, without having complied with the requirements of this chapter, the investment company so offending shall be liable to a penalty of one thousand dollars (\$1,000.00) and costs of suit, to be sued for and collected by the commissioner in the name and for the benefit of the State.

Any officer, agent, employee or other representative of any investment company doing business in this State who shall have failed or neglected to procure a certificate of authority as agent for such company as required by this chapter; or who shall issue, circulate or cause or permit to be circulated any estimate, illustration or circular misrepresenting the terms of any investment contract or security issued by such company; and any such representative of any company who shall solicit, negotiate or effect the sale of any investment contract or otherwise transact business on behalf of any company which shall have neglected, failed or refused to procure a certificate of authority as provided for by the provisions of this chapter; or who shall accept any deposit, dues, premiums or other contributions or things of value on behalf of such unauthorized company shall be adjudged guilty of a misdemeanor.

Neglect to act
lawfully a
misdemeanor.

21. Effective date. This act shall become effective October first, one thousand nine hundred and thirty-eight.

Act in effect.

Approved June 14, 1938.

CHAPTER 323

AN ACT concerning the regulation of the sale and delivery of liquid fuel, amending the definition of the term "liquid fuels," and amending section 51:9-1 of the Revised Statutes.

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

Section
amended.

1. Section 51:9-1 of the Revised Statutes is hereby amended to read as follows:

Definitions:

51:9-1. As used in this chapter:

Magistrate;

a. The word "magistrate" shall be construed to mean and to include all justices of the peace, judges of the city criminal courts, police judges, recorders, mayor and other officers having powers of a committing magistrate.

Liquid fuels:

b. The words "liquid fuels" shall be deemed to mean and to include fuel in liquid form, which can or may be used for heating purposes; *provided, however*, that oils shall not be included if they possess a flash point of 105° F. or lower, as determined by the Tagliabue closed cup tester or a Saybolt Universal Viscosity at 100° F. higher than 55 seconds.

Proviso.

Weights and
measures
official.

c. The words "weights and measures official" shall be deemed to mean and to include any State, county or municipal superintendent, or assistant superintendent of weights and measures.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 324

AN ACT concerning the appointment of commissioners of assessment of taxes in certain cities, and amending section 40:171-174 of the Revised Statutes.

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

1. Section 40:171-174 of the Revised Statutes is hereby amended to read as follows:

40:171-174. That in all cities in this State now having, or which may hereafter have a population of between one hundred thousand and three hundred thousand inhabitants, there shall be appointed by the mayor, by and with the consent of the board of aldermen or other legislative body of said city, a board of six commissioners of assessment of taxes; such commissioners shall be appointed for the following terms: one for one year; one for two years; one for three years; one for four years; one for five years; and one for six years; thereafter all appointments to said board shall be for a term of six years, beginning with the expiration of the first one year term; vacancies occurring for any cause shall be filled for the unexpired terms only; no more than three members of such board of commissioners of assessment of taxes shall at any time be members of one political party, and such commissioners shall hold their respective offices until their successors shall be appointed and qualified.

2. The provisions of this act shall not affect or apply to any person now holding or who may hereafter hold the office of commissioner of assessment of taxes, which commissioner may now or hereafter have tenure of office as provided by sections 40:171-105 and 40:171-106 of the Revised Statutes; nor shall the provisions of this act affect or

Section amended.

Appointment of board of assessment of taxes.

Terms.

Vacancies.

Politics.

Continuing in office.

Tenure.

Exceptions.

apply to any city governed by commission government or to any city governed by municipal council and municipal manager.

3. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 325

AN ACT validating deeds for sale of lands by administrators in certain cases.

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

Validating
conveyance
inadvertently
made in name
of adminis-
trator.

1. Whenever any deed shall have heretofore been executed and delivered by an administrator pursuant to an order made by the orphans court of any county for the sale of decedents lands and it shall appear that such administrator is in fact an executor and that such deed should have been in fact executed and delivered as executor and when it shall further appear that such deed shall have been delivered for a valuable and sufficient consideration, such deeds of conveyance are hereby confirmed and made valid notwithstanding such deeds were executed and delivered in the name of the person administering an estate as administrator, when in fact such person is an executor; *provided, however,* that said deed of conveyance shall have been recorded for a period of ten years.

Proviso.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 326

AN ACT to continue for a period of one year the commission created for the purpose of studying the causes of juvenile delinquency and to provide funds therefor, 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*:

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. Commission continued.

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. As to members.

3. For the purpose of carrying on the work of the commission, the sum of twenty thousand dollars (\$20,000.00) is hereby appropriated. Appropriation

4. This act shall take effect June fifth, one thousand nine hundred and thirty-eight. Act effective.

Approved June 14, 1938.

CHAPTER 327

AN ACT concerning local boards of health and employees and certain officers thereof, in cities in this State, and for the relief of such employees and officers, and supplementing Title 43, chapter eighteen, of the Revised Statutes of New Jersey.

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

Widow
entitled to
pension.

Proviso.

Proviso.

1. The widow of any member of any pension fund corporation existing under the provisions of the chapter to which this act is a supplement shall be entitled to receive the pension provided for by section fifteen of said chapter, notwithstanding that her marriage to said member took place after said member reached the age of fifty years; *provided*, such marriage took place prior to March twenty-eighth, one thousand nine hundred and twenty-seven; *and provided, further, that such* member at the time of his death, was or shall be in good standing in said corporation.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 328

AN ACT concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2 of the Revised Statutes.

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

Sections
amended.

1. Sections 35:1-2.1 and 35:1-2.2 of the Revised Statutes be and the same are hereby amended to read as follows:

35:1-2.1. State publications; qualifications of newspapers. Whenever it is required to publish resolutions, official proclamations, notices or advertising of any sort, kind or character, including proposals for bids on public work and otherwise, by this State or by any board or body constituted and established for the performance of any State duty or by any State official or office or commission, the newspaper or newspapers selected for such publication must meet and satisfy the following qualifications, namely: said newspaper or newspapers shall be entirely printed in the English language, shall have been published continuously for not less than two years and shall have been entered as second-class mail matter under the postal laws and regulations of the United States.

Requirements
for newspapers
publishing
official notices
by State.

Printed in
English.

Period.

35:1-2.2. Publications by counties, municipalities, individuals and corporations; qualifications of newspapers. Whenever, by law, it is required that there be published by printing and publishing in a newspaper or newspapers ordinances, resolutions or notices or advertisements of any sort, kind or character by any county, city or other municipality or municipal corporation, or by any municipal board or official board, or body, or office, or officials, or by any person or corporation, such newspaper or newspapers must, in addition to any other qualification now required by law, meet the following qualifications, namely: said newspaper or newspapers shall be entirely printed in the English language, shall have been published continuously for not less than two years and shall have been entered as second-class mail matter under the postal laws and regulations of the United States.

Requirements
for newspapers
publishing
official notices
by counties
and municipa-
lities.

Printed in
English.

Period.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repealer.

3. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 329

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.

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

Right to
destroy can-
celed scrip.

Proviso.

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 State Auditor a certificate that said "scrip" to be destroyed has been properly audited and accounted for.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 330

AN ACT providing for the pensioning of court interpreters in counties of the second class.

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

1. The words "court interpreter," as used in this act, shall mean and include persons appointed by the presiding judge of the court of common pleas in said county, or acting as interpreter in the court of common pleas, the circuit court, the court of general quarter sessions of the peace, the orphans' court, the court of special sessions and the court of oyer and terminer.

Court interpreter defined.

2. In second-class counties of this State, now or hereafter having court interpreters, any court interpreter who shall have served as such for a continuous period of thirty years, and shall have reached the age of sixty years, shall, upon application in writing to the judge or judges of the court of common pleas of their respective counties, be retired upon one-half pay.

Retirement in counties of second class.

3. The words "be retired upon one-half pay," as used in this act, shall be construed to mean, retired upon a pension equal to one-half of his annual salary at the time of retirement.

Meaning.

4. Any court interpreter who shall have served as such for a continuous period of thirty years, whether he has reached the age of sixty years or not, who shall be found as hereinafter provided, to be physically unfit for further services, shall, upon application in writing to the judge or judges of the court of common pleas of his county, be retired upon one-half pay.

Thirty years' service.

5. Any court interpreter who shall have received permanent disability by reason of injury, accident or sickness, incurred at any time in the service, which shall permanently incapacitate him from further duty, shall, upon the certification of the

Retirement for disability.

account of such disability by three physicians designated as herein provided, be retired upon one-half pay.

Unfitness.

6. Physical unfitness or incapacity for further duty of any court interpreter shall, for all purposes of this act, be established and determined by a board of three physicians who shall be designated for that purpose by the judge of the court of common pleas of such county. The three physicians

Medical examination.

so designated shall examine the court interpreter applying for retirement upon one-half pay because of physical unfitness or incapacity for further duty, and if they, or a majority of them, find him physically unfit or incapacitated for further duty, they, or a majority of them, shall make and sign a certificate to that effect and file the same with the county treasurer, and thereupon the applicant shall be retired upon one-half pay.

Certificate for retirement.

Widow's pension.

7. The widow of any court interpreter, who shall die from any cause while in the service, whether the said court interpreter shall have served as such for a continuous period of thirty years or not, or whether such court interpreter shall have reached the age of sixty years or not, shall receive a pension, so long as she shall remain unmarried, equal to one-half of the amount of the annual salary of such court interpreter at the time of his death.

Widow of retired interpreter.

8. If any court interpreter, after having been retired on one-half pay, shall die, leaving him surviving a widow who was his wife at the time of his retirement, such widow, so long as she shall remain unmarried, shall receive a pension equal to one-half the amount of the annual salary of such court interpreter at the time of his retirement.

Payment.

9. Persons who may become entitled to pensions under this act shall be paid such pensions in the same manner and at the same time as court interpreters in active service in the several counties are respectively paid.

Pension fund created. Contribution by interpreter and county.

10. A fund shall be created in the following manner for the purpose of paying such pensions, to wit: There shall be deducted from every payment of

salary to each court interpreter, three per centum (3%) of the amount thereof; then there shall be contributed annually by the county the amount equivalent to three per centum (3%) of said interpreter's salaries; to said fund there shall be added all moneys donated for the purpose of such fund, and all rewards which may be paid to any court interpreter while acting as such court interpreter, all of which moneys and rewards shall be paid over to the board of chosen freeholders of the county to be deposited in such fund.

Other sources.

11. In case, at any time there shall not be sufficient money in such pension fund to pay such pensions, the board of chosen freeholders of the county shall, from time to time, include in any tax levy, a sum sufficient to meet the requirements of such pension fund. Whenever such pension fund shall exceed an amount which the board of chosen freeholders of such county shall by resolution from time to time determine to be adequate for such pension fund, no moneys except the three per centum (3%) specified in this act, and the moneys given or donated as herein mentioned and any aforementioned rewards shall be paid into such fund, unless and until the amount of such fund shall fall below the amount thus determined to be adequate.

Deficiency met by tax.

If fund exceeds requirement.

12. The board of chosen freeholders of said county shall have the management and control of said fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this act; all moneys not needed for the immediate payment of such pensions shall be invested by the said board of chosen freeholders in interest-bearing bonds of any municipality of this State or in any other interest-bearing securities in which savings banks of this State are authorized to invest their funds.

Management of fund.

13. All pensions granted under this act shall be exempt from any State or municipal tax, levy, and sale, garnishment or attachment or any other process whatsoever.

Certain tax exemptions.

Constitution-
ality.

14. If any section, subdivision, or clause of this act shall be held to be unconstitutional or invalid, said decision shall not affect the validity of the remaining portions of the act.

15. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 331

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-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*:

Appropriation
to carry out
minimum
wage law.

1. For the purpose of carrying into effect the provisions of chapter one hundred and fifty-two of the laws of nineteen hundred and thirty-three, known as the "New Jersey Minimum Wage Law," there is hereby appropriated the sum of fifteen thousand dollars (\$15,000.00), which said sum shall be expended by the Department of Labor in the same manner provided by the act to which this act is a further supplement.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 332

AN ACT concerning motor vehicle and traffic regulation, and amending section 39:3-15 of the Revised Statutes.

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

1. Section 39:3-15 is hereby amended to read as follows:

Section
amended.

39:3-15. Operation of motor vehicle by nonresident; touring privileges. Any passenger type motor car, omnibus, motor vehicle used for the transportation of goods, wares and merchandise, motorcycle, 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 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 and equipment, 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 of the nonresident.

Reciprocity.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 333

AN ACT concerning the priority of executions issued out of any court of this State against wages, debts, earnings, salary, income or profits, and fixing the amount of payments to be made in satisfying said executions.

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

Priority of
executions.

1. Where more than one execution shall issue out of any court or courts of this State against the wages, debts, earnings, salary, income from trust funds or profits due and owing to the same judgment debtor, they shall be satisfied in the order of priority in which such executions are presented to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing, including any county or the State, and only one such execution shall be satisfied at one time, irrespective of any other law or laws of this State and irrespective of the fact that such executions shall be issued out of different courts.

Amount
limited.

2. In no case shall the amount specified in an execution issued out of any court against the wages, debts, earnings, salary, income from trust funds or profits due and owing, or which may thereafter become due and owing to a judgment debtor, exceed ten per centum (10%), unless the income of such debtor shall exceed the sum of twenty-five hundred dollars (\$2,500.00), in which case the judge of the court out of which the execution shall issue may order a larger percentage.

3. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 334

AN ACT making an appropriation to the Passaic Valley Flood Control Commission 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 carrying into effect the provisions of an act entitled "An act creating the Passaic Valley Flood Control Commission, and defining its powers and duties," approved May seventh, one thousand nine hundred and thirty-four, there is hereby appropriated the sum of fifteen hundred dollars (\$1,500.00). Appropriation
to carry on
commission.

The said appropriation shall be disbursed in the same manner as appropriations heretofore made to the commission. Disbursement.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 335

AN ACT relating to the public schools of this State, and amending section 18:5-84 of the Revised Statutes.

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

1. Section 18:5-84 of the Revised Statutes is hereby amended to read as follows: Section
amended.

18:5-84. On and after June twenty-sixth, one thousand nine hundred and thirty-six, it shall be unlawful for the board of education of any school district operating under the provisions of chapter seven of this Title (18:7-1 et seq.) to authorize the issuance of bonds which together with the bonds Issuance of
school bonds.

theretofore issued (and not redeemed) less sinking funds held for the payment of the same (which shall be known as the net debt), shall exceed six per centum of the average of the last three assessed valuations of real property (including improvements) of the municipality or municipalities included in the school district as shown by the last three published abstracts of ratables of such municipality or municipalities, except that a school district which has or may hereafter have an approved high school may bond not to exceed eight per centum of the assessed valuations. In any district in which there is not a high school, such eight per centum limitation shall apply to such district for the construction of a high school building. The limitations imposed in this section shall not affect or apply to bonds heretofore or hereafter issued by any regional board of education. Nothing contained in this article shall apply to or affect or limit the issuance of bonds by any board of education for the purpose of refunding outstanding bonds heretofore or hereafter issued by such board of education.

Amount.

In case of high schools.

Refunding bonds excepted.

2. This act shall take effect immediately.
Approved June 14, 1938.

CHAPTER 336

AN ACT concerning municipalities and counties, and amending section 40:11-4 of the Revised Statutes.

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

Section amended.

1. Section 40:11-4 of the Revised Statutes is hereby amended to read as follows:

No age discrimination.

40:11-4. Discrimination by reason of age prohibited; exception. No person forty years of age or over, applying for employment in the service of

any county or municipality, shall be discriminated against by reason of age; nor shall any county or municipality make any rules or regulations designed to bar any such person from any position or employment in the service of any county or municipality.

This section shall not apply to policemen and firemen of any county or municipality, to guards employed in the service of any penal institution of any county or municipality, or to court attendants in first class counties whose duties require the custody and handling of prisoners.

Certain exceptions.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 337

AN ACT for the punishment of crimes, and supplementing Title 2, chapter one hundred forty-nine, of the Revised Statutes.

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

1. Title 2, chapter one hundred forty-nine, of the Revised Statutes is hereby supplemented by adding the following section to be known as section 2:149-7, which shall read as follows:

Section added.

2:149-7. Any person who shall purchase, use or possess any hydrocyanic acid gas for fumigating premises wherein people reside without a permit first had and obtained from the police department of the municipality wherein such hydrocyanic acid gas is to be used shall be guilty of a misdemeanor and punished as provided in section 2:103-6 of the Revised Statutes.

Use of hydrocyanic acid gas.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 338

AN ACT concerning counties.

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

Reimbursing
sheriff's
account for
lost money.

Claim trans-
ferred to
county.

1. Whenever any sheriff has heretofore, pursuant to a resolution of the board of chosen freeholders of his county, deposited to his account as sheriff, monies in any bank or trust company designated in said resolution, and the same have been lost or restricted, said county shall reimburse the account of the sheriff of said county in office at the time of said reimbursement for the sum so lost or restricted, and any claim against said bank or trust company, or any dividend or preferred stock payable, authorized or issued by said bank or trust company by reason of said deposits, shall thereupon be transferred and assigned to said county.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 339

AN ACT to validate conveyances of lands and premises made to and by the trustees of the Methodist Protestant Church of Avon-by-the-Sea, New Jersey.

Preamble.

WHEREAS, Conveyances of lands and premises have heretofore been made to and by the trustees of the Methodist Protestant Church of Avon-by-the-Sea, New Jersey, as a body corporate, when in fact, said church was not a body politic and corporate under the laws of the State of New Jersey; therefore,

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

1. All conveyances of lands and premises in the State of New Jersey heretofore made to and by the trustees of the Methodist Protestant Church of Avon-by-the-Sea, New Jersey, are hereby confirmed and made and declared to be legal, valid and effective, as fully and effectively to all intents and purposes as though said the trustees of the Methodist Protestant Church of Avon-by-the-Sea, New Jersey, had been duly incorporated under the laws of the State of New Jersey at the time of the making of such conveyances. Validating conveyance by Methodist Church at Avon.
2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 340

AN ACT for the relief of Maria F. Federici.

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

WHEREAS, Joseph Federici, late of the city of Orange, New Jersey, at the time of his death, and for many years prior thereto was employed as an interpreter in the courts of the county of Essex; and Preamble.

WHEREAS, He died leaving him surviving a widow, Maria F. Federici; therefore, Preamble.

1. There shall be paid to the said Maria F. Federici a pension at the rate of one thousand dollars (\$1,000.00) per annum, as long as she remains a widow. Such pension shall be paid by the board of chosen freeholders of the county of Essex in the same manner as other county pensions are paid. Pension granted.
Amount.

2. This act shall take effect immediately.
Approved June 14, 1938.

CHAPTER 341

AN ACT to extend Route S-4-A by adding Route S-4-A extension to the State highway system.

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

New road.

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 S-4-A.

Route No. S-4-A extension. Beginning at the southerly terminus of Route S-4-A on Little Beach and from thence to the city of Brigantine.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 342

AN ACT concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter eight, Title 45, of the Revised Statutes.

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

Professional
engineers
and surveyors
to be licensed.

1. In order to safeguard life, health and property any person practicing or offering to practice professional engineering or land surveying in this State, shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be licensed as hereinafter provided and from and after the date upon which this chapter becomes

effective, it shall be unlawful for any person to practice or to offer to practice professional engineering or land surveying in this State, or to use the title engineer or surveyor or any other title, sign card or device in such manner as to tend to convey the impression that such person is practicing professional engineering or land surveying or is a professional engineer or land surveyor, unless such person is duly licensed under the provisions of this chapter. Every holder of a license shall display it in a conspicuous place in his principal office, place of business or employment.

License displayed.

Nothing in this act shall be construed as requiring licensing for the purpose of practicing professional engineering or land surveying by any person, firm or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety or health.

Construing.

2. Definitions. (a) The term "professional engineer" as used in this chapter shall mean a person who by reason of his or her knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as hereinafter defined.

Terms defined:

Professional engineer;

(b) The practice of professional engineering within the meaning of this chapter includes any professional service such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation in connection with any public or private engineering or industrial project. The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

Practice of professional engineering;

Construing.

Land surveyor;	(c) The term "land surveyor" as used in this chapter shall mean a person who engages in the practice of land surveying as hereinafter defined.
Practice of land surveying;	(d) The practice of land surveying within the meaning and intent of this chapter includes surveying of areas for their correct determination and description and for conveyancing, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.
Board.	(e) The term "board" as used in this chapter shall mean the State Board of Professional Engineers and Land Surveyors.
Board created.	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 or 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, shall 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.
Members.	
Confirmation.	
Terms.	
Hold over.	
Terms to begin May 1.	
Vacancies.	
Present members to continue.	
Name.	4. Said board, when so appointed, shall be designated and known as the "State Board of Professional Engineers and Land Surveyors."
Qualifications of members.	No person shall be appointed upon said board who is not a citizen of the United States and a resident of this State at the time of his appoint-

ment, 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 (5) years.

After the passage of this chapter appointments to the board to fill expired terms shall 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.

Appointments
for expired
terms.

The Governor may remove any member of the board after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Removal of
members.

At least one member of said examining board qualified as set forth in section four, paragraph one, of this chapter, shall also be a licensed land surveyor.

One member
to be licensed
land surveyor.

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 under the provisions of this chapter.

Other mem-
bers to be
professional
engineers.

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.

No compen-
sation.

Expenses paid.

Proviso.

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, which oath shall be filed in the office of the Secretary of State.

Oath.

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.

Entitled to
services of
Attorney-
General.

By-laws and
rules.

The board shall have the power to make all by-laws and rules, not inconsistent with the Constitution and laws of the State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal.

Subpœna
witnesses and
records.

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, etc., 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 against in the same manner as for refusal to obey any other subpœna or order of the said court.

Contempt of
court.

Annual
meeting and
organization.

6. Said examining board shall at its annual meeting to be held in April meet and organize by electing a president, vice-president, treasurer and secretary, and appoint one or more investigators and such other assistants as may be required, who shall hold their respective offices for not more than one (1) year or until their successors have been elected or appointed and have qualified.

Bond of
secretary and
treasurer.

The secretary and treasurer shall give bond for the faithful performance of their duties in such sum as the board shall determine.

Secretary and
investigators
salary.

The secretary and investigators shall not be members of the board and shall receive such salaries as the board shall determine; *provided, how-*

Proviso.

ever, that the total of such salaries and expenses incident thereto together with all other expenses shall not exceed the total receipts from fees during any fiscal year.

Said board shall meet at least semiannually and special meetings may be held at such times as the by-laws of the board may provide. Meetings.

Notice of all meetings shall be given in the manner provided by the by-laws. Notice of meeting.

A quorum of the examining board shall consist of three (3) members. Quorum.

7. The secretary of the board shall receive and account for all moneys derived from the operation of this chapter and shall pay therefrom, upon resolution of the board, all expenses incurred by the said board, including salaries, in carrying out the provisions of this chapter. Accounts kept by secretary.

An itemized account of all receipts and expenditures of the board shall be kept by the said secretary and a detailed report thereof, verified by the affidavit of said secretary, shall be filed with the Secretary of State within twenty days after the close of the fiscal year. Annual report filed.

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. Filing fees.
Surplus paid to State Treasurer.

8. The examining board shall keep a record of its proceedings and a roster of all applicants for license, showing for each the date of application, name, age, education and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of license granted, and the date of such action. Record kept by examining board.

The books and register of the examining board shall be prima facie evidence of all matters recorded therein. The roster showing the names and places of business and residence of all licensed professional engineers and land surveyors shall be prepared by the secretary of the board during the Roster of licensees mailed to each municipal official and licensee.

month of June of each year; such roster shall be printed and a copy mailed to each licensee and a copy mailed to the clerk of each city, town, township, village, borough, county and other municipal corporation of this State, which roster shall be placed on file in the office of said clerk.

Application.

9. Applications for license shall be on forms prescribed and furnished by the board, shall contain statements under oath, showing the applicant's education and detailed summary of his or her technical work, and shall contain not less than five references, of whom three or more shall be licensed engineers having personal knowledge of his or her engineering experience.

Fee for professional engineer.

The license fee for professional engineers shall be twenty-five dollars (\$25.00) or when the applicant applies for license to practice engineering and land surveying, when the fee shall be thirty-five dollars (\$35.00), and in either case ten dollars (\$10.00) shall accompany the application, the remainder to be paid upon notification that application has been approved subject to such final payment, when license certificate will be issued.

Fee for land surveyor.

The license fee for land surveyors shall be twenty-five dollars (\$25.00) of which ten dollars (\$10.00) shall accompany the application, the remainder to be paid upon notification that application has been approved subject to such final payment, when license certificate will be issued.

Initial fee retained.

Should the board deny the issuance of a license certificate to any applicant for professional engineer's license or for land surveyor's license, the initial fee of ten dollars (\$10.00) shall be retained.

Fee for national engineer.

When a certificate of qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification, the total fee for license as professional engineer shall be fifteen dollars (\$15.00) and shall accompany the application.

Minimum qualifications:

The following shall be considered as minimum evidence satisfactory to the board that the appli-

cant is qualified for license as a professional engineer, or land surveyor, respectively, to wit:

(1) As a professional engineer:

a. Graduation from an approved course in engineering of four years or more in a school or college approved by the board of satisfactory standing; and a specific record of an additional four years or more of active practice in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; or

Academic requirements;

Experience;

b. Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering course; and a specific record of eight years or more of active practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or

Passing examination;

Experience.

c. A specific record of twelve years or more of lawful practice in professional engineering work of a character satisfactory to the board and indicating that the applicant is qualified to design or to supervise construction of engineering works and provided applicant is not less than thirty-five years of age; or

Experience;

d. A certificate of qualification issued by the National Bureau of Engineering Registration may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for license as a professional engineer.

Certificate of qualification issued by the National Bureau of Engineering.

(2) As a land surveyor:

a. Graduation from an approved course in surveying in a school or college approved by the board as satisfactory standing; and an additional two years or more of actual practice in land surveying work of a character satis-

Land surveyor:

Academic requirements;

Experience;

factory to the board and indicating that the applicant is competent to be placed in responsible charge of such work, or

Passing
examination;

Experience;

b. Successfully passing a written, or written and oral, examination in surveying prescribed by the board; and a specific record of four years or more of active practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work, or

Experience;

c. A specific record of twelve years or more of lawful practice in land surveying work of a character satisfactory to the board and provided applicant is not less than thirty-three years of age.

Age and
citizenship.

No person shall be eligible for license as a professional engineer or land surveyor who is under twenty-one years of age and who is not a citizen of the United States or who has not made declaration of his or her intention to become a citizen of the United States, or who does not speak and write the English language, or who is not of good character and reputation.

The satisfactory completion of each year of an approved course in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to one-half years of active practice.

Credit for
attending
school.

Graduation in a course of four years or more, other than engineering, from a college or university of recognized standing shall be considered as equivalent to two years of active practice.

Construing as
to experience.

In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of construction of such work as a foreman or superintendent shall not be deemed to be active practice of engineering work.

Any person having the necessary qualification prescribed in this chapter to entitle him or her to license shall be eligible for such license though he or she may not be practicing his or her profession at the time of making the application.

Eligible for license although not practicing.

Applicants for license, in cases where the evidence originally presented in the application does not appear to the board to be conclusive, or to warrant the issuance of a certificate, may present further evidence for the consideration of the board which may include the results of a required examination.

May present additional evidence of qualifications.

In determining the qualifications of applicants for license as professional engineers or land surveyors, character shall be given predominant weight and a majority of vote of the members of the board shall be required to pass upon the issuance of a license to any applicant.

Determining qualifications.

The scope of the examination and methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for license separately in professional engineering and in land surveying. A candidate failing on examination may apply for re-examination at or after the expiration of six months and will be re-examined without payment of additional fee. Subsequent examinations will be granted upon the payment of a fee to be determined by the board and not to exceed ten dollars (\$10.00).

Scope of examination.

Re-examination.

Subsequent examinations.

10. Certificates. The board shall issue a license certificate upon payment of the license fee as provided in this chapter, to any applicant who, in the opinion of the board has satisfactorily met all the requirements of this chapter. In the case of a licensed engineer the certificate shall authorize the practice of the applicant as a "professional engineer" solely under that title and in the case of a licensed land surveyor as a "land surveyor" solely

Issuing license certificates.

Contents of
certificate.

under that title, or as "professional engineer and land surveyor" when the applicant qualifies in both respects. Certificates of license shall show the full name of the licensee, shall have a serial number and shall be signed by the president and the secretary of the board under the seal of the board. The issuance of a license certificate by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed engineer or a licensed land surveyor, or as both as the case may be, while said certificate remains unrevoked or unexpired.

Licensee to
obtain seal.

Each licensed "professional engineer" or "land surveyor" shall upon receipt of license, obtain a seal of design authorized by the board, bearing his or her name, license number and the legend "Licensed Professional Engineer and Land Surveyor" if so licensed. Plans, specifications, plats,

Use of seal.

and reports issued by the licensee shall be stamped with the said seal when filed with public authorities, during the life of the licensee's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued. The exact method of fulfilling the requirement as to the stamping of documents shall be regulated by the board.

To continue
to practice
under present
classification.

All professional engineers licensed by this board prior to the passage of this chapter, shall continue to practice under the various classifications heretofore granted and within the branches of engineering indicated or may, upon application therefor, and the payment of a fee of five dollars (\$5.00) receive a new certificate under the title "professional engineer"; *provided*, said professional engineer presents evidence satisfactory to the board of his qualifications to practice in the field of general engineering comprehended in the title "professional engineer."

Proviso.

Licenses
recorded by
Secretary of
State.

All licenses granted by the board shall be recorded by the board in the office of the Secretary

of State, in a book kept for that purpose and any recording fee as may be provided by law shall be paid by the applicant before the license is delivered.

11. Expirations and renewals. License certificates shall expire on the thirtieth day of April following issuance or renewal 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 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:

Expirations
and renewals.

Schedule of
fees for
renewals.

As professional engineer, five dollars (\$5);

As professional engineer and land surveyor, five dollars (\$5);

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);

As land surveyor, five dollars (\$5).

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 for the renewal of a certificate after the thirtieth day of April shall be increased two dollars (\$2) for every three months or fraction thereof that payment of renewal is delinquent; *provided, however*, that the maximum fee for delinquent renewal shall not exceed twice the normal renewal fee. One notice to the licensee, by registered 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,

Fee increased
for renewal.

Proviso.

Notice to
renew license.

shall constitute legal notification of such delinquency by the board.

Failure to
renew license
for one year
to revoke.

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 by a new application for license in the regular manner and the favorable action of the board. Continuing to practice as 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.

Penalty for
continuing
practice.

Grounds for
revoking
license.

12. The examining board shall have the power to revoke the certificate of license of any professional engineer or land surveyor licensed hereunder who is found guilty by said board of any fraud or deceit in obtaining a certificate of license, or of gross negligence, incompetency or misconduct in the practice of engineering or land surveying.

Preferring
charges.

Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any professional engineer or land surveyor hereunder.

Action upon
charges.

Such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three (3) months after the date on which they are preferred.

Hearing.

The time and place for such hearing shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing shall be personally served on the accused by the board at least thirty (30) days before the day fixed for the hearing, and in the event that such service cannot be effected thirty (30) days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this execution. At said hearing the accused shall have the right to

appear personally and by counsel and to cross examine witnesses against him or her and to produce evidence and witnesses in his or her defense. If after said hearing three or more members of the board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of professional engineering or land surveying, the board shall revoke the certificate of license of the accused. The board may under circumstances which to it may seem proper, reissue a certificate of license to any person whose certificate has been so revoked.

A new certificate of license to replace any certificate lost, destroyed or mutilated, may be issued subject to the rules and regulations of the board. A charge of three dollars (\$3.00) shall be made for such reissuance.

Fee for lost,
etc., certifi-
cate.

13. Any person who, hereafter, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this chapter, who shall so practice or offer so to practice in this State, except as provided in section fourteen of this chapter, or any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of license, or who shall falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license or an unexpired and revoked certificate of license, shall be deemed guilty of a misdemeanor and punishable upon conviction thereof by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for a term of not exceeding three months, or by both fine and imprisonment.

Penalty for
practice
without
license.

All fines collected for the violation of any of the provisions of this chapter shall be paid to the secretary of this board to be held, disposed and ac-

Disposition of
fine collected.

counted for by him as herein directed, and it shall be the duty of the county treasurer of each county, or the treasurer of any municipality, upon receipt by him of any such fine, to forthwith pay over same to the secretary of the board. The board or any member or officer thereof may prefer a complaint for violation of this chapter before any court, tribunal or magistrate having jurisdiction and may by its officers, counsel and agents, aid in presenting the law or facts before said court, tribunal or magistrate in any proceeding taken thereon, and it shall be the duty of the prosecutor of the pleas of the counties in this State to prosecute all violations of the provisions of this chapter.

Exemptions: 14. The following shall be exempted from the provisions of this chapter:

Nonresidents; (1) A person not a resident of and having no established place of business in this State, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate thirty days in any calendar year; *provided*, such person is legally qualified by license to practice the said profession in any state or country in which the requirements and qualifications for obtaining a certificate of license are not lower than those specified in this chapter.

New residents; (2) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed with the board an application for a certificate of license and shall have paid the fee required by this chapter; *provided*, that such a person is legally qualified to practice said profession in any State or country in which the requirements and qualifications for obtaining a license are not lower than those specified in this chapter. Such exemption shall continue only for such time as the board requires for the consideration of the application for license.

Proviso;

(3) An employee or a subordinate of a person holding a license under this chapter or an employee of a person exempted from license by subsections (1) and (2) of this section; *provided*, this practice does not include responsible charge of design or supervision.

Employees of licensee;

Proviso;

(4) Officers and employees of the Government of the United States while engaged within this State in the practice of engineering or land surveying, for said Government.

Civil employees;

(5) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in interstate commerce as defined in an act of Congress entitled "Act to regulate commerce," approved February fourth, one thousand eight hundred and eighty-seven, and as amended, unless the same affects public safety or health.

Officers of corporation engaged in interstate commerce.

15. Hereafter no county, city, town, township, village, borough or other municipal corporations or other political subdivisions in the State shall engage in the construction or maintenance of any public work involving professional engineering for which plans, specifications and estimates have not been made by, and the construction and maintenance supervised by a licensed professional engineer or a registered architect, nor shall any county, city, town, township, village, borough or other municipal corporation or other political subdivision in the State employ any person to perform work involving land surveying except a licensed land surveyor.

Licensed engineer to supervise municipal works.

16. No department, institution, commission, board or body of the State Government, or any political subdivision thereof shall designate, appoint or employ an engineer in responsible charge other than a duly qualified professional engineer who has been licensed by the State of New Jersey, prior to the designation, appointment or employment by such department, institution, commission, board or body of the State Government, or any political subdivision thereof.

State to employ licensed engineer.

Not to affect
previous
appointments.

Notwithstanding any thing in this chapter to the contrary no engineer licensed in this State prior to the passage of this chapter and holding an appointment by the State or by any department, institution, commission, board or body of the State Government, or any political subdivision thereof shall be deprived of the right of reappointment to the same office or position or appointment to any other office or position requiring similar qualifications.

Name filed
with board.

17. The clerk of such department, institution, commission, board or body of the State Government or political subdivision thereof shall file with the secretary of the State Board of Professional Engineers and Land Surveyors the name of any engineer designated, appointed or employed, within thirty days after appointment. Where engineers or land surveyors are employed, subject to the provisions of the civil service law, the appointment of any such person shall be understood to mean and include appointment after such person has been certified as having satisfactorily passed a civil service examination. No person, firm, association or corporation engaged in engineering or land surveying, shall employ an engineer or land surveyor, in responsible charge of any work, other than a duly qualified professional engineer or land surveyor, who has been licensed pursuant to the provisions of this chapter, prior to such employment by the person, firm, association or corporation so engaged in engineering or land surveying; *provided, however*, that nothing in this chapter shall apply to any public utility as defined in chapter two of Title 48 of the Revised Statutes, or any employee thereof or to any improvement or proposed improvement made by any such public utility or by any employee of or any contractor or agent for said public utility.

Civil Service
appointments.

To employ
licensed
engineers or
surveyors.

Proviso.

Sign displayed.

18. All licensed land surveyors making any survey under the name of such licensee shall, from and after the passage of this chapter, maintain a place of business, upon which place of business

there shall be conspicuously displayed a sign, which sign shall contain the name and address of such licensee; and, further, the words "Licensed Land Surveyor." Any person violating the provisions hereof shall be guilty of a misdemeanor and punishable by a fine not exceeding one hundred dollars (\$100.00), and all proceedings shall be in the same manner as is provided for penalties authorized by this chapter.

Penalty.

19. No department, institution, commission, board or body of the State Government, or any political subdivision thereof, being the depository or having the custody of any plan or specification involving professional engineering shall receive or file any plan or specification involving professional engineering unless there shall be attached thereto the certificate and seal of a professional engineer licensed pursuant to the provisions of this chapter or the seal of a registered architect thereon nor receive or file any plan or specification involving land surveying unless there shall be attached thereto the certificate and seal of a land surveyor licensed pursuant to this chapter.

Plans to be certified by licensee.

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.

Construing.

Proviso.

21. This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession. Nothing in this act shall be construed as prohibiting, regulating or interfering with persons duly licensed under any laws of this State in the operation and maintenance of equipment and in the supervision of operation of steam power plants, portable machinery and equipment, and refrigeration plants, or from engaging in such engineering activities as may be incident to such operating, maintenance or supervision as is cus-

Construing as to other professions.

tomarily a part of the services rendered by such licensed persons in the course of their employment.

Provisions severable. 22. The provisions of this chapter are severable, and if any of the provisions hereof are held unconstitutional the decision shall not be construed to impair any other provisions of this chapter. It is hereby declared as the legislative intent that this chapter would have been adopted had such unconstitutional provisions not been included herein.

Repealer. 23. Chapter eight of Title 45 of the Revised Statutes is hereby repealed. All acts and parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 343

AN ACT concerning disorderly persons, and amending section 2:202-16.2 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. That section 2:202-16.2 of the Revised Statutes of New Jersey be amended to read as follows:

Soliciting funds by law enforcement officers prohibited.

2:202-16.2. It shall be unlawful for any person to solicit funds or a contribution of any kind, by mail, telephone or in person, whether in payment for tickets, admission, books, tokens, advertising, honorary or other membership, or otherwise, for any organization of policemen, or sheriffs, or under-sheriffs, or deputy sheriffs, or court officers, or court attendants, or detectives, or constables, or magistrates, or justices of the peace, or other such law enforcement officers, or any organization composed of one or more than one of said groups,

except that members of any such organization may personally solicit such funds or contributions in the municipality where they are employed, or in case of county or State organizations throughout the county or State where they are employed. Any person violating this section shall be adjudged a disorderly person.

Disorderly
person.

Any offense committed under this section shall be considered to have taken place in the county in which the person solicited was at the time of such solicitation, notwithstanding that such solicitation was by telephone, originating outside of said county or by mail deposited in the post office outside of said county.

Place of
committing
offense.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 344

AN ACT concerning townships, and amending section 40:146-8 of the Revised Statutes.

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

1. Section 40:146-8 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

40:146-8. The legal voters of any township which has been governed for a period of five years or more by a township committee consisting of five members may reduce the number of such committeemen to three. An election upon the proposition shall be ordered by the township committee on the petition of not less than ten per cent of the legal voters of the township as determined by the number of votes cast at the last preceding general election. The clerk shall within thirty days after the receipt of such petition call a special election

Township
committees
may be
reduced in
number.

Referendum.

Proviso. or the question may be submitted by resolution of the township committee to the voters of the township at the next general election; *provided, however*, that in any event no election shall be held on any such proposition oftener than once in five years.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 345

AN ACT to add Route 31A to the State highway system.

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

New road.

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, lay out and construct as an addition to the present State highway system the following described route:

Route 31A.

Route No. 31A. Beginning in State Highway Route No. 31 in or near Princeton, and thence to Princeton Junction and then, substantially following the line of Mercer County Highway Route No. 7 to a point at or near Hightstown and connecting there with State Highway Route No. 33 eastwardly of Hightstown.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 346

AN ACT providing for a New Jersey exhibit at the World's Poultry Congress at Cleveland, Ohio, in the year one thousand nine hundred and thirty-nine, and making an appropriation therefor.

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

1. In recognition of the important place occupied by the poultry industry in the economic, commercial and agricultural life of the State of New Jersey and in appreciation of the opportunity afforded by participation in the 1939 World's Poultry Congress, Cleveland, Ohio, for the advancement of the interests of New Jersey's poultry and egg farming industry, it shall be lawful to participate in said congress and to send an appropriate educational and industrial exhibit thereto, responsibility for the proper selection and erection thereof to be placed in the hands of a joint committee representing institutions, agencies and organizations concerned with the development of New Jersey's poultry industry.

To exhibit
at World's
Poultry
Congress.

Further, for the support of the above mentioned poultry industry exhibit, the sum of seven thousand five hundred dollars (\$7,500.00) is appropriated for use during the fiscal year beginning July first, one thousand nine hundred and thirty-eight, this said amount to be administered by the State Department of Agriculture. It shall be lawful to use this appropriation for the purpose of the purchasing, assembly and erection of exhibit materials, for the employment of personnel as may be deemed necessary by the Secretary of the State Board of Agriculture, and for transportation and expenses of exhibit and personnel to and from the said congress, and in connection with preparation therefor.

Appropriation.

Fund avail-
able.

This amount shall become available when included in the regular appropriation bill.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 347

AN ACT concerning the resale of real estate acquired by mistake by a fiduciary, validating certain sales heretofore made and deeds heretofore given, and amending section 3:17-42 of the Revised Statutes.

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

Section
amended.

1. Section 3:17-42 of the Revised Statutes is hereby amended to read as follows:

Fiduciary
empowered
to give title
where title
was taken by
error.

3:17-42. When under a mistake or misapprehension of his right or power so to do, a fiduciary has, prior to January third, one thousand nine hundred and thirty-eight, purchased, acquired and taken title to real estate as such fiduciary or as "estate of (name of deceased)," and such fiduciary was not permitted by law or by his trust to make the investment or acquire and take title to the real estate as such, the fiduciary may sell the real estate at public or private sale in his name as such fiduciary, or as fiduciary of the estate, or otherwise, and give a good and sufficient deed of conveyance therefor conveying a marketable title in fee simple in such real estate.

Previous
sales validated.

All sales and transfers of real estate heretofore made by a fiduciary who purchased, acquired or took title to real estate under the aforementioned circumstances, are hereby confirmed and made valid, legal and effectual in law. All deeds of conveyance therefor are hereby made good, valid, legal

and effectual in law as of the date thereof as conveying a marketable title in fee simple in such real estate.

This section shall not be construed to release from liability to the estate such fiduciary by reason of such improper investment. Not to release liability.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 348

AN ACT concerning crimes, and amending section 2:164-1 of the Revised Statutes.

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

1. Section 2:164-1 of the Revised Statutes is hereby amended to read as follows: Section amended.

2:164-1. Any person who shall receive or buy any goods or chattels, or choses in action or other valuable thing whatsoever, that shall have been stolen from any other person or taken from him by robbery or otherwise unlawfully or fraudulently obtained, or converted in any manner contrary to any of the provisions of this subtitle, whether such stealing or robbery shall have been committed either in this State or in some other jurisdiction, and whether such goods, chattels, choses in action, or other valuable thing shall be received or bought from the thief, robber, or person so obtaining, taking, or converting them, or from any other person, or shall receive, harbor or conceal any thief or robber knowing him to be so, shall be guilty of a high misdemeanor. Receiving stolen goods or harboring robber a high misdemeanor.

If the person accused is shown to have or to have had possession of such goods, chattels, choses in action, or other valuable thing, within one year Evidence to authorize conviction unless:

from the date of such stealing, robbery or unlawful or fraudulent obtaining, such possession shall be deemed sufficient evidence to authorize conviction, unless such person show to the satisfaction of the jury either;

Received as
gift;

(a) That the goods or chattels or choses in action or other valuable thing were, considering the relations of the parties thereto and the circumstances thereof, a gift to him and not received by him from a minor under the age of sixteen years; or

Paid fair
price;

(b) That the amount paid by him for the goods or chattels or choses in action or other valuable thing represented their fair and reasonable value and they were not received by him from a minor under the age of sixteen years; or

Bought of
reputable
dealer;

(c) That when he bought the goods or chattels or choses in action or other valuable thing he knew of his own knowledge or made inquiries sufficient to satisfy a reasonable man, that the seller was in a regular and established business for dealing in goods, chattels, choses in action or other valuable thing of the description of the goods purchased; or

Reported to
police;

(d) That when he received or bought the goods or chattels or choses in action or other valuable thing, he simultaneously with or before the receipt or sale, reported the transaction to the police authorities of the municipality in which he resided at the time of such receiving or buying and that such goods or chattels or choses in action or other valuable thing were not received by him from a minor under the age of sixteen years; or

Communicated
with police
before buying
and obtained
approval.

(e) That before he received or bought the goods or chattels or choses in action or other valuable thing from a minor under the age of sixteen years, he first communicated with the police authorities of the municipality in which he resided and obtained their approval for the purchase, barter, exchange or receipt of possession of such goods, chattels, choses in action or other valuable thing.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 349

AN ACT concerning the operation of stands in State, county and municipal buildings, by the blind, under the supervision of the New Jersey State Commission for the Blind.

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

1. It shall be lawful for the head of any department, board, agency, or governing body in charge of any State, county or municipal building, whenever in the judgment of the head of such department, board, agency, or governing body it shall be deemed proper or suitable to grant to the New Jersey State Commission for the Blind a permit to operate in such building, under their control, a stand for the vending of newspapers, periodicals, confections, tobacco products, and such other articles as may be approved; *provided, however*, that such stand shall be operated by a blind person under the supervision and control of the said New Jersey Commission for the Blind. Such blind person must be twenty-one years of age, a citizen of the United States and a resident of the State for one year immediately prior to the date of his application for a stand. In buildings where a stand now exists the present operator shall not be removed, but if and when such operator ceases to operate such stand the concession for further operation shall be granted to the New Jersey Commission for the Blind.

Grant permit to Commission for the Blind to operate stand.

Proviso.

Present operators to continue.
2. No license fee, rental, or other charge shall be demanded, exacted, required or received for the granting of such permit or for the operation of such stand.

Rent or other charges not to be demanded.
3. All other acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.
4. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 350

AN ACT concerning removal of disqualification to hold license because of conviction of crime, and amending section 33:1-31.2 of the Revised Statutes.

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

Section
amended.

1. Section 33:1-31.2 of the Revised Statutes is hereby amended to read as follows:

May apply for
order removing
disqualifica-
tions.

33:1-31.2. Any person convicted of a crime involving moral turpitude, may after the lapse of five years from the date of conviction, apply to the commissioner for an order removing the resulting statutory disqualification from obtaining or holding any license or permit under this chapter. Whenever any such application is made and it appears to the satisfaction of the commissioner that at least five years have elapsed from the date of conviction, that the applicant has conducted himself in a law-abiding manner during that period and that his association with the alcoholic beverage industry will not be contrary to the public interest, the commissioner may, in his discretion and subject to rules and regulations, enter an order removing the applicant's disqualification from obtaining or holding a license or permit because of the conviction.

Action by
commissioner.

May be
licensed after
entry of order.

On and after the date of the entry of such order, the person therein named shall be qualified to obtain and hold a license or permit under this chapter, notwithstanding the conviction therein referred to, provided he is, in all other respects, qualified under this chapter.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 351

AN ACT to validate municipal budgets adopted by municipalities for the fiscal year one thousand nine hundred and thirty-eight.

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

1. Any budget heretofore adopted by any municipality for the fiscal year one thousand nine hundred and thirty-eight is hereby validated, ratified and confirmed, notwithstanding any defect, omission or irregularity in the acts done or proceedings taken for the adoption of said budget; *provided*, such budget substantially complies with the provisions of the act entitled "An act concerning municipal and county finances," now constituting Title 40, chapter two, of the Revised Statutes; *and provided*, that validity of such budget or of the proceedings taken for the adoption of such budget shall not have been questioned in any action or proceeding heretofore instituted in any court.

Municipal
budget
validated.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 352

AN ACT concerning the State Police and the Commissioner of Motor Vehicles and providing for the compilation and centralization of information with respect to stolen motor vehicles and registration plates, and supplementing Title 53 and Title 39 of the Revised Statutes.

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

Police notified
of stolen
motor vehicles
and plates.

1. Any person or persons whose motor vehicle has been stolen, and any person or persons whose registration plates have been lost or stolen, shall immediately notify the chief of police or other peace officer within whose jurisdiction the theft or loss occurred.

Notification
of recovery.

Any person or persons who have given any such report shall immediately, upon the recovery of same, notify the chief of police or other peace officer to whom the original report had been made, of the recovery of the motor vehicle or registration plates.

Report by
police authori-
ties.

2. Every chief of police or other peace officer in the State of New Jersey, upon receiving reliable information that any motor vehicle has been stolen or any registration plates have been lost or stolen, shall within twenty-four hours report this information to the Superintendent of State Police and the Commissioner of Motor Vehicles.

Recovery
reported.

Any chief of police or other peace officer, upon receiving reliable information that any motor vehicle or registration plates, which he previously reported as stolen or lost has been recovered, shall within twenty-four hours report the fact of such recovery to the Superintendent of State Police and the Commissioner of Motor Vehicles.

Records as to
stolen motor
vehicles and
license plates.

3. The Superintendent of State Police and the Commissioner of Motor Vehicles having been noti-

fied of the theft of a motor vehicle or the loss or theft of registration plates by a chief of police or other peace officer, shall index and file this information in such a manner that a motor vehicle or registration plates can be properly identified. These records shall be available to all police officers and other interested agencies. The Superintendent of State Police and the Commissioner of Motor Vehicles shall co-operate with and assist all peace officers and other agencies in tracing or examining any questionable automobiles to determine the ownership thereof.

Co-operation.

4. Should any section or provision of this act be held to be invalid by any court of competent jurisdiction, 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.

Validity of act.

5. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 353

AN ACT concerning county detectives, and amending 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 act of Revised Statutes is amended to read as follows:

Section amended.

2:181-10. The prosecutor of the pleas in the counties herein specified may appoint, in their respective counties, such number of suitable persons, not exceeding the number stated herein for such counties, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law. The persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in any county of this State, in criminal matters

Special officers appointed by prosecutor.

Powers.

Approval of appointees.	only, and shall receive such salaries as are herein provided. All appointments under authority of this section shall be approved by the judge of the court of quarter sessions of the respective counties.
Number appointive.	a. In counties having more than seventy thousand and not more than five hundred thousand inhabitants, not exceeding six such special officers, one of whom may be designated by the prosecutor of the pleas as chief of county detectives and one as captain of county detectives. The person designated as chief of county detectives shall receive an annual salary of four thousand dollars, and the others, annual salaries of not less than twenty-five hundred and not more than three thousand dollars.
Chief. Salaries.	The amount of the salaries herein provided shall be determined by the prosecutor of the pleas and the judge of the court of quarter sessions of the county, and shall be paid by the county treasurer in equal semimonthly installments out of the funds of the county. No person appointed as a special officer under authority of this paragraph shall be eligible to receive any increase in salary over the minimum salary as fixed by this paragraph until he shall have served two years as a county detective in the office of the prosecutor of the pleas; and no increase in salary fixed by the prosecutor of the pleas or the judge of the court of quarter sessions shall exceed one hundred dollars per year for each year of service over two years; and all increases shall cease when the respective maximum amounts named in this paragraph are reached, but the prosecutor of the pleas and the judge of the court of quarter sessions may fix an increase in salary for any person who, on April sixth, one thousand nine hundred and thirty-one, has been employed as a county detective in the office of the prosecutor of the pleas for a period exceeding two years, in an amount equal to one hundred dollars per year for each year of service of any such person over two
Payment.	years, the total of such increases not to exceed the respective maximum sums named in this paragraph.
Increase in pay.	
Maximum pay.	

b. In counties having more than fifty thousand and not more than seventy thousand inhabitants, not exceeding two such special officers, each of whom shall receive an annual salary not exceeding fifteen hundred dollars, payable by the county treasurer in equal monthly installments out of the funds of the county. The amount of the salaries herein provided shall be fixed and the expenses of the persons so appointed shall be approved by the prosecutor of the pleas and the judge of the court of quarter sessions.

In other counties.

Approval.

c. In counties of the fourth class having not less than twenty thousand and not more than forty thousand inhabitants, one such special officer, who shall receive an annual salary of not less than seventeen hundred nor more than twenty-two hundred dollars, payable in semimonthly installments by the county treasurer of the county. The amount of the salary herein provided shall be determined by the board of chosen freeholders of the county, and such board may, from time to time, increase the amount within the maximum limitation herein fixed. The special officer herein provided for shall be subject to removal by the prosecutor of the pleas of the county with the consent of the judge of the court of quarter sessions of the county, and he shall not be subject to civil service or be affected by any tenure of office act in effect prior to April eighteenth, one thousand nine hundred and thirty.

In fourth class counties.

Freeholders to fix payment.

d. In counties bordering on the Atlantic ocean and having not less than thirty thousand and not more than fifty thousand inhabitants, the prosecutor of the pleas may appoint suitable persons, not exceeding four, 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

In counties along ocean.

Powers.

Approval.

Fixing pay.	less than twenty-five hundred dollars and not more than three thousand dollars, which said compensation shall be fixed by the said judge and prosecutor and paid in equal semimonthly installments; <i>provided, however,</i> that one person shall be designated as chief of county detectives who shall receive an annual compensation of four thousand dollars to be paid in the same manner as other salaries authorized by this act to be paid by the county treasurer out of the funds of the county. The officers so appointed shall not be eligible to receive any increase in salary over the minimum salary stated herein until he shall have served five continuous
Proviso.	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 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; <i>and provided, further,</i> that any special officer who is now or has been employed by the 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 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 four years, shall enjoy tenure of office, and shall not be removed therefrom except upon charges, after hearing, upon notice.
Increases.	
Proviso.	
Tenure.	
Other coastal counties.	e. In counties bordering on the Atlantic ocean and now or hereafter having a population of not less than twenty thousand and not more than thirty thousand inhabitants, as ascertained by the preceding Federal census, in addition to the special officer now authorized by law, an additional special officer, who shall receive compensation only for such services as he shall perform as such officer under the direction of the prosecutor of the pleas and his reasonable expenses incident thereto, which compensation and expenses shall be approved by
Approval.	

the prosecutor of the pleas and the judge of the court of quarter sessions of any such county and be paid by the county treasurer out of the funds of the county.

f. Special officers in counties of the fourth class may receive an annual salary of not less than seventeen hundred and not more than twenty-two hundred dollars, payable in semimonthly installments by the county treasurer. The amount of the salary herein authorized shall be determined by the board of chosen freeholders of the county, and such board may, from time to time, increase the amount of such salary, but in no case to exceed the maximum herein authorized.

Salaries of certain special officers.

Freeholders to fix pay.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 354

AN Act ceding to the United States of America jurisdiction in and over lands heretofore acquired by it for military purposes in Burlington and Ocean counties, known as Camp Dix.

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

1. There is hereby transferred and ceded to the United States of America jurisdiction in and over so much of the territory within this State as is included within all such lands as heretofore have been acquired by it for use by the United States Army, adjoining the south end of the borough of Wrightstown, in New Hanover, Pemberton and Plumsted townships, and located in the counties of Burlington and Ocean, and known as Camp Dix, but the jurisdiction hereby ceded shall continue no longer than the United States of America shall own said land or lands and occupy and use the same for military purposes.

Jurisdiction of Camp Dix ceded to United States.

Conditions.

2. The said jurisdiction is transferred and ceded upon the express condition that the State of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil processes in all cases, and such criminal or other processes as may issue under the laws or authority of the State of New Jersey, against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Exemptions.

3. While the jurisdiction hereby ceded shall vest in the United States, said land shall be and continue to be exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the State.

4. This act shall take effect immediately.

Approved June 14, 1938.

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 9:3-2, 9:3-3, 9:3-4, 9:3-5, 9:3-6, 9:3-8 and 9:3-11 of the Revised Statutes.

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

Section
amended.

1. Section 9:3-2 of the Revised Statutes is hereby amended to read as follows:

Age for adopt-
ing child.

9:3-2. The adopting parent shall be at least ten years older than the adopted child, but this provision shall not affect adoptions properly granted

prior to July fourth, one thousand nine hundred and two. The said adopting parent must have attained the age of twenty-one years, must be a citizen of the United States or have officially declared his or her intention of becoming a citizen, and these facts shall be set forth in the petition; *provided, however,* that no adoption heretofore granted shall be deemed void or voidable because the adopting parent was not of the age or status of citizenship required by this chapter.

Citizenship.

Proviso.

2. Section 9:3-3 of the Revised Statutes is hereby amended to read as follows:

Section amended.

9:3-3. The petition for adoption shall be presented in duplicate, except when the consent for adoption is given by the Department of Institutions and Agencies or any agency thereof, or by an orphanage, children's home or society incorporated under the laws of this State for the care of children. The petition for adoption shall be verified by the petitioner and shall state the name, age and residence of the petitioner and of the child; the name by which the child shall be known; a verification, by dates, of the period of time that the child has been under constant care in the home of the petitioner; whether the child possesses property and the full description of such property; whether either or both the parents of the child are living; and the names and residences of the living parents of the child unless proven to be unknown to the petitioner.

Petition.

If a written consent is not presented to the court with the petition for adoption, as required by section 9:3-4 of this chapter, this fact, and the reasons therefor, shall be stated in the petition.

When an orphanage, children's home or society has the custody and control of the child, the name, location of the principal office, the year of incorporation, and State where incorporated shall be set forth in the petition; *provided, however,* that if the principal office of such orphanage, children's home or society is not within this State, legal proof of the fact of incorporation shall be annexed to the petition.

Dealing with orphanage, etc.

Proviso.

Section amended.	3. Section 9:3-4 of the Revised Statutes is hereby amended to read as follows:
Written consent from:	9:3-4. A written consent, acknowledged or proved in the manner required by law for deeds to real estate, shall be presented to the court with the petition for adoption, such consent to be obtained from:
Child;	a. The child sought to be adopted if above the age of fourteen years, and, in any event, the consent of
Parents;	b. The parents of the child; or
In case of one parent;	c. One parent if the other is dead, unknown or mentally incompetent, or has forsaken parental obligations or been divorced from the father or mother of the child because of his or her adultery or desertion or extreme cruelty; <i>provided, however</i> , that when the consent of one parent is not presented with the petition by reason of divorce, if the court granting the divorce has made an award of the custody of the child, consent of such court to the adoption must be presented with the petition; or
Guardian;	d. The legal guardian of the child where both parents are dead, unknown, or mentally incompetent, or have forsaken parental obligations; <i>provided, however</i> , that evidence of guardianship shall be presented to the court with the petition; or
Next friend;	e. The Department of Institutions and Agencies, or any orphanage, children's home or society incorporated under the laws of this State for the care of children, appointed by the court as next friend if there is no guardian in the circumstances described in paragraph "d," such appointment to be made forthwith upon presentation of the petition; or
Already in control;	f. Any orphanage or children's home or society incorporated under the laws of this State to care for children, or the New Jersey State Board of Children's Guardians, which has acquired the custody and control of the child, by grant of the parents for the full term of minority or by other legal means. A consent under this paragraph shall be
Consent;	

under the common seal of the orphanage, children's home or society, or the New Jersey State Board of Children's Guardians, and signed by the president and secretary thereof.

g. A parent shall be deemed to be mentally incompetent within the meaning of this chapter when by reason of mental disease, feebleness of mind, or habitual intemperance, he or she is unable to understand and discharge the natural and regular obligations of care and support of the child.

Incom-
petency;

h. A person shall be deemed to have forsaken parental obligations within the meaning of this chapter when he or she shall have willfully and continuously either neglected or failed to perform the natural and regular obligations of care and support of the child.

Forsaken
responsibility;

i. When an orphanage, children's home, society or agency outside of this State has custody and control of the child, such agency shall furnish its consent to the adoption and submit a verified copy of the release or other legal document by which they obtained such custody and control. Such consent is to be under the common seal of that orphanage, children's home, society or agency and signed by the responsible official thereof.

Outside
agency;

j. Whenever the consent of either or both of the parents of the child is not presented with the petition, the court shall require that proof, by documentary evidence or oral testimony, of the reason for the failure to present such consent shall be given at the hearing.

Proof required
by court.

4. Section 9:3-5 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

9:3-5. A decree of adoption shall not be granted unless the child has been living continuously in the home of the petitioner or petitioners for not less than one year previous to the hearing of the petition; *provided, however*, that the court, if it finds that the best interests of the child so require, may in its discretion grant a decree of adoption after the child has so lived in the home for a minimum period of six months.

When decree
of adoption
granted.

Proviso.

Witness.	At the time of the hearing the court shall require at least one witness, other than the petitioner, to attest to the fact that the child has resided in the home of the petitioner for the required time. When the child has been under the custody and control of an orphanage, children's home or society incorporated under the laws of this State for the care of children, or the New Jersey State Board of Children's Guardians, the testimony of such agency to this fact shall also be required.
Section amended.	5. Section 9:3-6 of the Revised Statutes is hereby amended to read as follows:
Filing petition.	9:3-6. Upon presentation of the petition for adoption to the court the same shall be filed with the clerk thereof, and thereupon, or, if a next friend is appointed, as provided by section 9:3-4 "e" of this chapter, upon such appointment, the court shall fix a day for hearing the petition and examining interested parties under oath; <i>provided, however,</i> that the court shall order an investigation of all petitions for adoption except when consent to the adoption is given by the Department of Institutions and Agencies or any agency thereof, or an orphanage, children's home or society incorporated under the laws of this State for the care of children.
Proviso.	
Investigations.	Such investigation as required by this section shall be made by the Department of Institutions and Agencies or by an orphanage, children's home or society incorporated under the laws of this State for the care of children and having the facilities for such investigation, as the court may direct, having due regard for the religious background of the child. The agency directed to make such investigation shall receive the duplicate copy of the petition, as required to be filed by this chapter, and shall be represented at the hearing. The nature of the investigation shall be such as to verify the allegations of the petition and reveal such facts as may be necessary to determine the condition and antecedents of the child and of the adopting parents, in order that it may be ascertained
Character of investigation.	

whether the said child is a proper subject for adoption, and whether the petitioner or petitioners and their home are suitable for the proper rearing of the child.

The report of such investigation shall be made in writing and returned to the court on the day fixed by the court for the hearing, which shall be not less than thirty days nor more than sixty days after the filing of the petition, subject to adjournment as hereinafter provided. No decree of adoption shall be granted until such report be returned but, if such report is not returned on the day ordered, without fault of the petitioner or petitioners, the court may grant a decree of adoption upon a later day to be fixed, with due notice thereof being given to the agency directed to make such report.

Report re-
turned to
court.

Granting
decree.

When consent to the adoption is given by the Department of Institutions and Agencies or any agency thereof, or an orphanage, children's home or society incorporated under the laws of this State for the care of children, the day fixed for the hearing shall be not less than ten nor more than thirty days from the time of filing the petition or appointment of a next friend as the case may be, on which day such agency shall file with the court a written summary of the case, and the court may adjourn the hearing and examination from time to time as the case may require.

Hearing.

Summary of
case.

At the time of the hearing the court shall require at least one witness, other than the petitioner, to testify to the character of the petitioner, the residence of the petitioner or the child, and any other facts which the court may require with respect to the welfare of the interested parties.

Character
witness.

The entry of a decree of adoption shall be conclusive evidence of the sufficiency of the consent or consents annexed to the petition for such adoption and of the rights, duties and obligations established by such decree, pursuant to the provisions of this chapter, in any suit, action or proceeding not commenced within five years from the date of entry of such decree.

Decree in
evidence.

Section
amended.

History of
case recorded.

Surrogate's
record.

Reports filed
separately.

Record certi-
fied to Bureau
of Vital Sta-
tistics.

Section
amended.

Expenses.

Proviso.

Act in effect.

6. Section 9:3-8 of the Revised Statutes is hereby amended to read as follows:

9:3-8. a. The petition, proceedings, testimony and decree, except the report of investigation made pursuant to the order of the court, shall be recorded at length in a book kept for that purpose and properly indexed, but testimony taken orally or without subscription by witnesses need not be recorded. The book shall become part of the records of the surrogate's office of the county wherein the court is located, and for such recording the surrogate shall receive the same fees as for recording a will.

b. All reports of the investigation submitted hereunder shall be filed separately and apart from all other papers in the case, and shall not at any time be opened to inspection, except by the parties to the adoption and their attorneys, unless the court, for good cause shown, shall otherwise order.

c. Upon application of the adopting parent or parents, the clerk of the court where the decree of adoption was entered shall certify to the Bureau of Vital Statistics of this State the date of entrance of the decree, the names of the natural parent or parents of the child, if the same appear in the decree of adoption, the names of the adopting parent or parents, the prior name of the child, and the new name of the child as changed by the decree of adoption.

7. Section 9:3-11 of the Revised Statutes is hereby amended to read as follows:

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.

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

Approved June 14, 1938.

CHAPTER 356

AN ACT making an appropriation to the commission created by Joint Resolution No. 4 of the session of one thousand nine hundred and thirty-eight, to commemorate the three hundredth anniversary of the settlement of the Swedes and Finns on the soil of New Jersey in the counties of Salem, Gloucester, Cumberland and Camden.

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

1. The sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary, is hereby appropriated to the commission created by Joint Resolution No. 4 of the session of one thousand nine hundred and thirty-eight, to commemorate the three hundredth anniversary of the settlement of the Swedes and Finns on the soil of New Jersey in the counties of Salem, Gloucester, Cumberland and Camden, for the publication of the history of the settlement by the Swedes and Finns in New Jersey, entertainment and other expenses.

Appropriation
toward anni-
versary observ-
ance of
Swedish settle-
ment.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 357

AN ACT making an appropriation to the Board of Shell Fisheries for expenses incurred and providing for the disbursement of the same.

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

1. The following sum is hereby appropriated out of the State fund:

D 4. BOARD OF SHELL FISHERIES

Appropriation
to Board of
Shell Fish-
eries.

For the purpose of paying various items of fuel and power contracted by the Board of Shell Fisheries of this State, in the fiscal year 1936-1937, there is hereby appropriated the sum of one thousand one hundred twenty-nine dollars and thirty-seven cents (\$1,129.37).

Payments.

The Board of Shell Fisheries shall submit to the Comptroller of the Treasury bills in accordance with the appropriation hereby authorized, and disbursement shall be made by the State Treasurer on the warrant of the Comptroller in the manner provided by law.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 358

AN ACT to provide for the salaries of assistant prosecutors of the pleas in certain counties, and to amend section 2:182-14 of the Revised Statutes.

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

1. Section 2:182-14 of the Revised Statutes is amended to read:

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:

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.

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:

(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;

Section amended.

Salaries of assistant prosecutors:

In first class counties;

Freeholders to fix amount;

Other counties;

Counties on ocean;

(2) Counties having a population of more than one hundred and thirty thousand, the second assistant prosecutor, twenty-five hundred dollars;

(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.

(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.

Certain other
counties.

d. In all counties in which the salaries of the assistant prosecutors are not otherwise fixed by this section:

(1) Counties having a population of more than two hundred thousand, the assistant prosecutor, sixty-five hundred dollars;

(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;

(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;

(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;

(5) Counties having a population of more than eighty thousand and not more than ninety-five thousand, the assistant prosecutor, fifteen hundred dollars;

(6) Counties having a population of more than eighty-two thousand and not more than one hundred and fifty thousand, except coun-

ties bordering on the Atlantic ocean, the assistant prosecutor, two thousand dollars;

(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.

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.

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 June 14, 1938.

No fees
allowed.

Paid into
county
treasury.

CHAPTER 359

AN ACT concerning investments by insurance companies of this State, and amending section 17:24-1 of the Revised Statutes.

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

1. Section 17:24-1 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

17:24-1. Any insurance company of this State, for the purpose of investing its capital, surplus and other funds, or any part thereof, may:

Investments:

a. Purchase or hold as collateral security or otherwise and sell and convey any bonds or public stock issued, created or guaranteed by the United States, or any territory or insular possession thereof, or by this State, or by any of the other States of the United States or the District of Columbia, or the Dominion of Canada or any of the

Purchase
securities;

provinces thereof, or by any of the incorporated cities, counties, parishes, townships or other municipal corporations situated in any of the countries or subdivisions thereof hereinabove mentioned; or bonds authorized to be issued by any commission appointed by the Supreme Court of this State;

Bonds and
mortgages;

b. Invest in bonds or notes secured by mortgages or trust deeds on unencumbered real estate located within said States, the District of Columbia, or the Dominion of Canada, worth at least one-half more than the sum invested or loaned; or invest in bonds or notes secured by mortgages or trust deeds on unencumbered real estate so located

Proviso;

worth less than as above provided but worth at least one-third more than the sum so invested, *provided*, (1) that any such bonds or notes so secured shall provide for amortization payments to be made by the borrower on the principal amount thereof at least once in each year, and (2) that in every such case such insurance company shall carry as a reserve any amount by which such investment or loan, or balance thereof remaining after such amortization payments, may exceed the amount which could otherwise have been so invested or loaned as hereinabove provided. For

Relative to
real estate;

the purposes of this section real estate shall not be deemed to be encumbered within the meaning of this section by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil or timber rights, rights of way, joint driveways, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner;

Proviso;

provided, that the security created by the mortgage or trust deed on such real estate securing such bond or note is a first lien upon such real estate and that there is no condition or right of re-entry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed;

c. Lend on or purchase mortgage or collateral trust bonds of railroad companies organized under the laws of said States, or the District of Columbia, or the Dominion of Canada, or operated wholly or partly in such States, district or country; or equipment trust certificates payable within sixteen years from their date of issue in annual or semiannual installments beginning not later than the fifth year after such date, and which certificates are a first lien on the specific equipment pledged as security for the payment thereof, which are either the direct obligations of such railroad companies, or are guaranteed by them, or are executed by trustees holding title to the equipment; or certificates of receivers of any corporation where such purchase is necessary to protect an investment in the securities of such corporation theretofore made under authority of chapters seventeen to thirty-three of this Title (§17:17-1 et seq.); or the capital stock, bonds, securities or evidences of indebtedness created by any corporation of the United States or of any State; *provided*, that no purchase of any bond or evidence of indebtedness which is in default as to interest shall be made by such company unless such purchase is necessary to protect an investment theretofore made under authority of said chapters seventeen to thirty-three in the securities of the corporation which issued, assumed or guaranteed such bond or evidence of indebtedness in default; *provided, further*, that no purchase of the stock of any company of a class on which dividends have not been paid during each of the past five years preceding the time of purchase shall be made unless the stock so purchased shall represent a majority in control of all the stock then outstanding; *and provided, further*, that in the case of the stock of a corporation resulting from or formed by merger or consolidation less than five years prior to such purchase, each consecutive year next preceding the effective date of such merger or consolidation during which dividends shall have been paid by any one or more

Collateral trust bonds;

Equipment trust certificates;

Stock, etc.

Proviso.

Proviso.

Proviso.

of its constituent corporations on any or all classes of its or their stock in an aggregate amount sufficient to have paid dividends on that class of stock of the existing corporation whose stock is to be purchased, had such corporation then been in existence, shall be deemed a year during which dividends have been paid on such class of stock; *provided, however,* that nothing herein contained shall prohibit the purchase of stock of any class which is preferred, as to dividends, over any class the purchase of which is not prohibited by this section; *and provided, further,* that no purchase of its own stock shall be made by any insurance company except for the purpose of the retirement of such stock or except as specifically permitted by any law of this State applicable by its terms only to insurance companies.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 360

AN ACT concerning motor vehicles and traffic regulation, providing for the exchange of information between States concerning violations of certain sections of Title 39 of the Revised Statutes.

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

Exchange of
certain records
of drivers.

1. Whenever another State shall have enacted a law providing for reciprocal exchange thereof, the commissioner, upon receiving a certificate of conviction of a nonresident operator or chauffeur of a violation of the provisions of sections 39:4-50, 39:4-96, 39:4-98 and 39:4-129 of the Revised Statutes, or of notice of the forfeiture of any bond or collateral given for such violation, shall transmit forthwith,

a certified copy of such record to the motor vehicle administrator of the State wherein the person named in such record shall reside.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 361

AN ACT concerning grants of old age assistance, and amending sections 44:7-3, 44:7-5, 44:7-6, 44:7-7, 44:7-9, 44:7-10, 44:7-11, 44:7-12, 44:7-13, 44:7-14, 44:7-15, 44:7-18, 44:7-19, 44:7-20, 44:7-24, 44:7-27, 44:7-29, 44:7-30 and 44:7-31 of the Revised Statutes.

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

1. Section 44:7-3 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:7-3. Subject to the provisions of this chapter, every deserving poor person, sixty-five years of age, or upwards, residing in this State, and otherwise qualified as hereinafter set forth, shall be entitled to old age assistance from the State.

Age require-
ment for old
age assistance.

2. Section 44:7-5 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:7-5. Old age assistance shall be granted under this chapter to any person who:

Conditions for
granting old
age assist-
ance:

a. Has attained the age of sixty-five years;

Age;

b. Lacks adequate support; is unable to support himself; is without parents, spouse, children and grandchildren able to support him and without other persons able and willing to support him;

No visible
means of
support;

c. Is a citizen of the United States;

Citizen;

d. Is a resident of, and domiciled in, this State, and has so resided and been domiciled therein for a period in total aggregate of five years during

State
residence;

the nine years immediately preceding the date of application, and has so resided and been domiciled therein continuously for one year immediately preceding the date of application; if, however, Federal aid should not be made available to this State, or if, after being made available, it should be withdrawn, all persons whose applications are then pending and not acted upon and all persons applying thereafter for assistance under this chapter shall be required to have resided in and been domiciled in this State continuously for at least five years immediately preceding the date of application;

Not in need
of prolonged
medical care;

e. Is not, because of physical or mental condition, or other cause, in need of prolonged care in any public institution of a custodial, correctional or curative character;

Has made no
voluntary
transfer of
property;

f. Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance or for the purpose of evading responsibility under section 44:7-14 of this Title;

Found to be
in need of
assistance
after investi-
gation.

g. Is found, after due investigation and determination by the county welfare board as herein-after provided, to be in need of assistance and capable of deriving substantial benefit from the type of assistance provided in this chapter; except that no person possessing real or personal property, the net equity of which is in excess of three thousand dollars shall be eligible for assistance under this chapter; but this limitation on ownership of real or personal property shall not be construed as an exemption limit, but shall serve as a guide to welfare boards in their administration of this chapter.

Section
amended.

3. Section 44:7-6 of the Revised Statutes is hereby amended to read as follows:

Present divi-
sion of old
age assistance
continued.

44:7-6. The division of old age assistance created in the Department of Institutions and Agencies by the act entitled "An act to provide for the protection, welfare of and financial assistance to aged needy residents of the State of New Jersey, providing for the administration thereof and prescrib-

ing penalties for the violation thereof," approved March sixteenth, one thousand nine hundred and thirty-six, is hereby continued.

Said division shall be in charge of a qualified expert who shall be appointed by and receive the compensation fixed by the commissioner, with the approval of the State Board, subject to appropriations made therefor. As director of the division of old age assistance, such qualified expert shall be responsible for the investigation, determination and supervision of old age assistance furnished under this chapter. Said division shall prescribe a uniform system of records and accounts in relation to old age assistance to be kept by the county welfare board, and shall supervise the administration of old age assistance by said county welfare board to the end that there may be throughout the State a uniform standard of records and methods of treatment of aged needy persons, based upon their individual needs and circumstances and with due regard to varying living conditions and cost of living.

The said division shall prescribe rules and regulations, supplementing sections 44:7-14 to 44:7-16 of this Title, whereby reimbursement to the county and State may be effected, so far as possible, for assistance extended to any person, from the assets, estate or responsible relatives of such person. Said division shall prescribe, subject to the approval of the commissioner, a form of application, the manner and form of all reports and records, and such additional rules and regulations as are necessary and proper for carrying out the provisions of this chapter and shall prepare and furnish to the Federal Government or agency thereof such reports and records as may be required for securing Federal aid.

Said division shall require adequate personnel standards for the county welfare boards, as county bureaus of old age assistance, with respect to both the number of employees and their qualifications. All rules and regulations made by the State divi-

Director.

Duties.

Records.

Rules and regulations for reimbursement of county and State.

Application form to comply with Federal requirements.

Personnel of county bureaus.

Rules binding.

New Jersey State Library

sion under this chapter shall be binding upon the county welfare boards, as county bureaus of old age assistance.

Reciprocal
agreements
with other
State boards.

The division of old age assistance shall have power, with the approval of the commissioner and the State Board, to enter into reciprocal agreements with the appropriate public agencies in other States whereby the benefits of this act may be extended to New Jersey residents living in other States or to residents of other States living in New Jersey, on a reciprocal basis, and shall have power to waive the eligibility requirement stated in section 44:7-5d as to any case or cases coming within the purview of reciprocal agreements made pursuant hereto.

Director
empowered
to subpoena

The director of old age assistance shall have the same powers of subpoena as are granted to the directors of welfare under the provisions of section 44:7-20 of this Title, but the consent of the county welfare boards shall not be essential to the exercise of these powers by the director of old age assistance.

Section
amended.

4. Section 44:7-7 of the Revised Statutes is hereby amended to read as follows:

County
welfare
boards.

44:7-7. The board of chosen freeholders of each of the several counties shall cause to be established in the respective counties, where such is not already established, a county welfare board, having as one of its duties the supervision of old age assistance, but nothing in this chapter shall be construed to affect the membership of any welfare board established prior to March sixteenth, one thousand nine hundred and thirty-six, or the term of service of any employee theretofore appointed by any such welfare board. Such boards are hereby created corporate entities, with power to sue and be sued, to use a common seal and to make by-laws. The members of said welfare board shall be appointed by the boards of chosen freeholders in and for the respective counties, and shall be constituted and composed as follows: Five citizens of each said respective county not holding the office of free-

Corporate
entities.

Boards, how
constituted.

holder, at least two of whom shall be women, to be appointed by the board of chosen freeholders, and two designated members of the board of chosen freeholders and the county adjuster, when not serving as director of welfare, as ex-officio members. Citizen members shall hold their offices for five years, except that the first appointments shall be respectively for one, two, three, four, and five years, which terms, as to duration, shall be in the order of appointments as made and indicated. Vacancies in such offices shall be filled for the unexpired term only. The holding of any other office by any member of said county welfare board shall not constitute such holding as incompatible with his office as member of such county welfare board. They shall meet regularly once each month, and at such other times as may be necessary or as they may by rule provide. Attendance at any meeting of any such board by four members, at least two of whom shall be citizen members, may constitute a quorum for the transaction of business under this chapter. They shall serve without compensation, but their necessary expenses shall be allowed and paid in the same manner as other expenses are paid by the county welfare board.

5. Section 44:7-9 of the Revised Statutes is hereby amended to read as follows:

44:7-9. The county welfare board shall annually elect from among its members a chairman, vice-chairman and secretary-treasurer. The director of welfare, appointed as hereinafter provided, shall not be a member of the board. The county welfare board shall appoint such other officers, assistants, and employees as may be necessary and proper to carry out the provisions of this chapter. It may also determine the compensation of the director and other employees within the limits of the sums made available for that purpose by the board of chosen freeholders and the State, as hereinafter provided. The director of welfare, officers, assistants, and other employees shall be subject to such rules and regulations in the discharge of their

Terms.

Vacancies.

Dual office no bar.

Meetings.

Quorum.

No compensation.

Expenses paid.

Section amended.

Organization.

Director not member of board.

Assistants.

Compensation of director.

Powers and duties of assistants.	duties as may be made by such county welfare board and the State division. All regular employees are hereby empowered to take and certify any and all affidavits and acknowledgments as are required on papers or documents executed in connection with the administration of this chapter or other public welfare functions and for this purpose shall be vested with all powers and authority now exercised by other persons authorized to take affidavits and acknowledgments. All employees of the county welfare board shall hold their office or employment during good behavior, and may be removed upon written charges and after a hearing, due notice of which shall be given therefor by the county welfare board, for misconduct, neglect, incompetency, or other just cause.
Tenure of employees.	6. Section 44:7-10 of the Revised Statutes is hereby amended to read as follows:
Section amended. Secretary-treasurer to receive county and State grants.	44:7-10. The secretary-treasurer of the county welfare board shall receive from the county treasurer of his respective county such sums as shall represent the county's appropriation for old age assistance and the administration thereof as herein provided, and shall receive from the State such sums as represent the State's share for old age assistance and the administration thereof as provided in sections 44:7-25 to 44:7-27 of this Title, and shall cause said sums to be set up in a special account or accounts subject to disbursement by the county welfare board in accordance with this chapter. Said secretary-treasurer shall furnish bond conditioned on the faithful performance of his duties, in an amount to be fixed by the welfare board, subject to the approval of the State division.
Bond.	7. Section 44:7-11 of the Revised Statutes is hereby amended to read as follows:
Section amended.	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.
Director of county welfare board:	

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 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 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, said probationary appointment shall become permanent as director of welfare for the remainder of the five-year term prescribed herein.

Term;

Probationary period;

Not extended;

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.

Powers and duties;

He shall be a citizen of the State and of the United States, 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.

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 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.

Deputy director.

Section amended.	8. Section 44:7-12 of the Revised Statutes is hereby amended to read as follows:
Functions of county welfare board.	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 thirty 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 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.
Amount of assistance.	
Maximum amount.	
Section amended.	9. Section 44:7-13 of the Revised Statutes is hereby amended to read as follows:
Paying funeral expenses of recipient.	44:7-13. If, on the death of the recipient of old age assistance, it shall appear to the satisfaction of the county welfare board that there are insufficient funds to pay his funeral expenses, and that there are no relatives responsible to pay such ex-

penses or other persons willing to pay them, the county welfare board may order the payment of such sum as may be necessary, not exceeding the total sum of one hundred dollars, to such person as the county welfare board may direct for the funeral expenses of the deceased aged needy person.

10. Section 44:7-14 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:7-14. Every county welfare board shall require, as a condition to granting assistance in any case, that all or any part of the property, either real or personal, of a person applying for old age assistance be pledged to said county as a guaranty for the reimbursement of the funds so granted as old age assistance pursuant to the provisions of this chapter, and the total amount of the assistance so granted shall become a lien upon any lands in the ownership of 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 advances granted, and pursuant to such agreement said applicant shall assign to the welfare board, as collateral security for said advances, all or any part of his personal property as the board shall specify.

Conditions
for granting
assistance.

Agreement to
reimburse.

The agreement to reimburse shall contain therein a release of dower or curtesy, as the case may be, of the spouse of the recipient of old age assistance, and such release shall be as valid and effectual as if the spouse had joined the recipient in a conveyance of the property to a third person; the grant of old age assistance being contingent upon such release shall be good and valuable consideration therefor. Old age assistance shall not be granted to any applicant without joinder by the spouse in the agreement to reimburse except upon the showing of good and sufficient cause as the State division shall by regulation define.

Contents of
agreement.

Section
amended.

11. Section 44:7-15 of the Revised Statutes is hereby amended to read as follows:

Certificate
filed to **secure**
claim.

44:7-15. At any time the county welfare board may execute and file with the clerk of the court of common pleas or register of deeds and mortgages, as the case may be, a certificate, in form to be prescribed by the State division, showing the amount of assistance advanced to said person, and when so filed each certificate shall be a legal claim against both the person and his estate and shall have the same force and effect as a judgment at law, with priority over all unsecured claims except funeral expenses not to exceed one hundred and fifty dollars. No levy shall be made upon the real estate while it is occupied by the widow or widower, as the case may be. If the proceeds of sale of any personalty or real estate, as herein provided, exceeds the total amount paid as assistance under this chapter, such excess shall be returned to said person, and in the event of his death such excess shall be considered as the property of the deceased for proper administration proceedings. All funds reclaimed under these provisions shall be reimbursed to the county, State and Federal Government, in the same proportion as it was contributed.

No levy.

Disposition of
proceeds.

Funds
reclaimed.

Section
amended.

12. Section 44:7-18 of the Revised Statutes is hereby amended to read as follows:

Investigation
of applicant.

44:7-18. When the county welfare board receives an application for old age assistance, an investigation and record shall promptly be made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application made under this chapter and such other information as may be required by the rules of the State division. Upon the completion of such investigation the county welfare board shall decide whether the applicant is eligible for and should receive old age assistance under this chapter, the amount of assistance, the manner of paying or providing it, and the date on which the assistance shall begin. It shall notify the applicant of its decision in writing.

The county welfare board shall at once report to the State division its decision in each case together with copies of the application and record of investigation. Such decision shall be final, except that where an application is not acted upon, by the county welfare board within thirty days after the filing of the application, or the application is denied, or the grant is deemed inadequate, either by the State division or by the applicant, the State division may review the case in its discretion or the applicant may appeal to the State division by filing a petition with the division setting forth the facts in full as to the necessity of such assistance. Such petition shall be indorsed by five reputable citizens of the county, whereupon a representative of the State division shall hold a fair hearing on the appeal, and if the appeal is sustained by the State division the payments of assistance in the amount determined by the State division must be paid by said county welfare board as herein provided.

Report to
State
Division.

Review of
decision.

Appeal by
applicant.

Contents of
petition.

13. Section 44:7-19 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:7-19. The director of welfare in cases of application for old age assistance shall ascertain, if possible, the relatives and other persons chargeable by law for the support of such applicant, and proceed to obtain their assistance for such applicant or to compel them to render such assistance as is provided by law in such cases, or if such relatives or other persons are not chargeable by law with the support of such applicant but able and willing to do so, in whole or in part, the director of welfare may contract, in writing, with such persons for the support of such applicant.

Attempt to
have relatives
support.

Should any relative or other person responsible for the support of an applicant for old age assistance fail to perform the order or direction of the director of welfare with regard to the support of such applicant, the court of common pleas of the county wherein such applicant has applied or is receiving old age assistance, may, upon certifica-

Action upon
failure of
relative to
support.

Violation.	<p>tion in writing of the director of welfare or of two residents of the municipality or county, subpoena or otherwise direct the appearance of the persons chargeable before it and subpoena witnesses, and compel the production of books, records, and other documents as may be pertinent, and shall, in a summary way, inquire into the cause of such failure to perform the order or direction of the director of welfare, and may order, adjudge and decree the able relatives or other persons responsible for the support of such applicant to pay such sum or to deliver to the court or to the director of welfare such other pledge or guaranty as the circumstances may require in the discretion of the court for each such applicant. Violation of any such order of the court of common pleas shall be a contempt of said court and the person so violating shall be subject to all the pains and penalties which by law may be imposed for other contempts of such court.</p>
Purview of court.	<p>The jurisdiction of the court of common pleas in matters coming within the purview of sections 44:7-19 and 44:7-20 shall not be limited to the territorial confines of the county wherein said court is established, but said court shall exercise jurisdiction for such purposes in each of the several counties of this State and is empowered to compel the attendance of responsible relatives and other witnesses residing without the county and to make such orders, with respect to such persons, as are consistent with this Title.</p>
Courts of jurisdiction.	<p>The county welfare board may also bring appropriate action at law in any court of competent jurisdiction to recover any sum of money due for assistance given any person under this chapter against such person or against any other persons chargeable by law for the support of such person.</p>
Section amended.	<p>14. Section 44:7-20 of the Revised Statutes is hereby amended to read as follows:</p>
Empowered to subpoena witnesses and records.	<p>44:7-20. For the purpose of ascertaining and determining the facts and circumstances concerning any application for assistance made under this chapter the director of welfare shall have power,</p>

in his discretion, to compel the attendance of the applicant and other persons in this State and the production of books, records and other documents in this State pertinent to such examination. The director of welfare may administer oaths or affirmations for the purpose of such examination. Upon any disobedience to or neglect of any subpoena issued to an applicant by the director, or any refusal to testify by the applicant, the director may, in his discretion, subject to the approval of the county welfare board, reject the application for assistance. Any disobedience to, or neglect of, any subpoena issued to any other person by the director or any refusal to testify by any such other person, shall be certified in writing by the director to the judge of the court of common pleas of the county in which such disobedience, neglect, or refusal occurred, who shall thereupon, by a warrant issued to the sheriff of the county wherein the person resides or may be found, direct the production of the body of the person so disobeying, neglecting, or refusing, and upon the production of the body of such person, shall, in a summary way, inquire into the cause of such disobedience, neglect, or refusal, and if no sufficient cause be shown therefor shall by a commitment issued under his hand, directed to the keeper of the common jail of said county, order the detention in such common jail of such person for such a period of time, not exceeding ninety days, as the judge, in said commitment, shall designate, or until such person shall purge himself of such disobedience, neglect, or refusal.

May administer oaths.

Failure to obey subpoena.

Any applicant or other person who shall knowingly give false testimony before the director shall be guilty of a misdemeanor.

Perjury.

15. Section 44:7-24 of the Revised Statutes is hereby amended to read as follows:

Section amended.

44:7-24. Subject to payment of the State's share, each county welfare board shall furnish old age assistance as provided in this chapter to the persons eligible therefor in its jurisdiction. The

County board to furnish aid subject to payment of State's share.

county welfare board, by and with the advice and consent of the State division, shall annually fix and determine and report to its board of chosen freeholders a sum sufficient to pay the estimated amount of the county's proportionate share needed for old age assistance. Each board of chosen freeholders shall appropriate and make available such amount to the order of the respective county welfare boards, together with a sufficient sum to defray administrative expenses to be incurred in connection therewith, and shall include such sums in the taxes to be levied in the territory responsible for such old age assistance. Should the sum so appropriated, however, be expended or exhausted, during the year and for the purpose for which it was appropriated, additional sums shall be appropriated by such boards of chosen freeholders as occasion demands to carry out the provisions of this chapter, from funds in the county treasury available therefor. Where such county funds are not available or adequate, or should there be no such county funds, such additional sums shall be raised by temporary loans or notes, certificates of indebtedness or temporary loan bonds, to be issued as otherwise provided and limited by law for counties of this State, and the amounts necessary to pay such obligations shall be placed in the budget for the next ensuing fiscal year.	
Appropriation.	
Additional appropriation.	
Temporary loans.	
Payments made monthly by county treasurer.	<p>Payments of county funds needed for assistance under this chapter and for the administration thereof by the county welfare board shall be made monthly by the treasurer of the county upon the requisition of and to the secretary-treasurer of the county welfare board.</p>
Section amended.	<p>16. Section 44:7-27 of the Revised Statutes is hereby amended to read as follows:</p>
Federal aid to be ratably shared.	<p>44:7-27. Any funds received by the State from the Federal Government for administrative costs of old age assistance shall be ratably shared by the State division and the several county welfare boards in proportion to their respective annual approved expenditures for administration of old age assist-</p>

ance. The State shall pay to each county welfare board the allotment so determined and approved, at such times as the State division may by regulation prescribe. The State division shall certify to the Comptroller of the Treasury the amount to which each county is entitled, and the amount so certified shall be paid from the State treasury upon the audit and warrant of the Comptroller to the treasurers of the respective welfare boards.

Payment of
State allot-
ment.

17. Section 44:7-29 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:7-29. The State Treasurer may receive from the Federal Government such grants of money as shall represent the Federal Government's share of old age assistance and the administration cost thereof granted pursuant to Title I of the Federal Social Security Act, and shall cause said money grants to be set up in a special account or accounts subject to disbursement by the State division on the warrant of the Comptroller in the same manner as other funds of the State are disbursed. The State division may determine and cause to be made such financial adjustments as are necessary to maintain the proper proportion of contribution by the counties, State and Federal Government, pursuant to the provisions of this chapter and the Federal Social Security Act, and to pay to the Treasurer of the United States its ratable portion, not exceeding one-half, of all sums recovered by way of reimbursement under section 44:7-15 of this Title.

Special
accounts for
Federal aid.

Adjustments.

18. Section 44:7-30 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

44:7-30. For the purposes of this chapter, any person applying for old age assistance shall be deemed at all times a resident of that county in which he maintains his customary place of abode and the responsibility for any application and for the payment of old age assistance resulting therefrom shall be transferred among the several county welfare boards as the recipient's county residence shall change, except that:

Residence
place of
customary
place of
abode.

Absence of
less than
three months
not to affect
residence.

(a) Absence from or visitation outside of the county of customary abode, but within this State, if of a temporary character, shall not be considered to constitute a change of county residence; but any such absence or visitation shall be deemed permanent if continued for more than three months;

Entering
institution
for care not
to affect
residence.

(b) Removal from the county of customary abode for the purpose of entering a public institution or private custodial or curative establishment, whether licensed or otherwise, shall not be considered to constitute a change of county residence regardless of the length of confinement in such institution or establishment;

Absence from
State.

(c) Absence from or visitation outside the State of New Jersey shall not be considered to constitute a change of county residence unless continued for more than one year, but no payments of old age assistance shall be issued to any approved recipient during such absence except as may be specially approved by the county welfare board and the State division pursuant to sections 44:7-6 or 44:7-12 of this chapter.

Act con-
trolling.

The provisions of this chapter, together with rules and regulations of the State division issued pursuant thereto, shall constitute the sole basis of determining residence requirements insofar as eligibility for old age assistance and the fixing of county responsibility for paying old age assistance is concerned, but nothing in this chapter shall be construed to alter or affect the length of time required to gain legal settlement under the provisions of any other law of this State.

Construing.

Section
amended.

19. Section 44:7-31 of the Revised Statutes is hereby amended to read as follows:

Complaint
where assist-
ance is being
improperly
received.

44:7-31. Any person who has knowledge that old age assistance is being improperly granted or administered under this chapter may file a complaint in writing with the State division setting forth the particulars of such violation. Upon receipt of such complaint, the director of old age assistance, or his representative, shall make an investiga-

Investigation.

tion of the allegations set forth in such complaint, or, if at any time the State division has reason to believe that assistance to aged needy persons has been improperly granted, the director, or his representative, shall cause an investigation to be made. The director of old age assistance may suspend payment of any installment pending an investigation. He shall notify the county welfare board of any proposed investigation. If it appears, as a result of any such investigation, that old age assistance was improperly granted, such assistance shall be canceled by the State division which shall immediately notify the county welfare board that it will not approve any payment made after such suspension, but if it appears, as a result of such investigation that assistance was obtained properly, the suspended payments of assistance may be payable as the State division may find is required by the circumstances.

Payment
suspended.

Assistance
canceled.

20. This act shall take effect July first, one thousand nine hundred and thirty-eight.

Act effective.

Approved June 14, 1938.

CHAPTER 362

AN ACT concerning State aid to municipalities.

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

1. Whenever the words "unimproved road" are used in chapter fifteen, Title 27 of the Revised Statutes they shall mean any road, which in the opinion of the State highway engineer, is unsuitable for present day traffic.

"Unimproved
road" defined.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 363

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
for excess cost
of educating
crippled
children.

1. There is hereby appropriated seventy-five thousand, nine hundred ninety-four dollars and sixty-nine cents (\$75,994.69) 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-eight, in accordance with the provisions of Revised Statutes, sections 18:10-41 and 18:10-49. 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 June 14, 1938.

CHAPTER 364

AN ACT to supplement an act entitled "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," approved April first, one thousand nine hundred and thirty-eight.

STATEMENT

Revenues as per chapter 11, Laws of			Amount
1938	\$44,621,681	01	available for
Additional Estimate Motor Fuel			appropriation.
Taxes	850,000	00	
	<hr/>		
	\$45,471,681	01	
Appropriations:			
Chapter 11, Laws of			
1938	\$39,669,582	38	
Chapter 60, Laws of			
1935	1,500,000	00	
	<hr/>		
	41,169,582	38	
Available for appropriation	\$4,302,098	63	
	<hr/>		
	=====		

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:

Motor Vehicle Department

Motor Vehicle Department;	Appropriations:	
	Salaries:	
	Commissioner	\$10,000 00
	Other personnel	1,066,740 00
		<hr/> \$1,076,740 00
	Materials and supplies	303,200 00
	Services other than personal	229,290 00
	Current repairs	2,000 00
	Additions and improvements	7,500 00
		<hr/> \$1,618,730 00
		<hr/>

STATE TAX DEPARTMENT

MOTOR FUELS TAX DIVISION

Motor Fuel Tax Division;	Salaries:	
	Director	
	Director	\$6,000 00
	Other personnel	163,060 00
		<hr/> \$169,060 00
	Materials and supplies	14,300 00
	Services other than personal	25,175 00
	Additions and improvements	800 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 39 of Title 54 of the R. S., and the State Treasurer is directed to pay warrants issued therefor by the Comptroller.	
		<hr/> \$209,335 00
		<hr/>

Board of Commerce and Navigation

Construction, reconstruction and maintenance and improvement of waterways	\$110,000 00	Commerce and Navigation;
Maintenance, Bay Head-Manasquan canal	50,000 00	
Of the above appropriations \$115,- 000.00 shall be considered as a loan which is to be repaid by the Board of Commerce and Navigation.		
	<u>\$160,000 00</u>	

Department of State Police

There is hereby appropriated for transfer to the General State Fund, being 50% of the amount appropri- ated in the State Fund Appropria- tion Act for the fiscal year ending June 30, 1939, for the operation and maintenance of the Department of State Police, the sum of	\$566,275 00	State Police;
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State Highway Commissioner

Additional for institu- tion roads and ap- proaches	\$200,000 00	Highway Com- missioner;
Maintenance and repair of bridges over Dela- ware and Raritan canal	27,500 00	
Construction of Lafay- ette boulevard	20,000 00	
	<u>\$247,500 00</u>	
Total amount appropriated	<u>\$2,801,840 00</u>	

Increments in
salary to be
discontinued.

2. From and after the first day of July, one thousand nine hundred and thirty-eight, the regulation increments granted State officers and employees receiving three thousand dollars (\$3,000.00) or more per annum on the basis of length of service alone for the fiscal year ending December thirty-first, one thousand nine hundred and thirty-eight, and as provided in section two, chapter one hundred and forty-six, of the Session Laws of one thousand nine hundred and thirty-seven, under regulations approved by the State House Commission, shall be discontinued and the compensation of each such officer and employee who has received such regulation increase shall be reduced in the amount of such regulation increment, except that the compensation of no officer or employee now receiving above three thousand dollars (\$3,000.00) per annum shall be reduced below that amount.

Application.

The provisions of this section shall apply to all officers and employees of the State whether paid from appropriations made from the highway 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.

Controlling
provisions.

3. The appropriations herein made shall be subject to the provisions of section two of the act to which this act is a supplement.

Act effective.

4. This act shall take effect immediately and shall be retroactive as of January first, one thousand nine hundred and thirty-eight, 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 14, 1938.

CHAPTER 365

A FURTHER SUPPLEMENT to an act entitled "An act authorizing and empowering the State Highway Commissioner to enter into contracts and make commitments necessary to receive the benefit of appropriations made available by the United States Government for the relief of unemployment," approved February twenty-fifth, one thousand nine hundred and thirty-eight.

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

1. Wherever funds have been allotted to any county or municipality pursuant to the terms of any act whatsoever for expenditure by said county or municipality upon a State aid county or municipal road and such funds are presently being held by the State Highway Commissioner for expenditure upon said State aid county or municipal road, the State Highway Commissioner may, with the consent of the county or municipality to whose credit the said funds are being held, use any such funds as the sponsor's share of any project undertaken pursuant to the terms of the act to which this act is a further supplement.

Sponsor's
share of
State allot-
ment used on
Federal
project.

2. The provisions of any act requiring the county or municipality to match said fund are hereby waived; *providing, however*, that this shall only apply to projects undertaken pursuant to the terms of the act to which this act is a further supplement; *and provided, further*, that this provision shall not apply to funds allotted for the year one thousand nine hundred and thirty-eight or subsequent thereto; *and provided, further*, that the provisions of this act shall apply to counties of the first class only.

Provision
waived.

Proviso.

Proviso.

Proviso.

3. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 366

AN ACT concerning hospital service corporations and regulating the establishment, maintenance and operation of hospital service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled "Hospital Service Corporations."

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

Hospital
service
corporation.

Hospital
service plan
defined.

Hospital
service.

Not operate
for profit.

Operated for
benefit of
subscribers.

1. A hospital service corporation is hereby declared to be any corporation organized, without capital stock and not for profit, for the purpose of establishing, maintaining and operating a non-profit hospital service plan. A hospital service plan is hereby defined as a plan whereby hospital service is provided by a hospital service corporation or by a hospital with which the corporation has a contract for such hospital service to persons who become subscribers under contracts with the corporation. Hospital service provided by a hospital service corporation shall consist of hospital care provided through a hospital which is maintained by the State or any of its political subdivisions, or maintained by a nonprofit corporation organized for hospital purposes under the laws of this State, or such other nonprofit hospitals as shall be designated by the Department of Institutions and Agencies and nonprofit hospitals of other States subject to the supervision of such other States, except in cases of emergency, in which such cases the hospital service corporation may make payment to a hospital operated for profit.

2. No hospital service corporation shall be converted into a corporation organized for pecuniary profit. Every such corporation shall be operated for the benefit of the subscribers with whom it has

contracted to provide hospital service. No person, firm, association or corporation, other than a hospital service corporation, or an insurance company authorized to transact the kinds of insurance specified in subdivisions c or d of section 17:17-1 of the Revised Statutes shall establish, maintain or operate a hospital service plan or otherwise contract in this State with persons to furnish hospital service. No hospital service corporation shall solicit subscribers or enter into any contract with any subscriber until it has received from the Commissioner of Banking and Insurance a certificate of authority to do so.

Plan restricted.

Certificate of authority to solicit subscribers.

3. The Commissioner of Banking and Insurance may issue such certificate of authority to any such hospital service corporation of this State when it shall have filed in the Department of Banking and Insurance a certified copy of its charter or certificate of incorporation, a copy of its constitution or by-laws, a statement of its financial condition in such form and detail as the Commissioner of Banking and Insurance shall require, signed and sworn to by its president and secretary or other proper officers, and the Commissioner of Banking and Insurance is satisfied, on the basis of examination or otherwise, that the corporation has complied with the requirements of this chapter and that its condition or methods of operation are not such as would render its operations hazardous to the public or to its subscribers. No change in, amendment to, alteration in, addition to, or substitution for any document, instrument or other paper so filed shall become operative or effective until the same shall also have been filed in a similar manner. No such certificate of authority shall be issued to any hospital service corporation not incorporated under the laws of this State.

Conditions for granting certificate of authority.

Changes.

4. No certificate of authority shall be issued to any hospital service corporation except on receipt of evidence by the Commissioner of Banking and Insurance that the corporation is in receipt of not less than five hundred dollars (\$500.00) on bona

Evidence of minimum amount of applications.

Refusal to issue.	<p>file applications for hospital service contracts from not less than two hundred persons, which applications shall contain provisions to the effect that any amounts collected with such applications will be returned to such persons if the certificate of authority applied for is not received by the corporation within one year from the date of the first of such applications. The commissioner may refuse to issue any certificate of authority applied for if, in his judgment, the issue thereof is contrary to the public interest.</p>
Certificate of incorporation filed.	<p>5. A copy of a certificate of incorporation of a hospital service corporation may be filed in the Department of Banking and Insurance as aforesaid only when there shall be endorsed on or appended to the original thereof the approval of the Commissioner of Institutions and Agencies, who is hereby authorized to grant such approval if, in his judgment, the operation of a nonprofit hospital service plan by such corporation is in the public interest. No certificate of authority shall be issued to any such corporation unless the by-laws provide that at least a majority of the directors of such corporation must be at all times directors or trustees of hospitals designated in section one hereof. Any outstanding certificate of authority shall immediately become void if such by-law provision be removed or if there is any failure of compliance therewith.</p>
Approval.	
Majority directors of corporation to be directors of hospitals.	
Contents of contract.	<p>6. Every contract made by a corporation subject to the provisions of this chapter to furnish services to a subscriber shall provide for the furnishing of services for a period of twelve months, and no contract shall be made providing for the inception of such services at a date later than one year after the actual date of the making of such contract. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been one month's prior written notice of termination by either the subscriber or the corporation.</p>
Renewal.	

No contract between any such corporation and a subscriber shall entitle more than one person to services, except that a contract issued and marked as a "family contract" may provide that services will be furnished to a husband and wife, or husband, wife and their dependent child or children not over nineteen years of age, and adult dependents living in the same house under the age of seventy years.

Family contract.

Every contract entered into by any such corporation with any subscriber thereto shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber to be kept by him. No such certificate form shall be made, issued or delivered in this State unless it contains the following provisions:

Contract in writing.

Provisions of contract:

(a) A statement of the amount payable to the corporation by the subscriber and the times at which and manner in which such amount is to be paid;

Payments;

(b) A statement of the nature of the services to be furnished and the period during which they will be furnished; and if there are any services to be excepted, a detailed statement of such exceptions printed as hereinafter specified;

Nature of service and exceptions;

(c) A statement of the terms and conditions, if any, upon which the contract may be canceled or otherwise terminated at the option of either party;

Cancelling;

(d) A statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract for services;

Entire contract;

(e) A statement that no statement by the subscriber in his application for a contract shall avoid the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to such contract, and that no agent or representative of such corporation, other than an officer or officers designated therein,

Statements of applicants and agents;

	is authorized to change the contract or waive any of its provisions;
Defaults;	(f) A statement that if the subscriber defaults in making any payment under the contract, the subsequent acceptance of a payment by the corporation or by one of its duly authorized agents shall reinstate the contract, but with respect to sickness and injury may cover such sickness as may be first manifested more than ten days after the date of such acceptance;
Period of grace.	(g) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall be not less than ten days.
Form of contract:	In every such contract made, issued or delivered in this State:
Type;	(a) All printed portions shall be plainly printed in type of which the face is not smaller than ten point;
Description;	(b) There shall be a brief description of the contract on its first page and on its filing back in type of which the face is not smaller than fourteen point;
Exceptions;	(c) The exceptions of the contract shall appear with the same prominence as the benefits to which they apply; and
Portion of contract.	(d) If the contract contains any provision purporting to make any portion of the articles, constitution or by-laws of the corporation a part of the contract, such portion shall be set forth in full.
Hospitals in which plan may operate.	7. Any hospital service corporation may enter into contracts for the rendering of hospital service to any of its subscribers only with hospitals maintained by the State or any of its political subdivisions, or maintained by a corporation organized for hospital purposes, or with such other hospitals as shall have been approved by the Department of Institutions and Agencies for such pur-

pose, or subject to the approval of the Commissioner of Banking and Insurance, with hospital service plans of other States and nonprofit hospitals of other States subject to the supervision of such other States, and shall have the right to reimburse any other nonprofit hospital for service rendered to the subscriber at the per diem rate paid to hospitals under contract.

All rates of payments to hospitals made by such corporation pursuant to such contracts shall prior to payment be approved by the Department of Institutions and Agencies.

8. No hospital service corporation shall enter into any contract with a subscriber unless and until it shall have filed with the Commissioner of Banking and Insurance a copy of the contract or certificate and of all applications, riders and endorsements for use in connection with the issuance or renewal thereof. If the commissioner shall at any time notify the corporation filing the same of his disapproval of any such form, as contrary to law, or as being oppressive or calculated to mislead the public, specifying particulars, it shall be unlawful for such corporation thereafter to issue such form so disapproved. Such disapproval of the commissioner may be reviewed by a writ of certiorari.

9. No corporation subject to the provisions of this chapter shall enter into any contract with a subscriber unless and until it shall have filed with the Commissioner of Banking and Insurance a full schedule of the rates to be paid by the subscribers to such contracts. The commissioner may disapprove such schedule at any time if he finds that such rates are excessive, inadequate or discriminatory. It shall be unlawful for any corporation to effect any contract according to such rates thereafter. Such disapproval of the commissioner may be reviewed by a writ of certiorari.

10. No corporation subject to the provisions of this chapter shall during any one year disburse more than ten per centum (10%) of the aggregate amount of the payments received from sub-

Approval of rates.

Copy of contract filed.

Notice of disapproval.

Review of disapproval.

Schedule of rates filed.

Notice of disapproval.

Review.

Disbursements.

scribers during that year as expenditures for the soliciting of subscribers, except that during the first year after the issuance of a certificate of authority such corporation may so disburse not more than twenty per centum (20%) of such amount and during the second year not more than fifteen per centum (15%).

Maximum disbursements.

Expenses.

Investment of funds.

Surplus.

Annual report.

To show financial condition.

No such corporation shall, during any one year, disburse a sum greater than twenty per centum (20%) of the payments received from subscribers during that year as administrative expenses. The term, "administrative expenses," as used in this section, shall include all expenditures for non-professional services and in general all expenses not directly connected with the furnishing of hospital services, but not including expenses of soliciting subscribers.

The funds of any hospital service corporation may be invested only in accordance with the requirements now or hereafter provided by law for the investment of funds of life insurance companies. Every hospital service corporation after the first full calendar year of doing business after the effective date of this chapter, shall accumulate and maintain a special contingent surplus over and above its reserves and liabilities at the rate of two per centum (2%) annually of its net premium income until such surplus shall be not less than one hundred thousand dollars (\$100,000.00) except that no such corporation shall be required to maintain a special contingent surplus exceeding fifty-five per centum (55%) of its average annual premiums for the previous five years.

11. Every hospital service corporation transacting business in this State shall annually on or before the first day of March file in the Department of Banking and Insurance a statement, subscribed and sworn to by its president and secretary, or in their absence, by two of its principal officers, showing its financial condition at the close of business on the thirty-first day of December of the year last preceding, and its business for that year, which

statement shall be in such form and contain such matters as the Commissioner of Banking and Insurance shall prescribe; said commissioner may also address inquiries to any such corporation or its officers in relation to its condition or affairs, or any matter connected with its transactions, and it shall be the duty of the officers of such corporation to promptly reply in writing to all such inquiries; for good cause shown the commissioner may extend the time within which any such statement may be filed.

Inquiries.

Any hospital service corporation that neglects to make and file its annual statement in the form and within the time provided by the last preceding section or neglects to reply in writing to inquiries of the Commissioner of Banking and Insurance within such reasonable time as may be specified by him shall forfeit twenty-five dollars (\$25.00) for each day's neglect, and upon notice by the Commissioner of Banking and Insurance to that effect its authority to do new business in this State shall cease while such default continues.

Penalty on failure to report.

12. The Commissioner of Banking and Insurance shall have the power, whenever he deems the same expedient, to make or cause to be made an examination of the assets and liabilities, method of conducting business and all other affairs of every hospital service corporation authorized or which has made application for authority to transact business under the provisions of this chapter. For the purpose of such examination the commissioner may commission and employ such persons to conduct the same or to assist therein as he may deem advisable, which examination may be conducted in any State in which the corporation examined has an office, agent or place of business.

Examination of companies.

The reasonable expense of such examination shall be fixed and determined by the Commissioner of Banking and Insurance, and he shall collect the same from the corporation examined, which shall pay same on presentation of a detailed account of such expense. In case any corporation, after such

Expenses paid by corporation.

examination, shall be declared by the Court of Chancery to be insolvent, the expense of such examination, if unpaid, shall be taxed in the costs of the proceedings in the Court of Chancery and paid out of the assets of the corporation. No corporation shall, either directly or indirectly, pay, by way of gift, credit or otherwise, any other or further sum to the commissioner or to any person in the employ of the Department of Banking and Insurance, for extra service or for purposes of legislation, or for any other purpose whatsoever.

To exhibit
books and
records.

It shall be the duty of the officers, agents and employees of any such corporation to exhibit all its books, records and accounts for the purpose of such examination, and otherwise to facilitate the same so far as it may be in their power to do so, and for that purpose the Commissioner of Banking and Insurance, and his deputies, assistants and employees shall have the power to examine, under oath, the officers, agents and employees of any such corporation relative to its business and affairs.

Injunction
where company
is insolvent.

13. Whenever any hospital service corporation shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, or whenever the Commissioner of Banking and Insurance shall ascertain, as a result of examination as authorized by this chapter, or in any other manner, that any such association is exceeding its powers or violating the law or that its condition or methods of business are such as to render the continuance of its operations hazardous to the public or its members or that the assets of such corporation are less than its liabilities or that the number of subscribers to its service has decreased to less than one hundred persons, said commissioner shall have authority to apply to the Court of Chancery for an injunction restraining such corporation from the transaction of any further business, or the transfer or disposal of its property in any manner whatsoever, and the court, being satisfied of the sufficiency of the application, may order an injunction and appoint a receiver, with power

to sue for, collect, receive and take into his possession all the goods and chattels, rights, and credits, moneys and effects, lands and tenement, books, papers, choses in action, bills, notes and property of every description belonging to such corporation and sell and convey and assign the same, and hold and dispose of the proceeds thereof under the directions of the Court of Chancery. Any such corporation may be deemed insolvent whenever it is presently or prospectively unable to fulfill its outstanding contracts and to maintain the reserves required pursuant to this chapter.

Deemed
insolvent.

14. Every corporation to which this chapter shall be applicable shall pay the following fees to the Commissioner of Banking and Insurance for enforcement of the provisions of this chapter, viz.: for filing its application and charter, ten dollars (\$10.00); for filing each annual statement, five dollars (\$5.00); for each copy of any paper filed in the Department of Banking and Insurance, twenty cents (\$.20) a sheet or folio of one hundred words and one dollar (\$1.00) for certifying the same.

Fees.

15. Any hospital service corporation of this or any other State, country or province which shall have violated any of the provisions of or shall have neglected, failed or refused to comply with any of the requirements of this chapter, except the failure to file an annual statement, shall be liable to a penalty of five hundred dollars (\$500.00), such penalty to be sued for and collected by the Commissioner of Banking and Insurance in an action upon contract in the nature of an action for debt in the name of the State; such penalty when recovered shall be paid by the Commissioner of Banking and Insurance into the State treasury for the use of the State. Any officer, agent, employee or member of any such corporation doing business in this State who shall issue, circulate or cause or permit to be circulated, any estimate, illustration, circular of any sort misrepresenting the terms of any contract issued by such corporation, or any other such corporation authorized to transact business under

Penalty for
violation.

Misrepresentations.

this chapter, or misrepresent the benefits or advantages promised thereby, or use any name or title of any contract or class of contracts misrepresenting the true nature thereof, or who shall solicit, negotiate or effect the issue of any contract of any hospital service corporation which shall have neglected, failed or refused to procure a certificate of authority as provided for by the provisions of this chapter or who shall accept any premiums, dues, deposits, contributions, fees, assessments or thing of value of any kind in consideration for such contract or certificate on behalf of such corporation, shall be adjudged guilty of a misdemeanor.

Settling disputes.

16. Any dispute arising between a corporation subject to the provisions of this chapter and any hospital with which such corporation has a contract for hospital service may be submitted to the Commissioner of Institutions and Agencies for his decision with respect thereto. All decisions and findings of the Commissioner of Banking and Insurance made under the provisions of this chapter may be reviewed by proper proceedings in a court of competent jurisdiction.

Application of act.

17. The provisions of this chapter shall not apply to any corporation carrying on the business of life, health or accident insurance, for profit or gain, nor to fraternal beneficiary associations as defined in section 17:39-1 of the Revised Statutes. Any hospital service corporation authorized to transact business pursuant to this chapter shall be exempt from all other provisions of Title 17 of the Revised Statutes except as herein specified.

Tax exempt.

18. Every corporation subject to the provisions of this chapter is hereby declared to be a charitable and benevolent institution and all of its funds shall be exempt from every State, county, district, municipal and school tax other than taxes on real estate and equipment.

Act effective.

19. This act shall take effect October first, one thousand nine hundred and thirty-eight.

Approved June 14, 1938.

CHAPTER 367

AN ACT to add Route 44T 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 ^{New road.} 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. 44T. Beginning at the Plaza of the Gloucester county tunnel and from thence to Route No. 44 at or near Paulsboro, from thence to form a connecting link with Route No. 45, from thence to form a connecting link with Route No. 47, and from thence to form a connecting link with Route No. 41. ^{Route 44T.}

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 368

AN ACT concerning investments by insurance companies generally, and amending section 17:24-1 of the Revised Statutes.

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

1. Section 17:24-1 of the Revised Statutes is ^{Section amended.} hereby amended to read as follows:

17:24-1. Any insurance company of this State, ^{Investments:} for the purpose of investing its capital, surplus and other funds, or any part thereof, may:

- Bonds; a. Purchase or hold as collateral security or otherwise and sell and convey any bonds or public stock issued, created or guaranteed by the United States, or any territory or insular possession thereof, or by this State, or by any of the other States of the United States or the District of Columbia, or the Dominion of Canada or any of the provinces thereof, or by any of the incorporated cities, counties, parishes, townships or other municipal corporations situated in any of the countries or subdivisions thereof hereinabove mentioned; or bonds authorized to be issued by any commission appointed by the Supreme Court of this State;
- Mortgages; b. Invest in bonds or notes secured by mortgages or trust deeds on unencumbered real estate, which shall include areas above the surface of the ground but not contiguous thereto, or any interest therein located within said States, the District of Columbia, or the Dominion of Canada, worth at least one-half more than the sum invested or loaned; or invest in bonds or notes secured by mortgages or trust deeds on unencumbered real estate or any interest therein so located worth less than as above provided but worth at least one-third more than the sum so invested, *provided*, (1) that any such bonds or notes so secured shall provide for amortization payments to be made by the borrower on the principal amount thereof at least once in each year, and (2) that in every such case such insurance company shall carry as a reserve any amount by which such investment or loan, or balance thereof remaining after such amortization payments, may exceed the amount which could otherwise have been so invested or loaned as herein above provided. For the purposes of this section
- Proviso; real estate or any interest therein shall not be deemed to be encumbered within the meaning of this section by reason of the existence of taxes or assessments that are not delinquent, easements, profits or licenses, nor by reason of building restrictions or other restrictive covenants, nor when such real estate or interest therein is subject to
- Real estate deemed not encumbered;

lease in whole or in part whereby rents or profits are reserved to the owner; *provided*, that the security created by the mortgage or trust deed on such real estate or interest therein securing such bond or note is a first lien upon such real estate or interest therein, and that there is no condition or right of re-entry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed;

Proviso;

c. Lend on or purchase mortgage or collateral trust bonds of railroad companies organized under the laws of said States, or the District of Columbia, or the Dominion of Canada, or operated wholly or partly in such States, district or country; or equipment trust certificates payable within sixteen years from their date of issue in annual or semi-annual installments beginning not later than the fifth year after such date, and which certificates are a first lien on the specific equipment pledged as security for the payment thereof, which are either the direct obligations of such railroad companies, or are guaranteed by them, or are executed by trustees holding title to the equipment; or certificates of receivers of any corporation where such purchase is necessary to protect an investment in the securities of such corporation theretofore made under authority of chapters seventeen to thirty-three of this Title (§17:17-1 et seq.); or the capital stock, bonds, securities or evidences of indebtedness created by any corporation of the United States or of any State; *provided*, that no purchase of any bond or evidence of indebtedness which is in default as to interest shall be made by such company unless such purchase is necessary to protect an investment theretofore made under authority of said chapters seventeen to thirty-three in the securities of the corporation which issued, assumed or guaranteed such bond or evidence of indebtedness in default; *provided, further*, that no purchase of the stock of any company of a class on which dividends have not been paid during each of the past five years preceding the time of pur-

Railroad bonds and mortgages;

Proviso;

Proviso;

Proviso; chase shall be made unless the stock so purchased shall represent a majority in control of all the stock then outstanding; *and provided, further*, that in the case of the stock of a corporation resulting from or formed by merger or consolidation less than five years prior to such purchase, each consecutive year next preceding the effective date of such merger or consolidation during which dividends shall have been paid by any one or more of its constituent corporations on any or all classes of its or their stock in an aggregate amount sufficient to have paid dividends on that class of stock of the existing corporation whose stock is to be purchased, had such corporation then been in existence, shall be deemed a year during which dividends have been paid on such class of stock; Proviso; *provided, however*, that nothing herein contained shall prohibit the purchase of stock of any class which is preferred, as to dividends, over any class the purchase of which is not prohibited by this section; *and provided, further*, that no purchase of its own stock shall be made by any insurance company except for the purpose of the retirement of such stock or except as specifically permitted by any law of this State applicable by its terms only to insurance companies.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 369

AN ACT concerning railroads, and supplementing chapter twelve of Title 48 of the Revised Statutes.

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

1. Whenever any railroad owns in fee real estate susceptible of other than railroad uses without abandonment of such railroad uses, or real estate, different levels or parts of different levels of which may be devoted to such other uses without unreasonable impairment of the use of the remainder for railroad purposes, or whenever the part of said real estate so owned in fee above or under the part thereof needed in such company's railroad operations, with reasonable use of the surface and subsurface of said real estate for foundation and other incidental uses, may be utilized or developed for building or other structures to be used in other than railroad business, such railroad may improve, utilize and develop the part of such real estate so susceptible of such other use or uses or the parts which may be so separated for other uses, so as to obtain the benefit thereof and may subdivide the separate level or levels susceptible of such other uses into lots and blocks, construct elevated streets, walks and other appurtenances and facilities proper to such development; and may sell, convey, and transfer to purchasers any separate part or parts, singularly or combined, of such real estate, at, above or below the natural surface of the ground, susceptible of such other uses, or may lease to others such part or parts thereof as said company may at any time elect; *provided*, the Board of Public Utility Commissioners finds that the use of such part of said real estate so susceptible of such other uses will not

May use
railroad prop-
erty for other
purposes.

Proviso.

unreasonably impair the use of the remainder of such real estate for railroad purposes.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 370

AN ACT concerning areas above surface lands, and supplementing chapter three of Title 46 of the Revised Statutes.

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

Deemed
estates.

1. Estates, rights and interests in areas above the surface of the ground, whether or not contiguous thereto, may be validly created in persons or corporations other than the owner or owners of the land below such areas, and shall be deemed to be estates, rights and interests in lands.

Descent and
transfer.

2. Estates, rights and interests in such areas shall pass by descent and distribution in the same manner as estates, rights and interests in land and may be held, enjoyed, possessed, aliened, conveyed, exchanged, transferred, assigned, demised, released, charged, mortgaged or otherwise encumbered, devised and bequeathed in the same manner, upon the same conditions and for the same uses and purposes as estates, rights and interests in land, and shall be in all other respects dealt with and treated as estates, rights and interests in land.

Powers,
remedies and
liabilities to
appertain.

3. All of the rights, privileges, incidents, powers, remedies, burdens, duties, liabilities and restrictions pertaining to estates, rights and interests in land shall appertain and be applicable to such estates, rights and interests in areas above the surface of the ground.

4. The provisions of this Title and of any other law of this State, shall be applicable to estates, rights and interests created in areas above the surface of the ground and to instruments creating, disposing of or otherwise affecting such estates, rights and interests, wherever such provisions would be applicable to estates, rights and interests in land, or to instruments creating, disposing of or otherwise affecting estates, rights and interests in land.

Laws
applicable.

5. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 371

AN ACT making an appropriation for the operating expenses of the State Civil Service Commission and providing for the disbursement of the same.

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

1. There is hereby appropriated from the general fund of the State, to the account of the Civil Service Commission, the sum of fifteen thousand dollars (\$15,000.00) for the purpose of continuing the reclassification of the State service and other essential work of the commission. The Comptroller of the Treasury is empowered to allocate the aforementioned sum to the proper appropriation accounts as may be requested by the Civil Service Commission.

Appropriation.

Allocation of
fund.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 372

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-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*:

Appropriations:

1. The following sum is hereby appropriated out of the State fund for the several purposes herein specified:

E. 7. SCHOOL FOR THE DEAF

School for the Deaf.

For labor and materials in the making of alterations and improvements at the School for the Deaf there is hereby appropriated the sum of \$3,000.00.

The money herein appropriated shall be disbursed as provided in the act to which this act is a further supplement.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 373

AN ACT relating to the issuance of execution upon judgments against decedents, and amending section 2:27-337 of the Revised Statutes of New Jersey.

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

1. Section 2:27-337 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

2:27-337. If a defendant, or one or more of several defendants against whom a judgment has passed, dies after judgment and the judgment is unsatisfied in whole or in part, then after six months after the death of such defendant, execution may, if the court or a judge thereof shall so order, issue in the original title of the action against the goods and chattels and real estate of the decedent as if the death had not occurred. If any will of such deceased defendant has been probated or if letters of administration have been granted upon his estate, then ten days' notice of application for such order shall be given to the executor or administrator and to the devisees and heirs at law in such manner as the court or judge may direct. If objection is made by any interested party, then no order for execution shall be made until three months after the date when notice of the existence of the judgment was first given to the executor or administrator. If no such will has been probated and no letters of administration have been granted, then ten days' notice of such application shall be given in such other manner as the court or judge may direct.

Execution of
judgment
against de-
cedent's estate.

Execution in
case of will.

Notice.

2. This act shall take effect immediately.
Approved June 14, 1938.

CHAPTER 374

AN ACT to add Route S-44 to the State Highway System.

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

New road.

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, lay out and construct as an addition to the present State highway system the following described route:

Route S-44.

Route No. S-44. Beginning where Kings highway intersects State highway Route 40 and extending thence southwestwardly along Kings highway through the township of Delaware and boroughs of Haddonfield, Haddon Heights, Audubon, Mt. Ephraim, Bellmawr and Brooklawn, a distance of six and one-half miles more or less to the intersection of said Kings highway with Route 45.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 375

AN Act to regulate the development and improvement of the tidal and upland waterways and streams through the conduct of a Works Progress Administration survey and making appropriation through existing state agencies as sponsors thereof.

WHEREAS, The State Water Policy Commission and the Department of Commerce and Navigation are sponsors of a professional project under the Federal Works Progress Administration, known as riparian, stream and waterway survey, and have received much valuable aid towards the development and improvement of tidal and upland waterways and streams from the maps and records made available to them without the expenditure of State funds; and

Preamble.

WHEREAS, The sponsors are urgently in need of additional records that will be made available to them by a continuation of the said project during the fiscal year beginning July first, one thousand nine hundred and thirty-eight; and

Preamble.

WHEREAS, The Works Progress Administration has spent over three hundred and twenty-five thousand dollars on this project during the past year one thousand nine hundred and thirty-seven, while the sponsors' contribution has been only seven per centum (7%) of the Federal outlay, and in the form of superintendence, equipment, miscellaneous supplies and office space; and

Preamble.

WHEREAS, The Works Progress Administration now requires the sponsors to contribute additional amounts in money for the payment of expenses of travel of the employees engaged on the field work in the State; therefore,

Preamble.

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

Appropriation
for riparian
survey.

1. There is hereby appropriated from the general funds the sum of fifteen thousand dollars (\$15,000.00) to the State Water Policy Commission and/or the Department of Commerce and Navigation for their contribution toward continuation of the riparian stream and waterway survey during the fiscal year beginning July first, one thousand nine hundred and thirty-eight, said money to be paid by the State Treasurer on warrant of the Comptroller and requisition of the State Water Policy Commission.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 376

AN ACT making an appropriation to the New Jersey Council to advertise the agricultural, educational, industrial, recreational and residential advantages of the State of New Jersey, and regulating the disbursement of the same.

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

Appropriation
to advertise
the State.

1. There is hereby appropriated to the New Jersey Council from the general funds of the State the sum of one hundred thousand dollars (\$100,000.00) which shall be expended for the purpose of further carrying into effect the provisions of chapter nine c of Title 52 of the Revised Statutes, which said appropriation shall be made to the State Board of Commerce and Navigation, to be administered and expended by such board under the direct authority of the said New Jersey Council.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 377

AN ACT concerning the acquisition of waterworks or a water supply by municipalities in certain cases, and amending section 40:62-54 of the Revised Statutes.

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

1. Section 40:62-54 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:62-54. No resolution or ordinance of any board or body of any municipality not previously supplying its inhabitants with water from waterworks owned by it, providing for the acquisition by such municipality of any existing waterworks or supply as provided in paragraph "d" of section 40:62-49 of this Title shall be operative or effective until after the expiration of thirty days from its adoption or passage and after publication thereof in a newspaper circulating in the municipality. If before the expiration of such period there shall be filed with the municipal clerk a petition requesting that a referendum vote be taken on the proposed action, signed by not less than ten per centum of the legal voters who voted at the next preceding general election in the municipality, then the resolution or ordinance shall remain inoperative until the result of the referendum be determined. Resolution to be inoperative.

Except where inconsistent herewith, the procedure in sections 40:49-9 to 40:49-11 of this Title shall apply to this section. Petition for referendum.

2. This act shall take effect immediately.

Approved June 14, 1938. Procedure.

CHAPTER 378

AN ACT to validate proceedings for the issuance of bonds of municipalities.

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

Bonds
validated.

1. All proceedings heretofore had or taken by any municipality for the authorization, issuance and sale of bonds for the purpose of funding outstanding obligations of such municipality, are hereby ratified, validated and confirmed, notwithstanding that the ordinance authorizing any such bonds as published contained errors in reciting the statute under which such proceedings were authorized and issued, and notwithstanding any defect or irregularity in the advertisement inviting bids for the sale of bonds; *provided*, that the publications of any such ordinance was in other respects as required by law; *and provided, further*, that the proceeds of said bonds shall be applied solely to the purpose or purposes specified in the ordinance providing for their issuance.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved June 14, 1938.

CHAPTER 379

AN ACT authorizing the Gloucester County Tunnel Commission to enter into contracts and agreements with the Delaware County Pennsylvania Authority in respect to the construction, operation and maintenance of a tunnel under the Delaware river and the issuance of revenue bonds for the payment of the cost thereof.

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

1. Gloucester County Tunnel Commission is hereby authorized and empowered, in addition to such other powers of which it is now legally possessed, to enter into a contract or contracts with Delaware County Pennsylvania Authority, an Authority of the Commonwealth of Pennsylvania, for the construction, operation and maintenance of a tunnel under the Delaware river and to issue tunnel revenue bonds for such purpose, payable solely from earnings jointly with said Delaware County Pennsylvania Authority.

Empowered
to contract and
issue revenue
bonds.

2. This act shall take effect immediately.
Approved June 14, 1938.

CHAPTER 380

AN ACT regulating the deposit of funds of inmates of State institutions, and supplementing Title 30 of the Revised Statutes.

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

May deposit
and maintain
inmate's
funds.

1. The chief executive officer of any institution coming within the jurisdiction of the Department of Institutions and Agencies is hereby empowered to deposit and maintain the funds of any inmate in a special fund for the use and benefit of said inmate, or for the payment of his maintenance in said institution, as a court of competent jurisdiction may by order direct. A general ledger shall be maintained in the office of each institution which shall contain a separate account for each inmate and indicate the amount on deposit for him.

Record kept.

Use of
interest.

Any interest paid by a bank or trust company wherein said fund is maintained may be utilized by the board of managers of said institution for the use, benefit and general welfare of the inmate population as a whole.

2. This act shall take effect immediately.

Approved June 14, 1938

CHAPTER 381

AN ACT concerning employment, promotion and tenure of employees of the State and of counties, municipalities and school districts where civil service is in effect, giving preference to certain veterans therein and amending sections 11:27-2, 11:27-3, 11:27-4, 11:27-5, 11:27-6, 11:27-7, 11:27-8, 11:27-9 and 11:27-10 of the Revised Statutes, and supplementing chapter twenty-seven of Title 11 of the Revised Statutes.

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

1. Section 11:27-2 of the Revised Statutes is hereby amended to read as follows: Section amended.

11:27-2. A veteran, as defined in section 11:27-1 of this Title, who is an applicant in a competitive examination or test for entrance into the public service under the provisions of this Title, obtaining in each part of the examination or test the minimum rating required and in the complete examination or test at least the minimum earned average rating required, shall receive for fifteen or more months of war service, in addition to such earned rating, service credits of not less than three and not more than ten points as may be determined by the commission under such regulations as it may adopt, consideration being given to the probable value of such war service as tending to fit applicants for positions in question. In determining ratings for any such veteran the period of war service shall, by said commission, be considered as a part of such experience, qualifications and credits therefor. Veterans who have served less than fifteen months shall receive pro rata credits for such shorter period of war service. Credit given on examination for war service.

Deemed part of experience.

Pro rata credit.

Section
amended.

Maximum
credits given
disabled
veterans.

Disabled
veterans
placed at top
of list.

Section
amended.

Certification
by Civil
Service Com-
mission.

Proviso.

Section
amended.

Passing
evidence of
being qualified.

2. Section 11:27-3 of the Revised Statutes is hereby amended to read as follows:

11:27-3. Veterans who have an official record, as determined by the United States Veterans' Administration, of being wounded, gassed or otherwise injured or disabled while in war service, but not to an extent to enable such veteran to be certified as a veteran with a record of disability incurred in line of duty as herein defined, and veterans with a record of disability incurred in line of duty, as herein defined in section 11:27-1 of this Title, shall be given the maximum service credits as fixed for the examination or test in which they may be applicants regardless of the length or character of such war service.

Any veteran with a record of disability incurred in line of duty as herein defined and who shall receive a passing rating in competitive examinations or tests as herein provided for entrance into the public service, shall be placed at the top of the employment list in the order of their respective final ratings.

3. Section 11:27-4 of the Revised Statutes is hereby amended to read as follows:

11:27-4. The Civil Service Commission shall certify to the appointing authority the names and addresses of the three candidates standing highest upon the register for each position to be filled, and such appointing authority shall select one of the three so certified; *provided, however*, that whenever the name or names of a veteran or veterans shall be among those certified to the appointing authority the choice of the appointing authority shall be limited to the veteran or veterans whose name or names are included in such certification, regardless of position on the list.

4. Section 11:27-5 of the Revised Statutes is hereby amended to read as follows:

11:27-5. The fact that a veteran has successfully passed the prescribed examination or test and that his name has been placed upon the employment list and certified as eligible for appointment is evi-

dence that such veteran is qualified to perform the duties of the position and as entitling him to appointment. Before such appointive power in such case shall select a nonveteran and leave unappointed any veteran who has been certified as being eligible, such appointive power shall show cause before the Civil Service Commission why such veteran should not be appointed, at which time such veteran or veterans may be privileged to attend and present evidence. Unless good cause be then shown, said Civil Service Commission shall order the immediate appointment of such veteran. Said Civil Service Commission shall be the sole judge of the facts constituting such qualifications.

Appointing authority to show cause why veteran was not appointed.

5. Section 11:27-6 of the Revised Statutes is hereby amended to read as follows:

Section amended.

11:27-6. Nothing contained in sections 11:27-2 to 11:27-5 of this Title shall apply to promotions; *provided, however*, that whenever any examination for promotions be held and any veteran shall receive the highest certification from among those qualified, before such appointive power shall appoint for promotion any nonveteran, such appointive power shall show cause before the Civil Service Commission why such veteran should not receive such promotion.

Promotions not affected.

Proviso.

6. Section 11:27-7 of the Revised Statutes is hereby amended to read as follows:

Section amended.

11:27-7. From among those eligible for appointment in the noncompetitive class, preference shall be given to any veteran as herein defined. The commission shall state in its annual report the number of persons who come within this class and the character of their services. Before the appointive power in such case shall select a nonveteran and leave unappointed any veteran who has been certified as being eligible, such department head shall show cause before the Civil Service Commission why such veteran should not be appointed, at which time such veteran or veterans may be privileged to attend and present evidence and unless good cause be then shown, said Civil

Veterans' preference in noncompetitive class.

Report.

Appointing authority to show cause which veteran was not appointed.

Proviso.	Service Commission shall order the immediate appointment of such veteran; <i>providing, however</i> , that in all such cases the veteran with a record of disability incurred in line of duty shall have preference over all others. The Civil Service Commission shall be the sole judge of the facts constituting such qualifications.
Section amended.	7. Section 11:27-8 of the Revised Statutes is hereby amended to read as follows:
Veterans given preference on reduction of personnel.	11:27-8. When a reduction is made of the employees in any department of this State or any county, municipality or school district operating under the provisions of subtitle three of this Title (11:19-1 et seq.) for the purpose of economy or of promoting the efficiency of the public service, preference, in any such reduction, shall be given to a veteran as herein defined, but such preference shall apply only where a veteran has seniority equal to the seniority of any other employee also affected by such reduction; <i>provided, however</i> , that preference in any such reduction shall be first given any veteran who shall have a record of disability as herein defined. No such soldier, sailor, marine or nurse shall be given such preference who shall have been convicted of a criminal offense in any civil, military or naval court.
Proviso.	
Section amended.	8. Section 11:27-9 of the Revised Statutes is hereby amended to read as follows:
To show cause before dismissal.	11:27-9. Before any department head shall dismiss any veteran, as provided in section 11:27-8 herein, such department head shall show cause before the Civil Service Commission why such veteran should not be retained, at which time such veteran or veterans may be privileged to attend. The Civil Service Commission shall be the sole judge of the facts constituting such qualification.
Section amended.	9. Section 11:27-10 of the Revised Statutes is hereby amended to read as follows:
Physical defects not to bar appointment.	11:27-10. No person suffering from any physical defect caused by wounds or injuries received in line of duty in the military or naval forces of the United States in the World War as defined in sec-

tion 11:27-1 of this Title shall thereby be discriminated against in an examination, classification or appointment because of such defect, unless the same shall, in the opinion of the Civil Service Commission, incapacitate him from performing properly the duties of the office, position or employment for which he applies.

Whenever, in the opinion of the Civil Service Commission, strict compliance with any condition relative to height or weight is not essential to the proper fulfillment of any position, it may order a waiver of said requirements as to veterans applying therefor. The provisions of this paragraph shall apply to both competitive and noncompetitive vacancies.

May waive
physical re-
quirements.

10. Chapter twenty-seven of Title 11 of the Revised Statutes is hereby supplemented as follows:

Supplement to
Title 11.

The Civil Service Commission may, as it may be deemed necessary for the administration of the provisions of sections 11:27-1 to 11:27-12 of this Title, prepare rules and regulations for the proper enforcement of the provisions hereof. In all competitive examinations or tests provided for in this act, wherein an oral examination or test is a part thereof, the Civil Service Commission shall upon request provide for a stenographic record of such oral examination or test, which said record shall be available in cases of reconsideration of ratings.

Rules and
regulations.

Record of oral
tests.

The Civil Service Commission shall require that any veteran who shall have a record of disability as herein defined shall have established proof of such disability on or prior to the date of any test held by said commission.

Proof of
disability.

Nothing herein contained shall be construed to amend, modify, or repeal sections 40:11-10 to 40:11-13, inclusive, of the Revised Statutes, nor section 40:47-11 of the Revised Statutes.

Not to affect
certain
sections.

Approved June 16, 1938.

CHAPTER 382

AN ACT concerning the protection, welfare and financial assistance of aged, needy residents of the State of New Jersey, 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 hereby amended to read as follows:

Qualifications
of director of
county welfare
board.

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.

Clerk of board
and chief
executive.

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.

Citizenship.

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
directors.

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 June 16, 1938.

CHAPTER 383

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 40:1-16 of the Revised Statutes.

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

1. Section 40:1-16 of the Revised Statutes is hereby amended to read as follows: Section amended.

40:1-16. Notwithstanding the provisions of sections 40:1-14 and 40:1-15 of this Title, a county bond resolution or a municipal bond ordinance may be finally passed if said resolution or ordinance authorizes only: Bond resolution may pass if for the following purposes:

a. Obligations for purposes permitted by this article when the expenditure is the result of fire, flood, or other disaster, or of recovery of judgment, unless such judgment is entered upon default or by consent, and the Commis- Fire, flood, etc., or recovery of judgment;

sioner of Local Government has, in his discretion, certified upon a certified copy of such resolution or ordinance as passed on first reading, that, in his opinion, the expenditure is of such description; or

Renew or
extend notes;

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

To fund
notes;

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

When per-
centage of net
debt does not
exceed certain
limits;

d. Until January first, one thousand nine hundred forty, whenever the percentage of net debt as stated pursuant to subsection five of section 40:1-82 of this Title, in the supplemental debt statement filed pursuant to section 40:1-13 of this Title exceeds four per centum in the case of a county, or seven per centum in the case of a municipality, obligations in a principal amount which, together with the aggregate principal amount of any other obligations authorized after March twentieth, one thousand nine hundred and thirty-five, under subsections "a" and "d" to "g" of this section, or under any county bond resolution or municipal bond ordinance finally passed within the limitations imposed by section 40:1-14 or section 40:1-15, does not exceed sixty per centum of the amount by which the amount of the notes and bonds included in the gross debt as stated pursuant to section 40:1-76 of this Title in the special debt statement, as of the twenty-eighth day of February, one thousand nine hundred and thirty-five, filed pursuant to section seven hundred and one of chapter seventy-seven of the pamphlet laws of one thousand nine hundred and thirty-five, has been decreased between February twenty-eighth, one thousand nine hundred and

thirty-five, and the date of filing such supplemental debt statement by the payment of outstanding debt or the reduction of authorizations to incur debt, but in no event shall there be authorized under this subsection obligations in a principal amount which, together with the aggregate principal amount of all other obligations authorized from time to time under this subsection after March twentieth, one thousand nine hundred and thirty-five, exceeds an amount equal to two per centum of the average of the assessed valuations as stated pursuant to subsection four of section 40:1-82 of this Title in such supplemental debt statement; or

e. Any obligations of a municipality, if the percentage of net debt as stated in the supplemental debt statement pursuant to subsection five of section 40:1-82 of this Title, together with the amount of notes or bonds issued, or authorized but not issued, for school purposes and included in the gross debt, whether issued or authorized by the municipality or by a school district constituting a separate corporation, and otherwise authorized to be deducted by the provisions of subsection "c" of section 40:1-77 of this Title, less the amount of any sinking funds applicable to the payment of any such notes or bonds, for school purposes, does not exceed eleven per centum of the average of the assessed valuations as stated in such supplemental debt statement pursuant to subsection four of section 40:1-82 of this Title; or

When net debt does not exceed 11 per centum of assessed valuation;

f. Obligations deductible, pursuant to subsection "b" of section 40:1-77 of this Title, from the gross debt stated in any annual or supplemental debt statement; or

Obligations deductible;

g. Obligations for purposes permitted by this article if it has been found by order of the State Department of Health which is hereby authorized to make such order in a

Public health;

proper case, that the expenditure and every part thereof, is necessary to protect the public health and to prevent or suppress a present menace to the public health of sufficient gravity to justify the incurrence of debt in excess of statutory limitations, and that no less expensive method of preventing or suppressing such menace exists; or

Conservation
of dikes,
jetties, etc.

h. Obligations for purposes permitted by this article when the expenditure is to be made for the purpose of constructing or reconstructing dikes, bulkheads, jetties or similar devices to prevent the encroachment of the sea when the funding commission, constituted by section 40:1-67 of this Title and consisting of the Attorney-General, the State Tax Commissioner and the Commissioner of Local Government shall have determined by order, after public hearing, that an emergency exists or is threatened which makes necessary the constructing, or reconstructing of such dikes, bulkheads, jetties or other devices for the preservation of life or property.

Form of
supplemental
debt state-
ment.

For the purposes of subsections "d" and "e" of this section, the Commissioner of Local Government shall prescribe in such detail as he may deem advisable a form of supplemental debt statement, incorporating therein the provisions of the supplemental debt statement prescribed pursuant to section 40:1-83 of this Title.

2. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 384

AN ACT concerning the assessment and collection of taxes, and amending section 54:4-52 of the Revised Statutes.

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

1. Section 54:4-52 of the Revised Statutes is hereby amended to read as follows:

Section
amended.

54:4-52. The county board of taxation shall, on or before March tenth, fill out a table of aggregates copied from the duplicates of the several assessors and enumerating the following items:

Contents of
table of
aggregates.

(1) The total number of acres and lots assessed;
(2) The value of the land assessed;
(3) The value of the improvements thereon assessed;

(4) The total value of the land and improvements assessed, exclusive of second-class railroad property;

(5) The value of second-class railroad property;

(6) The value of the personal property assessed;

(7) Deductions allowed, stated in separate columns;

a. Household goods and other exemptions under the provisions of section 54:4-3.16 of this Title;

b. Deductions for debt, other than mortgage indebtedness;

c. Property exempted under section 54:4-3.12 of this Title;

(8) The net valuation taxable;

(9) Amounts deducted under the provisions of sections 54:4-49 and 54:4-53 of this Title or any other similar law (adjustments resulting from prior appeals);

(10) Amounts added under any of the laws mentioned in subdivision (9) of this section (like adjustments);

(11) Amounts added for equalization under the provisions of sections 54:3-17 to 54:3-19 of this Title;

(12) Amounts deducted for equalization under the provisions of said sections 54:3-17 to 54:3-19 of this Title;

(13) Value of personalty of traction, street railway, gas and electric companies assessed under chapter thirty-two of this Title (§54:32-1 et seq.);

(14) Net valuation on which county, State and State school taxes are apportioned;

(15) The number of polls assessed;

(16) The amount of dog taxes assessed;

(17) The property exempt from taxation under the following special classifications;

- a. Public school property;
- b. Other school property;
- c. Public property;
- d. Church and charitable property;
- e. Cemeteries and graveyards;
- f. Motor vehicles exempted under the provisions of section 54:4-3.21 of this Title;
- g. Other exemptions not included in foregoing classifications, subdivided showing exemptions of real property and exemptions of personal property;
- h. The total amount of exempt property;

(18) State road tax;

(19) State school tax;

(20) Soldiers' bonus bond tax;

(21) County taxes apportioned, exclusive of bank stock taxes;

(22) Local taxes to be raised, exclusive of bank stock taxes, subdivided as follows:

- a. District school tax;
- b. Other local taxes;

(23) Total amount of miscellaneous revenues, including surplus revenue appropriated, for the support of the budget;

(24) District court taxes;

(25) Library tax;

(26) Bank stock taxes due taxing district;

(27) Tax rate for local taxing purposes to be known as general tax rate to apply per one hundred dollars of valuation.

In addition to the above such other matter may be added, or such charges in the foregoing items may be made, as may from time to time be directed by the commissioner. The forms for following out tables of aggregates shall be prescribed by the commissioner and sent by him to the county treasurers of the several counties to be by them transmitted to the county board of taxation. Such table of aggregates shall be correctly added by columns and shall be signed by the members of the county board of taxation and shall within three days thereafter be transmitted to the county treasurer who shall file the same and forthwith cause it to be printed in its entirety and shall transmit certified copy of same to the State Comptroller, State Tax Commissioner, the State Auditor, the clerk of the board of freeholders, and the clerk of each municipality in the county.

Sundry
information.

Form of table.

2. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 385

AN ACT providing for tenure of office of exempt firemen.

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

Tenure of
office granted
exempt
firemen.

1. Every exempt fireman holding an exempt fireman's certificate issued to him in accordance with the laws of this State now employed or holding any office or position except one created by the Constitution under the government of this State or any county, municipality or board of education of this State, shall continue in said employment, office or position during good behavior and shall not be removed from said employment, office or position except for good cause shown after a fair and impartial hearing upon written charges preferred against him.

Tenure
operative after
three years'
consecutive
employment.

2. Every exempt fireman holding an exempt fireman's certificate issued to him in accordance with the laws of this State, hereafter employed or appointed to any office or position, except one created by the Constitution, under the Government of this State or a county containing the municipality from which said exempt fireman's certificate was issued or who may be hereafter employed or appointed to any office or position, except one created by the Constitution, under the government of the municipality from which said exempt fireman's certificate was issued or the board of education of said municipality and who has served or shall hereafter serve in said employment, office or position for the term of three consecutive years, shall continue in said employment, office or position and shall not be removed from said employment, office or position except for good cause shown after a fair and impartial hearing upon written charges preferred against him.

3. When charges are preferred as aforesaid, a copy thereof must be served upon the accused and a time set for the hearing of the same, at which such exempt fireman aforesaid so accused, shall have the right to be represented by counsel and to produce witnesses and testify in his own behalf.

Notice to
accused.

4. No employment, office or position to which an exempt fireman has acquired tenure of office as herein provided, shall be abolished on the ground of economy or otherwise and said work, services or duties shall not be transferred to any other employee, department, office or position so that it results in the termination of the services of said exempt fireman or the reduction of the emoluments therefor except in time of widespread depression or mandatory retrenchment when transfer of duties, termination in service or reduction in emoluments of any office or position held by an exempt fireman under tenure may be made but only in the same ratio and to the same extent as in all other employments, offices or positions or the emoluments thereof under the control of the State or the particular county, municipality or board of education so affected.

Office not to
be abolished.

5. Nothing herein contained shall be construed to establish tenure of office on the part of an exempt fireman to any office or position within a part paid fire department of any municipality of this State.

Construing.

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

Provisions
severable.

7. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 386

AN ACT fixing the term of office of tax assessors in the several municipalities of this State.

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

Terms of tax assessors.

1. The term of persons holding the position or office of "tax assessor" in any municipality of this State is fixed at four years. Any person now holding the position or office of "tax assessor" in any municipality of this State, and any person who may be hereafter appointed to, or elected to the position or office of "tax assessor" in any municipality of this State, shall hold their said office for a term of four years from the first day of July next following said election or appointment. These provisions shall apply to all tax assessors now holding office, and their four year term shall be calculated as commencing on the first day of July of the year in which they were elected or appointed.

Terms to commence July 1.

Provisions not to apply.

The foregoing provisions of this paragraph shall not apply to the term of any "tax assessor" whose successor has already been properly appointed or elected, and awaits the assumption of the duties of such position; but the foregoing provisions shall apply to such successor.

Term "tax assessor" construed.

2. The term "tax assessor" as used in this act shall be construed to mean and include assessors, members of the boards of assessors, and all other persons charged with the duty of assessing real and personal property for taxation in each municipality of this State, and this act shall be construed and applied to include tax assessors in all municipalities of this State, irrespective of the form of government under which such municipalities may operate. The provisions of this act shall not affect or apply to any person now holding or who may hereafter hold the office of commissioner of assessment of taxes, which commissioner may now or

Provisions not to apply.

hereafter have tenure of office as provided in sections 40:171-105 and 40:171-106 of the Revised Statutes.

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

4. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 387

AN ACT concerning the sale of real estate, owned by husband and wife as tenants by the entirety, after one of the spouses has been presumed or declared dead, and supplementing chapter forty-two of Title 3 of the Revised Statutes.

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

1. The words "other spouse" or "remaining spouse" as used in this section shall relate to the spouse who shall not have been presumed or declared dead. Use of words.

2. Whenever real estate in this State is owned by husband and wife as tenants by the entirety, and one of the spouses, a resident or nonresident of this State remains beyond the sea, absents himself from this State or from the place of his last known residence, or conceals himself in this State or in the place of his last known residence, for seven years successively, and has been or shall hereafter be presumed or declared dead, and the other spouse be alive at the time the presumption arises or declaration of death is made, any person interested in said real estate may petition the Chancellor for an order for the sale of said real estate. The Chancellor may, if satisfied of the truth of the facts and that the sale will be just and equitable, order the real estate sold. Presumed dead after 7 years.
Order for sale.

Issue barred.

3. Upon such sale the person presumed or declared dead and his lawful issue shall be forever thereafter barred from any claim of title to the real estate, and if subsequently proved to have survived his spouse, the purchaser shall have as good and perfect title as if the real estate had been conveyed to him by husband and wife as tenants by the entirety, or by the spouse so presumed or declared to be dead, if subsequently proved to have been alive at the time of presumption or declaration of death, as if he had been the surviving spouse.

4. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 388

AN Act concerning district courts, and amending section 2:8-14 of the Revised Statutes.

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

Section
amended.

1. Section 2:8-14 of the Revised Statutes is hereby amended to read as follows:

Salaries of
district court
judges.

2:8-14. The annual salaries of the judges of the district courts shall be as follows:

a. In cities having four hundred thousand or more inhabitants, not less than six thousand nor more than eight thousand dollars, and in cities having between two hundred thousand and four hundred thousand inhabitants, six thousand dollars:

b. In cities of the fourth class located on the Atlantic ocean and having more than fifty thousand inhabitants, six thousand dollars;

c. In cities having between one hundred and twenty-five thousand and two hundred thousand inhabitants, five thousand five hundred dollars;

d. In cities having between sixty thousand and one hundred and twenty-five thousand inhabitants, four thousand dollars;

e. In cities located in counties of the first class and having between sixty thousand and eighty-five thousand inhabitants, four thousand dollars; and in cities located in counties of the first class and having between eighty-five thousand and one hundred thousand inhabitants, five thousand dollars;

f. In cities having between twenty-five thousand and sixty thousand inhabitants, three thousand five hundred dollars;

g. In cities having between twenty-three thousand and twenty-five thousand inhabitants, two thousand five hundred dollars;

h. In cities having between seventeen thousand and twenty-three thousand inhabitants, two thousand dollars;

i. In judicial districts having more than forty thousand inhabitants, two thousand dollars except:

(1) In such judicial districts in which the courts shall be held at more than one place in the district at stated periods, in which districts it shall be three thousand dollars, and

(2) In such judicial districts in counties having more than two hundred thousand inhabitants, in which districts it shall be three thousand five hundred dollars, and

(3) In any judicial district wherein there is located any city now or hereafter having a population in excess of one hundred thousand inhabitants, in which district it shall be five thousand dollars.

j. In judicial districts having less than forty thousand inhabitants, two thousand dollars, except:

(1) In such judicial districts in counties having more than two hundred thousand inhabitants and less than three hundred thousand inhabitants, in which districts it shall be two thousand five hundred dollars, and

(2) In such judicial districts in counties having more than three hundred thousand inhabitants, in which districts it shall be three thousand five hundred dollars.

k. In judicial districts bordering on the Atlantic ocean and having less than thirty thousand and more than seventeen thousand inhabitants, two thousand eight hundred dollars; and in judicial districts bordering on the Atlantic ocean and having between thirty thousand and one hundred thousand inhabitants, four thousand dollars.

Payment of
salaries.

The salaries of the judges of the district courts shall be paid by the cities in which such courts are established, and by the county treasurer of the counties in which any judicial district may be incorporated, in monthly installments, to be computed from the date of the appointment of such judges.

2. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 389

AN ACT fixing the compensation of members of the
State Capitol police force.

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

Salaries of
State Capitol
police.

1. Compensation for officers constituting the State Capitol police force, except the chief thereof, is hereby fixed at a minimum of one thousand five hundred and sixty dollars (\$1,560.00) per annum and a maximum of one thousand eight hundred dollars (\$1,800.00) per annum. Upon appointment said officers shall receive the minimum salary and shall be increased one hundred and twenty dollars (\$120.00) per annum upon the completion of each

year of service in said office thereafter until the maximum salary is reached.

2. All present members of the State Capitol police force receiving less than the minimum salary hereby fixed and having served less than five years in their said offices shall receive the minimum salary and shall receive the yearly increases as herein provided each year hereafter reckoned from the effective date hereof. Those having served more than five years in their respective offices shall receive the maximum salary. Increases.

3. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 390

AN ACT concerning taxation, and amending section 54:4-3.23 of the Revised Statutes.

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

1. Section 54:4-3.23 of the Revised Statutes is amended to read as follows: Section amended.

54:4-3.23. Cash on hand or on deposit and loans on collateral of savings banks, mutual savings banks and institutions for savings organized under the laws of this State and moneys, of any person, firm, association or corporation individually or in a fiduciary capacity, or to the credit of any person, firm, association or corporation individually or in any fiduciary capacity with any bank, trust company, national bank or savings bank doing business in this State shall be exempt from taxation under this chapter. Cash on hand and deposit not taxable.

2. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 391

AN ACT relating to the terms and conditions of the employment of the deputies and other employees now or hereafter employed in the alcoholic beverage tax division of the State Tax Department, and amending sections 54:42-6 and 54:42-7 of the Revised Statutes.

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

Section
amended.

1. Section 54:42-6 of the Revised Statutes is amended to read as follows:

Deputies and
other em-
ployees put
in the classi-
fied service.

54:42-6. In the administration of this subtitle, the commissioner may appoint one or more deputies and such other employees as he may deem necessary, and establish, maintain and equip one or more offices at such places within the State as he shall determine. All deputies and other employees who are employed in the beverage tax division of the State Tax Department when this act becomes effective shall hold and thereafter continue to hold their respective positions within and as a part of the classified service of the State, in accordance with the provisions of Title 11 of the Revised Statutes, notwithstanding that any such deputy or deputies may now or hereafter be authorized to act generally for and in the place of the head of the State Tax Department during his absence or disability. Employees other than deputies who shall be appointed to employment in the beverage tax division of the State Tax Department after this act shall become effective shall be appointed and shall hold their positions subject to the provisions of Title 11 of the Revised Statutes; *provided, however*, that with respect to all such employees the working test period shall be one year and not as provided in Title 11 of the Revised Statutes.

Proviso.

2. Section 54:42-7 of the Revised Statutes is amended to read as follows:

Section amended.

54:42-7. The commissioner may dismiss any deputies who shall be appointed to employment in the beverage tax division of the State Tax Department after this act shall become effective without assigning cause therefor.

Dismissal of employees.

3. This act shall take effect immediately.

Approved June 16, 1938.

CHAPTER 392

AN ACT concerning the term of office of the clerk to the recorder in certain cities of the second class.

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

1. Whenever any person holding the position or office of clerk to the recorder in any city of the second class in this State having a population not exceeding one hundred thousand inhabitants, as ascertained by the preceding Federal census, shall have served in that position or office continuously for a period of ten years from the date of his original appointment, he shall continue to hold said position or office during his good behavior, and shall not be discharged, dismissed or suspended from office or reduced in pay except for inefficiency, incapacity or other just cause, and until such person shall have been furnished with written charges stating the reason for such discharge, dismissal, suspension or reduction, and shall have been given a reasonable time to make written answer thereto, nor shall such discharge, dismissal, suspension or reduction be made until the charge or charges shall have been examined and found true in fact by the governing body of the municipality in which such person is serving, after a hearing, upon reason-

Clerk to recorder granted tenure after 10 years of service in second class cities.

able notice to the person charged, at which time he may be represented by counsel and offer testimony or other evidence in his own behalf.

2. This act shall take effect immediately.

Filed June 17, 1938.

CHAPTER 393

AN ACT creating a temporary commission 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:*

Commission
on condition
of urban
colored
population.

1. A temporary State commission is hereby created consisting of three Senators and three other persons to be appointed by the President of the Senate, at least two of whom shall be of the colored race; three members of the Assembly and three other persons to be appointed by the Speaker of the Assembly, at least two of whom shall be of the colored race; and three other members to be appointed by the Governor, at least two of whom shall be of the colored race, to examine and report upon the economic, cultural, health and living conditions of the urban colored population of the State and to recommend such measures as such commission 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.

2. Such commission shall select a chairman and a 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 appropriation therefor. Such commission may meet anywhere in the State, may take testimony, subpoena 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.

Meetings.

3. The members of such commission shall receive no compensation for their services, but shall be entitled to their necessary traveling and hotel expenses incurred in the performance of their duties.

No compensation.

4. Such commission shall make a report to the Legislature on or before March first, nineteen hundred thirty-nine, 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.

5. The sum of thirty thousand dollars (\$30,000.00), 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.

6. This act shall take effect immediately.
Filed June 17, 1938.

CHAPTER 394

AN ACT to insure and protect fair trade practices in distribution, defining such practices, prohibiting the advertisement, offer for sale or sale of merchandise at less than cost, and fixing penalties for the violation thereof.

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

Terms defined: 1. Definitions: The words and phrases herein shall, unless the content otherwise indicates, have the following meanings:

Cost to the
retailer;

(a) "Cost to the retailer" shall mean the total consideration necessary for the replacement of the merchandise to the retailer at the retail outlet, such consideration to be determined by applying to said merchandise the same cost per unit as the last quantity purchased by the retailer prior to the sale of the said merchandise would have cost per unit if bought at the most favorable market price available to the retailer at any time within thirty (30) days prior to the said sale less any customary trade discounts, but exclusive of discounts for cash, display allowances and unearned discounts for volume.

Cost to
wholesaler;

(b) "Cost to wholesaler" shall mean the total consideration necessary for the replacement to the wholesaler at the wholesale outlet, such consideration to be determined by applying to said merchandise the same cost per unit as the last quantity purchased by the wholesaler prior to the sale of said merchandise would have cost per unit if bought at the most favorable market price available to the wholesaler at any time within sixty (60) days prior to the said sale less any customary trade discounts but exclusive of discounts for cash, display allowances and unearned discounts for volume.

(c) "Cost to the retailer" and "cost to the wholesaler" must be bona fide costs and sales to consumers, retailers and wholesalers at prices which cannot be justified by existing market conditions within this State shall not be used as basis for computing costs with respect to sales by retailers and wholesalers.

Cost to
retailer and
wholesaler to
be bona fide;

(d) "Sell at retail" and "sales at retail" shall mean any transfer of title to tangible personal property for a valuable consideration where such property is to be used by the purchaser for purpose other than resale manufacture or further processing. The above terms shall also include any such transfer of property where title is retained by the seller as security for the payment of the purchase price.

Sell at retail;

(e) "Sell at wholesale" and "sales at wholesale" shall mean any transfer of title to tangible personal property for a valuable consideration where such property is to be used by the purchaser for purpose of resale manufacture or further processing. The above terms shall also include any such transfer of property where title is retained by the seller as security for the payment of the purchase price.

Sell at whole-
sale;

(f) "Retailer" shall mean and include every person, firm, corporation or association engaged in the business of transferring title within this State to tangible personal property for a valuable consideration where such property is to be used by the purchaser and is not to be resold or used for the purpose of manufacture or further processing.

Retailer;

(g) "Wholesaler" shall mean and include every person, firm, corporation or association engaged in the business of transferring title within this State to tangible personal property for a valuable consideration where such property is to be resold by a retailer.

Wholesaler.

Wholesaler shall also include any person, firm, corporation or association conducting a warehouse connected with or separate and apart from a retail

Wholesaler
to include
warehouse
connected with
wholesaler.

outlet where goods to be sold at said retail outlet are stored prior to transfer to said retail outlet for sale.

To advertise
loss leaders
prohibited.

2. It is hereby declared that the advertisement, offer for sale, or sale of any merchandise at less than cost by retailers is prohibited.

To advertise
or sell below
cost prohibited.

3. It is hereby declared that the advertisement, offer for sale, or sale of any merchandise at less than cost by a wholesaler plus a two per centum (2%) delivery charge is prohibited.

Penalty.

4. Any person, firm, corporation or association who shall violate any of the provisions of this act shall forfeit and pay a penalty of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense to be sued for and recovered by and in the name of "The State of New Jersey."

Courts of
jurisdictions.

5. Every district court in any city or judicial district in any county and every court of common pleas in any county is hereby empowered, upon filing of a complaint in writing, duly verified, which said verification may be made by any resident of the State of New Jersey, upon information and belief, that any person, firm, corporation or association has violated any of the provisions of this act, to issue process at the suit of the State of New Jersey as plaintiff, such process shall be by summons returnable in not less than five or more than fifteen entire days; such process shall state what provision of the law is 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 with or without a jury as the defendant may desire, to hear testimony and to determine and give judgment in the matter without the filing of any pleadings 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; that said district court or court of common pleas shall have power to adjourn the hearing or trial in any case from time to time.

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. 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 chapter thirty-two of Title 2 of the 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.

6. Every penalty recovered for any violation of this act shall be remitted to the Treasurer of the State of New Jersey.

Penalties
remitted to
Treasurer.

7. Nothing herein contained shall prevent the Court of Chancery from granting an injunction for continued violations of this act.

Injunction.

8. The provisions of this act shall not apply to sales at retail or sales at wholesale, (a) where merchandise is sold in bona fide clearance sales and is advertised, marked and sold as such, (b) where merchandise is imperfect or damaged or is being discontinued and is advertised, marked and sold as such, (c) where merchandise is sold upon the final liquidation of any business, (d) where merchandise is sold for charitable purposes, (e) where the price of merchandise is made to meet the legal price of a competitor for merchandise of the same grade, quality and quantity, and (f) where merchandise is sold by any officer acting under the direction of any court.

Provisions
not to apply.

9. This act may be known and cited as the "Fair Sales Act."

Short title.

Sections
severable.

10. If any section, sentence or clause of this act shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining parts hereof.

Filed June 17, 1938.

CHAPTER 395

AN ACT concerning the salaries of judges of the courts of common pleas, and amending section 2:6-16 of the Revised Statutes.

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

Section
amended.

1. Section 2:6-16 of the Revised Statutes is hereby amended to read as follows:

Salaries of
common pleas
judges.

2:6-16. The annual salaries of the judges of the courts of common pleas in the several counties of the State shall be as follows:

Not to apply;

a. In counties having five hundred thousand or more inhabitants, a salary of fifteen thousand dollars, and, in counties having three hundred thousand or more inhabitants, a salary of thirteen thousand dollars, payable from county funds by the treasurer of the respective counties in equal semi-monthly installments. Judges receiving the salaries provided by this paragraph shall devote their entire time to their judicial duties and shall not engage in the practice of law. The salaries herein provided shall not apply to a judge appointed prior to April twenty-seventh, one thousand nine hundred and thirty-one, unless he shall file in the office of the county clerk of the county for which he was appointed his consent in writing accepting the provisions of this paragraph, whereupon he shall receive the salary herein provided and be subject to the other provisions of this paragraph.

b. If, in any county of the first class, any of the judges appointed in and for such county before April twenty-seventh, one thousand nine hundred and thirty-one, shall not have consented to accept the salary fixed by paragraph "a" of this section, the judge or judges so not consenting shall receive a salary of not less than nine thousand nor more than twelve thousand dollars, the amount to be fixed by the board of chosen freeholders of each of such counties and payable as provided in paragraph "a" of this section.

Salary of
judges
appointed
after April 27,
1931.

c. In counties having not less than two hundred and ten thousand nor more than three hundred thousand inhabitants, a salary of ten thousand dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

d. In counties having not less than one hundred thousand nor more than two hundred and ten thousand inhabitants, a salary of nine thousand dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

e. In counties bordering on the Atlantic ocean and having not less than fifty thousand nor more than one hundred thousand inhabitants, a salary of nine thousand dollars, payable from county funds by the treasurer of the respective counties in equal monthly installments.

f. In counties having more than eighty-two thousand and less than one hundred and fifty thousand inhabitants, except counties bordering on the Atlantic ocean, a salary of eight thousand dollars payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

g. In counties having not less than seventy thousand nor more than eighty-two thousand inhabitants, a salary of five thousand dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

h. In counties having not less than sixty thousand nor more than seventy thousand inhabitants, as ascertained by the preceding Federal or State census, a salary of fifty-five hundred dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

i. In counties having not less than forty-eight thousand nor more than sixty thousand inhabitants, a salary of five thousand dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

j. In counties having not less than thirty thousand nor more than forty thousand inhabitants, a salary of four thousand dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

k. In counties having not less than twenty thousand nor more than thirty thousand inhabitants, a salary of thirty-five hundred dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments.

l. In counties bordering on the Atlantic ocean and now or hereafter having a population of less than thirty thousand inhabitants as ascertained by the preceding Federal census, an annual salary of four thousand seven hundred dollars payable from county funds by the treasurer of such county; *provided*, the judge of such county likewise holds the district court. In counties bordering on the Atlantic ocean and now or hereafter having a population of between thirty thousand and one hundred thousand inhabitants as ascertained by the preceding Federal census, an annual salary of five thousand five hundred dollars, payable from county funds by the treasurer of such county.

Proviso.

m. In counties having less than twenty thousand inhabitants, a salary of twenty-seven hundred dollars, payable from county funds by the treasurer of the respective counties in equal semimonthly installments. Except as otherwise provided by law, the salaries fixed by this section shall be in lieu

of all fees and other compensation whatsoever for the services of the judges in their respective courts of common pleas, orphans' courts, courts of oyer and terminer, courts of quarter sessions and courts of special sessions, and for all other services by them performed by virtue of their offices.

Filed June 17, 1938.

CHAPTER 396

AN ACT to amend section three of an act entitled "An act to provide for the establishment and administration of unemployment compensation, providing for the levy and collection of contributions therefor, providing penalties and making appropriations," approved December twenty-second, one thousand nine hundred and thirty-six, and being chapter twenty-one of Title 43 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 hereby amended to read as follows: Section amended.

BENEFITS

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. 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. Payment of 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 Amount of benefit.

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).

(c) Determination of full-time weekly wage.

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 amount of benefits.

(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.

2. This act shall take effect immediately.

Approved June 20, 1938.

CHAPTER 397

AN ACT providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired.

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

Retired on one-half pay.

1. In any county of this State the county superintendent of weights and measures and the assistant county superintendents of weights and measures, where such persons have served for a continuous period of twenty years, and have reached the age of sixty years, shall, upon their respective applications, in writing, be retired upon one-half

pay. The words "be retired upon one-half pay," as used in this act, shall be construed to mean retirement upon a pension equal to one-half of the annual salary of such person at the time of retirement.

Construing.

2. Any county superintendent of weights and measures or assistant county superintendents of weights and measures who shall have served as such for a continuous period of twenty years, whether he has reached the age of sixty years or not, who shall be found, as hereinafter provided, to be physically unfit for further service shall, upon application in writing to the governing body of such county, be retired upon one-half pay.

Retirement
before 60 if
physically
unfit.

3. Any county superintendent of weights and measures or assistant county superintendent of weights and measures who shall have received a permanent disability by reason of injury, accident or sickness, incurred at any time in the service, which shall permanently incapacitate him from further duty, shall, upon the certification of the fact of such disability by three physicians designated as hereinafter provided, be retired upon one-half pay. Physical unfitness or incapacity for further duty of any county superintendent of weights and measures or assistant county superintendent of weights and measures shall for the purposes of this act, be established and determined by a board of three physicians, to be designated for that purpose by the governing body of such county. The three physicians so designated shall examine the said county superintendent of weights and measures so applying for retirement upon one-half pay, because of physical unfitness or incapacity for further duty, and if they or a majority of them find him physically unfit or incapacitated for further duty, they or a majority of them shall make such finding and certify the same to the clerk of the governing body of such county, and thereupon the governing body shall retire the applicant upon one-half pay.

Pension upon
injury in line
of duty.

Pension for
widow and
children.

Proviso.

Proviso.

Proviso.

Proviso.

Payment.

Creation of
fund.

4. The widow or children or sole dependent parent of any superintendent or assistant superintendent of the county department of weights and measures, having paid into the fund the full amount of his annual assessment or contributions, who shall have lost his life in the performance of his duty, or who shall die from causes other than injuries received in the performance of duty, shall receive a pension equal to one-half of the salary of such member at the time of his death; *provided, however,* that in case of a widow and children such pension shall be paid to the widow for the use of herself and the children, if any, and in case of children and no widow, then such pension shall be paid to such of the children who have not attained the age of sixteen years, in equal shares; *provided,* there are three or more children; if there are two children, they shall be paid thirty dollars (\$30.00) each monthly; if one child, thirty-five dollars (\$35.00) monthly; and in case there is no widow and no children under the age of sixteen years, then such pension shall be paid to the sole dependent parent of such deceased member; *provided, further,* no widow shall be entitled to a pension who shall have married any such member after he shall have attained the age of fifty years, after the passage of this act; *provided, further,* that if any widow entitled to a pension as aforesaid remarry, then such pension shall cease and shall not be paid to such widow or her children.

5. Persons who may become entitled to pensions under this act shall be paid such pensions monthly. A fund shall be created in the following manner for the purpose of paying such pensions, to wit: There shall be deducted from every payment of salary to each county superintendent of weights and measures and each assistant county superintendent of weights and measures three per centum (3%) of the amount thereof; then there shall be contributed by the county an amount equivalent of three per centum (3%) of said salary; to said sum there shall be added all moneys donated for

the purpose of such fund; and all rewards which may be paid to any county superintendent of weights and measures or assistant county superintendent of weights and measures while acting in their official capacity, all of which moneys and rewards shall be paid over to the governing body of the county to be deposited in said fund. In case, at any time, there shall not be sufficient money in said pension fund to pay such pensions the governing body of the county shall from time to time include in any tax levy a sum sufficient to meet the requirements of such pension fund. Whenever such pension fund shall exceed the amount which the governing body of such county shall by resolution from time to time determine to be adequate for such pension fund, no moneys, except the three per centum (3%) specified in this act, and the moneys given or donated as herein mentioned and any of the aforementioned rewards, shall be paid in the said fund, unless and until the amount of such fund shall fall below the amount then determined to be adequate.

6. The governing body of such county shall have the management and control of said fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this act; all moneys not needed for the immediate payment of pensions shall be invested by the governing body in interest-bearing bonds of any county of this State, or in any other interest-bearing securities in which saving banks of this State are authorized to invest their funds.

Management
and control of
fund.

7. This act shall take effect immediately.

Filed June 21, 1938.

CHAPTER 398

AN ACT concerning the utilization of the sewerage system of one adjoining municipality by certain inhabitants of certain municipalities, and repealing sections 58:11-19, 58:11-20, 58:11-21 and 58:11-22 of the Revised Statutes.

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

- Sundry sections repealed.
1. Sections 58:11-19, 58:11-20, 58:11-21 and 58:11-22 of the Revised Statutes are hereby repealed.
 2. This act shall take effect immediately.
- Filed June 21, 1938.

CHAPTER 399

AN ACT to regulate elections, and to amend sections 19:19-8 and 19:19-12 of the Revised Statutes.

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

- Section amended.
1. Section 19:19-8 of the Revised Statutes is hereby amended to read as follows:
- Statements of results of election.
- 19:19-8. The members of the board shall proceed to examine the statements and copies of statements produced before them and shall canvass and determine the votes cast at such election; and shall forthwith make four statements of the result of such election; but if no officers were voted for or public questions were voted upon at the election by the voters of the entire State or of more than one county thereof or of a congressional district, one statement shall be sufficient.

2. Section 19:19-12 of the Revised Statutes is hereby amended to read as follows:

19:19-12. The board shall deliver one of the statements to the clerk of the county, who shall forthwith file the same, and one statement to the respective chairmen of the Republican and Democratic State Committees.

3. This act shall take effect immediately.

Filed June 21, 1938.

Section
amended.

To whom
statements
made.

CHAPTER 400

AN ACT to amend an act entitled "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 30:5-1, 30:5-33, 30:5-36, 30:5-43 and 30:5-44 of the Revised Statutes," approved May eleventh, one thousand nine hundred and thirty-eight.

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

1. Section 30:5-33 of the Revised Statutes is hereby amended to read as follows:

30:5-33. Any mother of a dependent child under the age of sixteen years 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:

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

Section
amended.

May file
petition with
board:

If not
sufficient
means;

Where father
is confined
in jail;

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

When father
has deserted;

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

When father
is inmate of
institution;

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

When father
is physically
or mentally
unfit;

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

When father
has been
deported as an
alien;

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

When father
fails to
support.

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.

2. This act shall take effect immediately.

Approved June 22, 1938.

CHAPTER 401

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.

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

1. Article one, section one hundred and one, chapter one hundred and sixty-three, of the laws of one thousand nine hundred and thirty-eight is amended to read as follows: Section amended.

ARTICLE I

DEFINITIONS

1. 101. Words used in this act, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, shall have the following meaning: Terms defined:

"Person" shall mean and include natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations and any receiver, trustee, conservator or other officer appointed pursuant to law by any court, State or Federal. The use of the singular number shall include the plural number. Person;

"Retail dealer" any person operating a service station, filling station, store, garage or other 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. Retail dealer;

"Motor fuel" shall mean (a) all products commonly or commercially known or sold as gasoline (including casinghead and absorption or natural gasoline), benzol, benzene, or naphtha regardless of their classification or uses; and (b) any liquid prepared, advertised, offered for sale or sold for Motor fuel;

use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected 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) shows not less than ten per centum (10%) distilled (recovered) below three hundred forty-seven degrees (347°) Fahrenheit (one hundred seventy-five degrees (175°) Centigrade) and not less than ninety-five per centum (95%) distilled (recovered) below four hundred sixty-four degrees (464°) Fahrenheit (two hundred forty degrees (240°) Centigrade); and (c) any other product or liquid when sold for use as a fuel in any type of internal combustion engine furnishing power to operate a motor vehicle.

Sale;

“Sale” shall have its ordinary meaning and, in addition, shall include any exchange, gift or other disposition; and “purchase” shall include any acquisition of ownership.

Selling
expense;

“Selling expense” includes all overhead and general business expense.

Commissioner.

“Commissioner” shall mean the State Tax Commissioner.

2. This act shall take effect immediately.

Approved June 22, 1938.

CHAPTER 402

AN Act to amend the body of an act entitled "An act for the creation and establishment of a commission consisting of sixteen members 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," approved April fourth, one thousand nine hundred and thirty-eight, and to amend the title of said act so that the same shall read as follows: "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."

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

1. The title of an act entitled "An act for the creation and establishment of a commission consisting of sixteen members 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," approved April fourth, one thousand nine hundred and thirty-eight, is hereby amended to read as follows: "An act for the creation and establishment of a com-

Title
amended.

New title.

mission 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."

Section
amended.

2. Section one of the act entitled as above is hereby amended to read as follows:

Commission
on Tax Law
Revision
created.

1. There is hereby created a commission which shall consist of the State Auditor, the State Tax Commissioner, the president of the State Board of Tax Appeals, the State Comptroller, the State Treasurer, the Commissioner of Education, the Commissioner of Local Government, one member to be appointed by the executive board of the New Jersey State League of Municipalities to be designated by said board and nine members to be appointed as follows:

Three members of the Senate to be appointed by the President thereof;

Three members of the Assembly to be appointed by the Speaker thereof; and

Three members to be appointed by the Governor.
All members shall serve without compensation.

3. This act shall take effect immediately.

Approved June 22, 1938.

JOINT RESOLUTIONS

(995)

Joint Resolutions

JOINT RESOLUTION No. 1

JOINT RESOLUTION requesting The Port of New York Authority to continue its investigations relative to suburban transit in Northern New Jersey.

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

1. The Port of New York Authority having presented a statement to the Legislature concerning its studies on suburban transit, the said Port Authority is requested to continue and extend its studies for the further development of a definite physical plan for suburban transit relief with particular reference to the financing of such facilities, and to further undertake and complete a study as follows:

Continuing
study of
suburban
transit.

(a) A physical plan for the North Jersey transit system, indicating generally by map or otherwise the locations of the existing or future railroad lines to constitute such system, and the communities to be served thereby, and indicating what portions thereof should be provided as the initial stage.

Physical plan.

(b) A financial plan for the effectuation of the initial stage of the North Jersey transit system, giving the estimated capital investment required, the estimated annual costs of the operation and maintenance thereof, the estimated annual amounts necessary to pay interest upon and to amortize the capital investment, the estimated annual revenues therefrom based upon an up-to-date passenger traffic survey in northeastern New Jersey, and recom-

Financial plan.

Recommendations.

mendations as to how the moneys for the North Jersey transit system shall be raised and the manner in which losses, if any should occur, shall be met.

Proposed
legislation.

(c) Drafts of legislation for adoption by the two States in such form as may be necessary or desirable to permit the financing, establishment, maintenance and operation of the initial stage of the North Jersey system by or under the control of The Port of New York Authority and to provide for meeting any losses if any should occur.

Report.

2. The said Port of New York Authority is requested to embody its findings and specific recommendations in a report to be submitted to the present session of the Legislature.

3. This joint resolution shall take effect immediately.

Approved February 21, 1938.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION for the appointment of a commission consisting of four members of the Senate, six members of the House of Assembly, and six citizens of this State to be appointed by the Governor, who shall constitute a joint commission to commemorate the three hundredth anniversary of the settlement of the Swedes and Finns on the soil of New Jersey in the counties of Salem, Gloucester, Cumberland and Camden.

Preamble.

WHEREAS, at the legislative session of one thousand nine hundred and thirty-seven a joint resolution was passed known as Joint Resolution No. 2, providing for the appointment of a commission to commemorate the three hundredth anni-

versary of the settlement of the Swedes on the soil of New Jersey in the counties of Salem, Gloucester, Cumberland and Camden; and

WHEREAS, the Finnish people who helped to form such settlements were not mentioned in said resolution; and Preamble.

WHEREAS, the Attorney-General has advised that a joint resolution is not a law, and that its vitality ceases at least at the end of the legislative session at which it was created; and Preamble.

WHEREAS, the year nineteen hundred and thirty-eight marks the three hundredth anniversary of the settlement of the Swedes and Finns on the soil of New Jersey, such settlement being made on territory now comprising the counties of Gloucester, Salem, Cumberland and Camden; and Preamble.

WHEREAS, this settlement was the beginning of a permanent government for the earliest inhabitants of this section of New Jersey, as well as the State of Delaware and the Commonwealth of Pennsylvania; and Preamble.

WHEREAS, the Government of the United States, the governments of Sweden and Finland, the State of Delaware and the Commonwealth of Pennsylvania are planning an interstate and international celebration, to be held at Wilmington, Delaware, commemorating the arrival of the Swedish and Finnish colonists in the Valley of the Delaware; and Preamble.

WHEREAS, it is fitting and appropriate that New Jersey participate in this interstate celebration, as well as fittingly commemorate the founding of the New Jersey settlement; therefore, Preamble.

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

Commission on
Settlement of
Swedes and
Finns.

1. There is hereby appointed a commission consisting of four members of the Senate, who shall be the Senators from the respective counties of Salem, Cumberland, Gloucester and Camden, and six members of the House of Assembly who shall be the Assemblymen from the respective counties of Salem, Cumberland, Gloucester and Camden, and six citizens of the State to be named by the Governor, who shall constitute a joint commission, and shall be authorized and empowered to arrange an appropriate celebration in commemoration of the three hundredth anniversary of the settlement of the Swedes and Finns in the Valley of the Delaware.

Participation
in commemorative
observances.

2. The commission is authorized on behalf of the State of New Jersey to participate in the interstate and international celebration to be held in the city of Wilmington, and further shall arrange for exercises commemorative of the founding of the settlements in the present counties of Gloucester, Salem, Cumberland and Camden.

Organization.

3. Within thirty days after this resolution becomes effective the commission shall organize by the selection of a chairman and secretary, and is authorized to adopt rules and regulations for carrying into effect the provisions hereof.

4. This resolution shall take effect immediately.
Approved February 28, 1938.

JOINT RESOLUTION No. 3

JOINT RESOLUTION directing the State Tax Commissioner to investigate possible irregularities in connection with tax exempt property and to report his findings to the Governor, State Senate and House of Assembly, with recommendations for legislation needed to place back on the tax rolls property which may be unlawfully escaping taxation.

WHEREAS, The State Legislature in one thousand nine hundred and thirty created a commission to investigate county and municipal taxation and expenditures; and Preamble.

WHEREAS, This commission in filing its report on "The Revenue System of New Jersey" made the following statement: "New Jersey has been as liberal as most of the States in her tax exemption policy. The States generally have begun to recognize the evils of an unwise and over-liberal system of tax exemptions, and sentiment is developing in many quarters for the curtailment of this privilege, a privilege which grows in value as the tax burden mounts. It is coming to be realized that every tax exemption must be justified by public policy. That is, there must be a clear and strong case for the public advantage in every exemption. If there is no public advantage the exemption stands on doubtful ground"; and Preamble.

WHEREAS, At the present time close to one-seventh of the total assessed property in the State of New Jersey is still exempt from taxation; and Preamble.

WHEREAS, These exemptions create an additional burden upon the tax paying class of property; and Preamble.

Preamble. WHEREAS, It is believed that much of this property has been exempted from taxation without due regard to law; and

Preamble. WHEREAS, It appears that accurate information covering the individual exemptions granted in the various municipalities in the State is not readily available in any State department; now, therefore,

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

List of tax
exempt
sought.

1. The State Tax Commissioner is hereby directed to demand from every taxing district in the State, a detailed list of all tax exempt properties, together with complete reasons as to why they became exempt and under what section of the law such exemptions were allowed.

Classification
and analysis
of exemptions.

2. The State Tax Commissioner is further directed to segregate these returns into uniform specific classifications and make a detailed analysis of such exempt property and after each and every exemption has been carefully examined the State Tax Commissioner shall order back on the tax assessing rolls those which do not clearly come within the meaning of the law.

Report.

3. The State Tax Commissioner shall also present a report to the Governor, State Senate and House of Assembly not later than November first, one thousand nine hundred and thirty-eight, setting forth what has been accomplished by him in connection with such tax evasions. He shall also at that time make recommendations for such changes in the existing laws as may be necessary to return to the tax rolls properties which are now exempt in compliance with existing laws but which laws are too liberal, inequitable or unjustifiable.

Recommendations.

Approved February 28, 1938.

JOINT RESOLUTION No. 4

JOINT RESOLUTION memorializing the Secretary of the Navy to select the name "New Jersey" for the next battleship authorized by Congress.

WHEREAS, It is the practice of the Navy Department to name naval vessels in honor of the several States of the Union; and Preamble.

WHEREAS, It is fitting and appropriate that New Jersey, being one of the original thirteen States, should be honored by the selection of the name "New Jersey" for the next battleship authorized by the Congress; therefore, Preamble.

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

1. The Legislature of New Jersey requests the Honorable Claude A. Swanson, Secretary of the Navy, to name the next battleship authorized, pursuant to the act of the Congress, "New Jersey." Suggesting
"New Jersey"
as name of
battleship.

2. That this joint resolution, signed by the Governor and attested by the respective officers of the Senate and General Assembly, be transmitted to the Secretary of the Navy. Navy department
advised.

3. This joint resolution shall take effect immediately.

Approved March 28, 1938.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION authorizing the Governor of the State of New Jersey to appoint a State honorary committee consisting of three members of the Senate and three members of the House of Assembly, and ten citizens of this State to constitute a Joint State Honorary Committee to commemorate the seventieth anniversary of the birth of the late Madame Marie Sklodowska Curie.

Preamble. WHEREAS, The late Madame Marie Sklodowska Curie has given to the entire world a scientific discovery, known as radium, which has revolutionized the field of medicine; and

Preamble. WHEREAS, The said Madame Marie Sklodowska Curie has rightfully merited the gratitude and the appreciation of the people of the world; and

Preamble. WHEREAS, It is fitting and appropriate that New Jersey participate in a proposed world-wide commemoration, as well as fittingly arrange appropriate exercises; therefore,

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

Committee on
birthday
observance
to honor
Marie S.
Curie.

1. There is hereby appointed a State honorary committee of three members of the Senate and three members of the House of Assembly and ten citizens of the State to be named by the Governor, who shall constitute a State honorary committee to participate in the appropriate commemoration of the seventieth anniversary of the birth of the late Madame Marie Sklodowska Curie, to be arranged by the Polish-American Societies of the State of New Jersey, which celebration is to take

place on Sunday, April twenty-fourth, one thousand nine hundred and thirty-eight, at two-thirty P. M., at Roosevelt Park, State Highway Route 25, Metuchen, New Jersey.

2. The said honorary committee is authorized, on behalf of the State of New Jersey, to participate in the State-wide commemoration to be held at Roosevelt Park, Metuchen, New Jersey, on the day aforesaid. Participation
in commemorative services.

3. This resolution shall take effect immediately.
Approved March 28, 1938.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION memorializing the Congress to declare as a national holiday the birthday of Thomas Alva Edison.

WHEREAS, On February eleventh of each year there is commemorated the birthday of Thomas Alva Edison who for many years was a citizen and resident of this State; and Preamble.

WHEREAS, It is fitting and appropriate that national recognition should be given to his achievements and thus commemorated; therefore Preamble.

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

1. The Legislature of the State of New Jersey does memorialize the Federal Congress to enact appropriate legislation declaring February eleventh of each year as a national holiday in recognition of the achievements of Thomas Alva Edison. Suggesting
Edison
holiday.

2. This resolution, when enacted, shall be signed by the Governor and transmitted to the Vice President of the United States, the Speaker of the House of Representatives and the Senators and Repre- Congress
notified.

sentatives from this State in the Congress of the United States.

3. This joint resolution shall take effect immediately.

Approved April 4, 1938.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION authorizing the Governor to name and designate the period between sundown and midnight of National Flag Day as "American Night."

Preamble.

WHEREAS, The fourteenth day of June of each year is and has been heretofore designated and known as National Flag Day, in order to properly observe, celebrate and commemorate the adoption of the American Flag as our national emblem; and

Preamble.

WHEREAS, Throughout the State of New Jersey in years past the evening of National Flag Day has been devoted to the more appropriate and fitting observance and celebration of National Flag Day and the ideals which our national emblem represents; now therefore,

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

American
Night.

1. The Governor be and he is hereby authorized to name, designate and hereafter cause to be known the period between sundown and midnight of National Flag Day as "American Night."

2. This joint resolution shall take effect immediately.

Approved May 7, 1938.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION authorizing the State Highway Commissioner to name and designate Routes Nos. 35 and 40, from the Shark river in Monmouth county to the King's Highway circle in Camden county, as the "John Davison Rockefeller Memorial Highway."

WHEREAS, The late John Davison Rockefeller was a resident of and spent much of his time in New Jersey; and Preamble.

WHEREAS, His interest in New Jersey's industries contributed much to the industrial prosperity and welfare of the citizens of New Jersey; and Preamble.

WHEREAS, His world-wide interest and leadership in education, health, medicine, business, religion and art contributed much to the human happiness and well-being of the peoples of the world; and Preamble.

WHEREAS, The people of New Jersey desire to make some permanent memorial to him for his services to them and to mankind; therefore, Preamble.

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

1. The New Jersey State Highway Commissioner is hereby authorized and directed to name, designate and cause Routes Nos. 35 and 40, from the Shark river in Monmouth county to the King's Highway circle in Camden county, to be known hereafter as the "John Davison Rockefeller Memorial Highway." Naming certain roads.

2. This joint resolution shall take effect immediately.

Approved May 7, 1938.

JOINT RESOLUTION No. 9

JOINT RESOLUTION requesting the Secretary of Agriculture of the United States to reconsider matter of exacting penalty against the State of New Jersey.

Preamble. WHEREAS, The Secretary of Agriculture of the United States has held that the State of New Jersey has diverted certain funds for emergency relief purposes, which diversion made the State of New Jersey liable to a penalty under the terms of the Hayden-Cartwright Act; and

Preamble. WHEREAS, The said Secretary of Agriculture has imposed a partial penalty in an amount of two hundred and fifty thousand dollars and has advised that any further penalties would be for the full one-third of the State's apportionment; and

Preamble. WHEREAS, The use of State highway funds was only a temporary expedient, as evidenced by chapter two hundred and nine of the laws of one thousand nine hundred and thirty-six, by the terms of which four million, five hundred and thirty thousand dollars was repaid into the State highway fund, showing that the policy of the State of New Jersey is to repay amounts diverted for emergency relief; and

Preamble. WHEREAS, It is still the policy of the State of New Jersey to repay into the State highway fund moneys used from said fund for emergency relief purposes, which repayment will be made as soon as circumstances will permit; now, therefore,

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

1. That, inasmuch as it is the policy of the State of New Jersey to repay into the State highway fund all sums that have been used for emergency relief purposes from said fund, the Secretary of Agriculture of the United States be requested to reconsider the matter of exacting a penalty against the State of New Jersey by reason of the use of said State highway funds for emergency relief purposes and that such penalty be not exacted.

Seeking
remission of
penalty.

2. That copies of this joint resolution be transmitted to the Secretary of Agriculture of the United States and to the Chief of Bureau, United States Bureau of Public Roads.

Copies sent to
Washington.

3. This joint resolution shall take effect immediately.

Approved May 25, 1938.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION to create a commission to investigate the ways and means of establishing a State public park at or near Sea Bright, having both river and ocean frontage.

WHEREAS, This Legislature has recognized and advocated the need for public parks and free access along water front; and

Preamble.

WHEREAS, The public demand for such facilities is becoming more insistent and the acquisition of water front is becoming difficult of solution; and

Preamble.

WHEREAS, By reason of the close proximity of ocean and river at or near Sea Bright, it appears possible to create and utilize in that section the maximum water frontage on both ocean and

Preamble.

river, thereby making available to the public from both local, metropolitan and other State areas unusual opportunities for access to the water for all public purposes; therefore,

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

Committee on
proposed park.

1. There shall be appointed a committee of seven members who shall be citizens of the State. One to be appointed by the Governor, three to be appointed by the President of the Senate and three members to be appointed by the Speaker of the House.

Organization.

2. Such commission shall organize as soon as possible after appointment and shall make all proper and necessary investigations to determine what steps are necessary and on what terms the State of New Jersey can acquire such property, or the use of such property, as will give the maximum ocean and river frontage at or near Sea Bright for public park purposes.

Report.

3. The commission shall embody its findings and recommendations as soon as practicable in a report to be submitted at this or at the next session of the Legislature.

4. This joint resolution shall take effect immediately.

Approved June 4, 1938.

JOINT RESOLUTION No. 11

AN ACT creating a commission to foster racial and religious understanding and good will and for the designation of a good-will or brotherhood holiday.

WHEREAS, The State of New Jersey is a great industrial and agricultural State composed of various racial and religious groups; and Preamble.

WHEREAS, One of the first requisites of a harmonious, contented and prosperous State or nation depends upon racial and religious tolerance and understanding; and Preamble.

WHEREAS, The world is rent asunder by strife and wars and great injustice is being perpetrated upon minority peoples because of race, religion or creed; and Preamble.

WHEREAS, The State of New Jersey was among the first to enact laws for the punishment of the incitation to harm a resident thereof because of his race or religion; and Preamble.

WHEREAS, It is clear that prevention through education and enlightenment is essential to thwart evil acts, and hence it is better to prevent than punish same; and Preamble.

WHEREAS, The State of New Jersey has ever gloried in the great traditional and constitutional guarantees of the bill of rights; now therefore, Preamble.

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

1. The Governor of this State is hereby authorized to appoint a commission of not more than five Commission on racial understanding.

teen residents of the State of New Jersey, composed as far as practicable to act as representatives of different racial and religious groups, to act as a permanent committee to foster racial and religious amity and understanding. The members of such commission shall hold office for terms of three years each and until their successors shall be appointed by the Governor.

Terms.

Official name of commission. Organization.

The commission shall be known as the Good-Will Commission of the State of New Jersey. It shall organize by the selection of a chairman and secretary from among its members and all of the members of the commission shall serve without compensation. The commission is empowered to adopt rules and regulations for its administration.

Observance of Brotherhood and Good-Will Day.

The Governor shall, upon the request of the commission, establish each year by proclamation a certain day on which the residents of the State of New Jersey shall be requested to join in private and public functions for the celebration of such day, which shall be designated as Brotherhood and Good-Will Day.

2. This act shall take effect immediately.

Approved June 4, 1938.

JOINT RESOLUTION No. 12

JOINT RESOLUTION designating State Highway Route No. 9 as the "Veterans of Foreign Wars of the United States Memorial Highway."

WHEREAS, New Jersey is desirous of recognizing and commemorating the splendid services and achievements of its sons who served in foreign lands and waters and who have fought our country's battles in foreign lands and waters; and

Preamble.

WHEREAS, It is fitting and appropriate that legislative recognition be accorded the services and sacrifices of New Jersey soldiers, sailors 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. 9 shall be designated as the "Veterans of Foreign Wars of the United States Memorial Highway" as a memorial and in commemoration of the services of the members of the Veterans of Foreign Wars of the United States.

Naming
route 9.

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 June 14, 1938.

New Jersey State Library

PROCLAMATIONS

(1015)

Proclamations by the Governor

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, William C. Hunt was at the general election held in the month of November, one thousand nine hundred and thirty-six, elected by the voters of the County of Cape May to represent said county in the Senate of this State and subsequently qualified as such Senator after such election and qualification resigned, on the twelfth day of April, one thousand nine hundred and thirty-seven, thereby causing a vacancy to exist in the Senate of this State,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, and I, FRANK DURAND, President of the Senate of the State of New Jersey, pursuant to law and to a resolution duly adopted by said Senate, do hereby issue this proclamation directing an election to be held according to the laws of the State of New Jersey, in said county, on Tuesday, the second day of November, one thousand nine hundred and thirty-seven, for the purpose of electing a Senator for said county to fill the vacancy caused by the resignation of the said William C. Hunt.

Given under our hands and the Great
[SEAL] Seal of the State of New Jersey, this
third day of May, in the year of Our
Lord one thousand nine hundred and

PROCLAMATIONS

thirty-seven and in the Independence of the United States the one hundred and sixty-first.

HAROLD G. HOFFMAN,
Governor.

FRANK DURAND,
President of the Senate.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, I did heretofore, by my proclamation issued August twenty-seventh, one thousand nine hundred and thirty-seven, designate September seventeenth, one thousand nine hundred and thirty-seven to be observed as a legal holiday throughout the State and a time for the proper observance of the one hundred and fiftieth anniversary of the adoption and ratification of the Constitution of the United States; and

WHEREAS, Some doubt exists as to whether banking in its relation to commercial paper is affected by such a proclamation unless the exact language of the statute is followed; and

WHEREAS, It is eminently proper that a day so important to the nation and to the future of mankind should be observed with due solemnity and with suitable recognition of the Almighty Source of all Good;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do appoint Friday, September seventeenth, one thousand nine hundred and thirty-seven as a day of thanksgiving, recommending that business cease, so far as is practicable and consistent with the welfare of the State, and do hereby urge, as in my previous proclamation, that the citizens of New Jersey, as an expression of gratitude for the wisdom of their forefathers, shall spend the day in proper observance of this anniversary of the foundation of human liberty in this, their State.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this seventh day of September, A. D. one thousand nine hundred and thirty-seven, and in the Independence of the United States the one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The State of New Jersey has no more important duty than safeguarding the health of its citizens and stabilizing the milk industry on which so many producers and workers depend for a living; and

WHEREAS, Health authorities everywhere point to milk as the "most nearly perfect food" and second to no other food as an important builder of health; and

WHEREAS, Those engaged in furthering the public health and the interest of milk producers have deemed it expedient to set aside a period calling attention to the health value of milk that people may be made more health-conscious; and

WHEREAS, It is to the advantage of the State of New Jersey that every man, woman and child be so directed;

NOW, THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, in keeping with the action taken throughout the country by health and agricultural authorities, State and city officials, do hereby proclaim

NOVEMBER 14 TO 20, 1937,

as

NEW JERSEY MILK WEEK

that it may serve as a vital reminder of the importance of milk.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-eighth day of September, in the
year of Our Lord one thousand nine
hundred and thirty-seven, and in the
Independence of the United States the
one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Brigadier-General Casimir Pulaski of Poland gave his life for the freedom of the people of the United States on October eleventh, one thousand seven hundred and seventy-nine; and

WHEREAS, He fought for liberty in his native country and, defeated there, carried his undefeated principles to the soil of this nation, thus treading a path which hundreds of thousands of his fellow Poles were to follow to their advantage and to ours; and

WHEREAS, We can strengthen our own patriotism best by measuring it against the memories left by our fathers,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do designate and proclaim

MONDAY, OCTOBER THE ELEVENTH,
ONE THOUSAND NINE HUNDRED AND
THIRTY-SEVEN

as

GENERAL PULASKI MEMORIAL DAY

I direct that the Flag be displayed upon all State and local buildings, and I invite all of our people, not merely those of Polish ancestry, to observe by appropriate ceremonies the sacrifices and the heroic service of this distinguished patriot.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-eighth day of September, in the
year of Our Lord one thousand nine
hundred and thirty-seven, and in the
Independence of the United States the
one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Fire is one of the deadliest enemies
of civilized mankind, forever menacing the lives,
the institutions, the property and all the machinery
of his civilization; and

WHEREAS, Our best defense against this enemy
is constant remembrance of its presence and the
eternal vigilance that springs from conscious
knowledge of the danger; and

WHEREAS, Memory and the power of associated
thought are the highest of human attributes and
can be used to protect our civilization as they were
used to build it;

THEREFORE, I, HAROLD G. HOFFMAN, Governor of
the State of New Jersey, do hereby proclaim

OCTOBER 3 TO OCTOBER 9, 1937,

as

FIRE PREVENTION WEEK

in order that the people of this State, in every
community, shall, individually and through various

organizations, discover and correct existing fire hazards, promote measures of public and private fire protection, extend instruction in fire prevention among adults, as well as school children, and arouse the people generally to the need for habits of greater care.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of September, in the year of Our Lord one thousand nine hundred and thirty-seven, and in the Independence of the United States the one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Educational Week has been sponsored annually since 1921 by the National Education Association in co-operation with the United States Office of Education and the American Legion, and

WHEREAS, November 7th-13th inclusive has been designated as Educational Week for the 1937 observance with the general theme: Education and Our National Life, and

WHEREAS, In order that our citizens shall better understand and appreciate the contribution of the public school to our National development, a visitation of the schools and a discussion of their needs and purposes is of great importance, and

WHEREAS, The consideration of plans for the education of all our citizens by community groups and civic clubs is desirable, now,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim that November 7th-13th inclusive shall be observed as Educational Week throughout this State. I urge also that all boards of education and teachers invite parents and citizens to visit their schools and to plan for such meetings as will aid all of our people to understand more fully the purposes and needs of the school. I further urge citizens generally to participate not only in the school program for this week but also to co-operate in organizing forums and other meetings with educational objectives throughout the year to the end that the education of our citizens at all levels shall be facilitated and our National life thereby advanced.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this first day of October, in the year of Our Lord one thousand nine hundred and thirty-seven, and in the Independence of the United States the one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, National Hearing Week has been set aside by the American Society for the Hard of Hearing for the purpose of putting before the public the problems of hard of hearing adults and children and the need of conservation of hearing; and

WHEREAS, It is estimated that there are at least 1,680,000 school children and 10,000,000 adults in the United States with impaired hearing; and

WHEREAS, The detection of impaired hearing in its incipient stage is a challenge to parents, teachers, physicians, nurses and all public-minded citizens,

NOW, THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim the week of October 24-30, 1937, as National Hearing Week in New Jersey and I call upon the citizens of New Jersey to consider well the problems of rehabilitation for those already handicapped, that they may find their rightful places in educational, social and economic life; and to consider means of conservation of hearing.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
second day of October, in the year of
Our Lord one thousand nine hundred
and thirty-seven, and in the Independence
of the United States the one hundred
and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The arts inspire the actions and preserve the histories of peoples more faithfully than any other medium, and

WHEREAS, Art can epitomize, inspire and record our own generation with greater accuracy and permanence than can any other form of human expression, and

WHEREAS, Our progress must be built upon the foundation of the accumulated experience of the past, preserved for us and our children in the deathless record of the pen, the brush and the chisel, and

WHEREAS, The knowledge, the skill and the appreciation of art are a most important part of human education and our spiritual and material safety are best assured by the recognition, the understanding and the utilization of the recording arts, now

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do designate and proclaim that November 1st-7th inclusive shall be observed as Art Week throughout this State.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this fifth day of October, in the year of Our Lord one thousand nine hundred and thirty-seven, and in the Independence of the United States the one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The New Jersey Postmasters Association, co-operating with the Post Office Department at Washington, is sponsoring Air Mail Week from November 15-20, inclusive; and

WHEREAS, New Jersey is in the forefront in the development of aviation and has always manifested an intensive interest in the advancement of our Air Mail Service,

NOW, THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby designate the week of

NOVEMBER 15-20, 1937,

as

AIR MAIL WEEK

for all New Jersey, and do call upon our people to make proper observance of this week by liberally patronizing the air mail and otherwise evidencing their appreciation of the efforts of the Post Office Department to provide this necessary service for our State.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this eighth day of October, in the year of our Lord one thousand nine hundred and thirty-seven, and in the Independence of the United States the one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Development, improvement and commercial use of motor transportation are accomplishments of comparatively recent years; and

WHEREAS, Motor transportation definitely has become a necessary adjunct to agricultural, industrial and commercial operations, as well as an integral part of our general transportation system; and

WHEREAS, Motor transportation favorably affects the economic and social life of each citizen in the State of New Jersey—shortening distances, broadening horizons and opening new vistas of profitable employment; and

WHEREAS, New Jersey has provided a network of paved roads, the world's largest airport, hundreds of miles of railroad tracks, fine harbors and shipping facilities and the country's largest utility system of buses, the transportation interest of the State has dedicated the week of November 6th to 13th to celebrate "Transportation on Parade in the State of New Jersey"; and

WHEREAS, National manufacturing organizations with this type of equipment have selected Newark, New Jersey, as a point to hold the Fourth Annual National Motor Truck Show and the Thirty-first Annual Newark Passenger Car Show in Newark, New Jersey, November 6th to 13th, 1937; and

WHEREAS, It is their purpose to promote safety on the highway and further the improvement and development of the commercial use of motor transportation; and

WHEREAS, The promotion of highway safety and the prevention of unjust burdens on any class of citizens are matters of importance to all the citizens of New Jersey; and

WHEREAS, All forms of transportation, air, rail, water, motor and bus have contributed and assumed leadership in the present revival of economic progress; and

NOW, THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim the week from

NOVEMBER 6 TO NOVEMBER 13, 1937,

as

NEW JERSEY TRANSPORTATION WEEK

Further, I recommend and urge that all persons engaged in commercial automotive transportation and related industries devote their best efforts during that week to promoting full realization of the benefits which motor transportation has brought to all citizens and all industries in the State of New Jersey.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fourteenth day of October, in the year of Our Lord one thousand nine hundred and thirty-seven, and in the Independence of the United States the one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The Bible is a catalogue of human wisdom, instructing to the atheist, inspiring to the believer in its divine origin.

Its pages contain the constitution and by-laws of all Christian faiths, the moral code of the Christian world and more inspiration, comfort and literature than any other book ever published.

This is a confused world, with too many claims on the attention of the men and women who live in it. I hope that Universal Bible Sunday will help to teach all of us that the Great Book is a sure refuge from the distraction of less worthy interests and that in it we will all find enrichment of mind and soul.

NOW, THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, proclaim that

SUNDAY, DECEMBER TWELFTH,
NINETEEN HUNDRED AND
THIRTY-SEVEN

shall be observed in the said State as

UNIVERSAL BIBLE SUNDAY,

and I urge upon all the people of the State that they form the habit of reading the Bible regularly and that they seek in it the answers to all personal and public problems that confuse or distress them.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-ninth day of October, in the year
of Our Lord one thousand nine hundred

and thirty-seven, and in the Independence of the United States the one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

For peace in a world of conflict, for freedom in a world of tyranny, for firm institutions in a world of doubt, for opportunity in a world of hope denied, we should give thanks.

We should each of us give thanks to God as we see God, to America as we all see America, to the firm foundation that underlies our feet and to our wise fathers who laid that foundation with an abundant factor of safety against the stresses and strains of time and a changing world.

We should eat and drink of the fruits of the fullness of the earth so that we may appreciate their presence. We should firmly resolve that each of us shall do all that lies within his or her power to maintain and expand the opportunities and privileges under which we live and that we should not yield to any persuasion to abandon the values we know to fly to evils that we know not.

NOW, THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim

THURSDAY, NOVEMBER THE TWENTY-FIFTH,

as

THANKSGIVING DAY.

I request that in all places of worship suitable exercises be conducted on this day, and I would further request that the American Flag be displayed from all public buildings, places of business and private homes, that we may be reminded by this emblem of the freedom and opportunities of our nation.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
tenth day of November, in the year of
Our Lord one thousand nine hundred
and thirty-seven, and in the Independence
of the United States the one hundred
and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It appears to me that public necessity demands the convening of the Senate of the State of New Jersey in special session,

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, in and by virtue of the power vested in me by Article V, Paragraph 6, of the State Constitution, do hereby convene the Senate of this State to meet in special session on Wednesday, the twenty-fourth day of November, A. D. 1937, at two-thirty o'clock in the afternoon of said day.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-second day of November, in the
year of Our Lord one thousand nine
hundred and thirty-seven, and in the
Independence of the United States the
one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, On December 18, 1787, the New Jersey Convention unanimously ratified the Constitution of the United States, being the third State to so ratify, and thereby expediting the series of decisions by which the said Constitution became the supreme law of our land, and

WHEREAS, The people of New Jersey desire to express their deep pride in the promptness and patriotism of their ancestors in recognizing the benefits of the Constitution and in securing those benefits for us, their descendants, and

WHEREAS, This State and its people have enjoyed under the Constitution one hundred and fifty years of unexampled progress and prosperity, and

WHEREAS, A decent gratitude for the wisdom of our ancestors impels a proper recognition of the great benefits we have enjoyed, now

THEREFORE, I, HAROLD G. HOFFMAN, Governor of the State of New Jersey, do hereby proclaim that the one hundred and fiftieth anniversary of the said ratification, December 18, 1937, shall be designated New Jersey Constitutional Ratification Day, and that, in observance of this day the citizens of the State participate in suitable ceremonies, and that the American flag be displayed from all public buildings, places of business and private homes.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-third day of November, in the
year of Our Lord one thousand nine

hundred and thirty-seven, and in the
Independence of the United States the
one hundred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

FOR SAFE AND SANE CHRISTMAS

WHEREAS, The National Safety Council is conducting a campaign to reduce the annual Christmas traffic toll which last December reached the alarming total of 4,290 lives lost, and

WHEREAS, A situation that claims more lives in one month than were forfeited by American soldiers in the Revolutionary War certainly calls for immediate and concerted action, and

WHEREAS, This State recognizes keenly its responsibility of assuming leadership in such action,

THEREFORE, I, as Governor of this State, do hereby, on behalf of the citizenry of this State, declare enthusiastic participation in this campaign and call upon every citizen of the State to join in this united effort to reduce the toll of human tragedy and suffering at a time we are peculiarly sensitive to peace and joy and contentment. I therefore urge every citizen to be especially thoughtful of the

rights of his neighbor on streets and highways, to drive carefully and cautiously, not to drive after drinking and to support law enforcement agencies in the strict application of all traffic laws.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-first day of December, in the year
of Our Lord one thousand nine hundred
and thirty-seven, and in the Independ-
ence of the United States the one hun-
dred and sixty-second.

HAROLD G. HOFFMAN,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

No problem confronting the people of America today is graver than that of adequate conservation of national resources. From a nation which for a long time practically ignored the fact that our resources were not inexhaustible, we have been forced by drought and flood to realize that our fertile lands are suffering from erosion and waste, our abundant forests denuded, and increasing areas in our country are becoming arid and desolate.

The problem of combating the forces of destruction is not entirely the responsibility of the scientists, soil conservation experts, foresters, and governmental agencies. It is important that every citizen of this country should realize the menace to life, property, health, and national wealth that is inherent in failure to conserve national resources.

Since the destruction of forests brings such a train of evils in its wake, no phase of conservation is more important than that of forest conservation, and no program which comprehends reforestation, rehabilitation of our wasted areas, and conservation of our resources, can be carried out without the co-operation of a citizenry alive to the gravity of the problem and the necessity for effective action.

And so, we look to our schools to supply the country with enlightened and patriotic citizens who will build up where others have laid waste, and who will conserve where others have squandered.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the period from

APRIL 4TH to APRIL 8TH

as

CONSERVATION WEEK,

and I ask for the co-operation of the school authorities and pupils in this State in particular, and of the public in general, and I commend the public-spirited citizens who are spreading the gospel of conservation.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-fourth day of January, 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-second.

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-eighth day of January, nineteen hundred and thirty-eight, 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-five, 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 1935

A. A. Tait, Incorporated,
A. B. C. Holding Company,
Abelgreen Inc.,
Accounts Liquidation Corporation,
Ace Auto Stores, Inc.,
Ace Plumbing Co.,
A. C. Kohl Electroplating Co. Inc.,
Acme Automobile Finance Corporation,
Acorn Printing Company,
A. C. Pike Hardware Company, Inc.,
Action Mfg. Company, Inc.,
Adams Stamping and Mfg. Co.,
Ad-Bloom Company,
Addison Shop Inc.,
Adelsten-Storms Inc.,
Adkins Trucking and Freight Lines,
Admar Development Company,
A & D Wholesale Produce Company,
Aeromarine, Inc.,
Aetna Box Company,
A & E. Wilke, Inc.,
Affiliated Management, Inc.,
Agresti Bros.,
A. G. Schoonmaker Corporation,
A. H. Denny, Inc.,
A. H. Knapp & Company, Inc.,
Aimco Inc.,
Air Conditioning Corporation of Monmouth
County,
Air Conditioning Corporation of Paterson,
Airport Fruit Market, Inc.,
Airwings, Inc.,
Ajax Realty Corporation,
Alamac Hotel, Inc.,
Albert G. Borella, Inc.,
Albion Silk Mills, Inc.,
Alcoholic Beverage Research Laboratories, Inc.,
Alcyon Park Picnic Grounds, Inc.,
Aldene Silk Throwing Corp.,
Alexander Rubber Co. Inc.,

Alex Company,
Alfonso Lombardi Inc.,
Alfred P. Misson, Inc.,
A. L. Hill, Inc.,
Allendale Terrace Realty Co. Inc.,
Alles Realty Company, Inc.,
Allgrun, Van Dyke, Inc.,
Alliance Realty Company,
Allied Adjustment Bureau, Inc.,
Allied Sign & Realty Company,
Allison Laboratories, Inc.,
All Securities Syndicate, Inc.,
Allsopp and Allsopp,
Allwood Fire Protective Association,
Alman Realty Corporation,
Almaral Holding Co., Inc.,
Al-Marie-Ann Inc.,
Almar, Inc.,
Alma Textile Mills, Inc.,
Almi Realty Co., Inc.,
Alpine Associates, Inc.,
Alpine Corporation,
Alpine Motor Lines,
Al's Diner Inc.,
Alstein, Inc.,
Al Strickland, Inc.,
Aluminum Chromium Plating Corporation,
Ambassador Florist, Inc.,
Amboy Clothing Company,
American Art Embroidery Company,
American Building Material Co., Inc.,
American Bung Company,
American Cedar Chest Corporation,
American Cemeteries Development Corporation,
American Confectionery and Beverage Co. Inc.,
American Credit Corporation,
American Dental Supply Co., Inc.,
American Equipment Company,
American Flexible Shaft Manufacturing
Corporation,
American Floor Coating Co., Inc.,
American Garage and Fuel Oil Co.,
American Gordon Dry Gin Co., Inc.,

American Manufacturing and Supply Company,
American Metal Bed Company No. 2,
American Neon Sign Co., Inc.,
American Oxygen Co.,
American Shuttle Company,
American Spring Mattress Company,
American Trucking & Hauling Corporation,
American Truck & Parts Co., Inc.,
American Watch Dial Manufacturing Corporation,
American Wineries, Inc.,
Amerigo Wineries, Inc.,
Amico Laboratories,
Amity Realty Company,
A. M. & J. News Company,
Amo Products Corporation,
A. & M. Realty Company, Inc.,
Amsterdam Investment Company,
Anchor Park Association, Inc.,
Anchor Raw & Thrown Silk Company,
Anderson Avenue Chicken Market, Inc.,
• Andros Corporation,
Aned Holding Co.,
Aniello Buonanno, Inc.,
Anlew & Company, Inc.,
Anna Nelson, Inc.,
Arneva Hotel Co.,
Anodyne Engineering Corporation,
A-1 Service Co. Inc.,
Apex Development Corp.,
Apex Manufacturing Corp.,
Appert-Glock Builders, Inc.,
Applegate Place Holding Co.,
Aquara & Sons Construction Co., Inc.,
Arcade Store,
Arcadia Realty Co.,
Arcand Realty Company,
Architectural Tile Company,
Architectural Tile Company of America,
Arcola Realty & Development Company,
Ardell, Inc.,
Ardman Company, Inc.,
Ardmore Realty Company,
A. R. F. Building Corporation,

Arge Leaf Tobacco Co.,
Argos Corporation,
A. & R. Holding Co.,
Arizona Mineral Products Corp.,
Arlene Hosiery Inc.,
Armor Fence Company,
Armory Tavern, Inc.,
Armstrong Baruden Coal Company,
Armstrong Coal Company,
Armstrong Fuel Co. Inc.,
Arney Holding Company,
Aronoff & Kaplan Hardware Co.,
Aronson's Workingmen's Store Inc.,
A. R. R. Chemical Co.,
Arrow Fur Dressing Co., Inc.,
Arrowhead Farm Stores,
Arrow Inc.,
Art-Drawn-Works, Inc.,
Arthur B. Reeve, Inc. of Trenton,
Arthur R. Bayley, Incorporated,
Arthur Venneri Company,
Arthur Venneri & Company,
Artistic Barbers & Hairdressers, Inc.,
Art Linoleum Corporation,
Artsale Realty Company, Inc.,
Art Weaving Company, Inc.,
Asbury Park Advertising Co.,
Asbury Park Art Galleries,
Asbury Park Electric Supply Company,
Asbury Park Greyhound Assn.,
Asbury Park Kennel Club,
Asbury Park Manor, Inc.,
Asbury Park Recreation Company,
Ashland Company,
Ashley Cork Construction Company,
Asset Realty Co., Inc.,
Associated Credit and Collection Bureau, Inc.,
Associated Distillers Inc.,
Associated Growers & Distributors Inc.,
Associated Inventions, Inc.,
Associated Motor Truck Corporation, Inc.,
Associated Policy Holders, Inc.,
Associated Underwriters, Inc.,

Associated Wine and Liquor Retailers of New
Jersey, Inc.,

Astoria Restaurant Inc.,

Astor Milliners, Inc.,

As-Tra-Bel, Inc.,

Astralite Products Corporation,

Athenia Coal Company,

Atlantic City Coal Dealers Credit Bureau,

Atlantic City Distributing Company,

Atlantic City Pictorial,

Atlantic County Bottling Company,

Atlantic Importing Co.,

Atlantic Kennel Club,

Atlantic Mortgage Company,

Atlantic Moto-Sway Co.,

Atlantic Securities Company,

Atlantic Sport Wear Co. Inc.,

Atlas Beverages, Inc.,

Atlas Distillers and Rectifiers, Inc.,

Atlas Elevator Company,

Atlas Lumber Company,

Atlas Scrap Iron & Metal Company, Inc.,

Atlas Steam Laundry Corp.,

Auerbach & Clark, Inc.,

August A. Fischer, Inc.,

August Mayer Company, Inc.,

Auratone Corporation of Newark,

Authors Publications, Inc.,

Automatic Heating Corporation,

Auto Tire Exchange, Inc.,

Avon-By-The-Sea Estates, Inc.,

A. & W. Baking Company,

A. and W. Candy Company,

A. & W. Garage, Inc.,

Ayvad Water-Wings Inc.,

Baby Rose Marie Corp.,

Baby Service Corporation,

Badaracco, Inc.,

Bad and Doubtful Debt Collectors, Inc.,

Bader's Hawthorne Bakery, Inc.,

Baird-Daniels Co. of N. J.,

Baith Realty Company,

Baker Beef Co.,
Baker-Fredericks Agency, Inc.,
Baker Realty Corporation,
Baldwin Co.,
Baldwin Lane Realty Co. Inc.,
Balloon Chair Corporation,
Balmor Realty Co.,
Balsa Float Company,
Balsas Valley Company,
Bankers Realty Corporation,
Bankers' Securities, Inc.,
Bankhold Company,
Banner Holding Corporation,
Barash Liquor Stores, Inc.,
Barelay Livery Stables, Inc.,
Barker Poultry Co.,
Barnes-Smith Developing Company,
Barnet Annis, Inc.,
Barnum Realty Co.,
Barsky-Shur Drug Co., Inc.,
Barson Corporation,
Bart R. Boyle & Co.,
Basking Ridge Cement Products Co.,
Batavia Pipe Shops of New York Inc.,
Batavia Products Inc.,
Bauer-Stier Corp.,
Baxter's, Inc.,
Bayonne-California Wine Corporation,
Bayonne Food Markets, Inc.,
Bayonne-Newland Fur Dresser and Dyers, Inc.,
Bayonne Realty and Loan Company,
Bayonne Restaurant,
Bayonne Silk Company,
Bayonne Textile Corporation,
Bayonne Wholesale Auto Supply, Inc.,
B. & B. Company, Inc.,
B. Beloff & Wolfson, Inc.,
B. B. & J. Realty Company, Inc.,
B. C. L. & T. Holding Corporation,
B. C. AND W. Holding Company,
Beach Glen Iron Mining Company,
Beach Haven Estates Company,
Beach Haven Hotel Company,

Beach Investment Corporation,
Beachview Realty Corporation,
Beauty-Rest Mattress Company, Inc.,
Beaver Cafe, Inc.,
Beck Bros. & Beck, Inc.,
Becker and Schultze, Inc.,
Bedford Upholstery Shops, Inc.,
Beechmont Realty Company, Inc.,
Bee Millinery Co., Inc.,
Beesley's Point-Somers Point, Holding Company,
Beil Realty & Mortgage Co.,
Belbey Transfer Company,
Belford & Newhouser,
Belleville Glass Works, Inc.,
Belleville Mortgage Loan Co.,
Belleville Motors,
Bellevue Court Realty Corporation,
Bellevue Pharmacy, Inc.,
Belmont Grocery Co., Inc.,
Belmont Loan Company,
Belomar Realty Company,
Belsam Realty Corporation,
Bembridge Co., Inc.,
Beneficial Realty Company,
Beninati Grape Co., Inc.,
Benjac Holding Corp.,
Benjamin Beverage Corporation,
Benjamin Myer Company,
Bennett Realty Company,
Benn Kirsch, Inc.,
Benson's Inc.,
Bentley Arms Corporation,
Berard Realty Corporation,
Bergen Bulletin, Inc.,
Bergen and Central Bus Finance Corporation,
Bergen County Golf and Country Club,
Bergen County Securities Company,
Bergen Development Company,
Bergen Drug Co.,
Bergen Feed, Inc.,
Bergenfield Plumbing & Heating Supply Co. Inc.,
Bergen-Grant Corporation,
Bergenlodi Amusement Corporation,

Bergen Pure Food Shop,
Bergen and Rockland County Driving Club, Inc.,
Bergen Stationery Co.,
Bergen Tire & Battery Service Co.,
Berger Estate,
Berkeley Metal Products Co.,
Berkeley Service Stations,
Berkie's Shoe Shop, Inc.,
Berkow Building Co., Inc.,
Bermar Estates, Inc.,
Bermar Silk Corporation,
Bernel Realty Co.,
Berner Realty Co.,
Bernstein and Company,
Bersip Company,
Bertrand's Market,
Ber-Wed Manufacturing Co., Inc.,
Beshart Corporation,
Bessmar Incorporated,
Best Make Clothing Co. Inc.,
Best Wear Hat Co. Inc.,
Bethwood Restaurant, Inc.,
Better Brand Malt & Hops Co.,
Better Laundry Service Co.,
Bettola Importing Company, Inc.,
Betty Crom Tanning Company, Inc.,
B & F House of Bargains, Inc.,
B & G Service Station, Inc.,
B. & G. Stores, Inc.,
B & H Motors, Inc.,
Big Bear Millinery Co.,
Bigelow Holding Co.,
Bigelow Service Garage, Inc.,
Binsky Holding Co., Inc.,
Binz Realty Company, Inc.,
Bischoff & Schweickert, Inc.,
B. & K. Delicatessen,
Black Label Wholesalers, Inc.,
Blackwood Improvement Company,
Blakemore Holding Co.,
Blenders & Distillers Products Corp.,
B. & L. Grocery Co., Inc.,
Bloch Go-Cart Company,

Bloomfield Avenue Holding Co.,
Bloomfield Clay Company,
Bloomfield Holding Company,
Bloomfield Mail, Inc.,
Bloomfield Mills Company,
Bloomfield Service,
Blue Bird Realty Co.,
Blue Door Tea House, Inc.,
Blue Knight Beverage Co., Inc.,
Blue Ribbon Creamery, Inc.,
Blue Ribbon Homes,
Blue Ridge Dyeing & Finishing Co., Inc.,
Blue Streak Super-Service Station, Inc.,
Blue Tavern,
Blumenthal Hat Works, Inc.,
B. & M. Improvement Company,
B.M.L., Inc.,
B. & M. Realty Corporation,
Boarding Home for Children,
Boardwalk Baking Company,
Boardwalk Properties Co.,
Bob & Irving, Inc.,
Bob's Inc.,
Bofield Realty Company,
Bogarts, Inc.,
Boiler Engineering Company,
Boiler & Stove Parts Co.,
Bonanno-Weehawken Warehouse Co., Inc.,
Bond Electric Corporation of New Jersey,
Bond Inc.,
Bond Market,
Bond Realty Co., Inc.,
Bonfred Holding Co.,
Bon Marché,
Bornstein Baking Co., Inc.,
Boro Contracting Co.,
Bortie Realty Co.,
B. O. T. Manufacturing Company,
Boulevard Beer and Wine Distributors,
Boulevard Roller Skating Rink, Inc.,
Bound Brook-New York Express Co.,
Bowers-Schroll, Inc.,
Bowlbyville Beer Garden, Inc.,

B. P. Realty & Investment Co.,
Bradick Company,
Bradley Beach Holding Company,
Bradley Corporation,
Brady's Market, Inc.,
Braidburn Realty Corporation,
Branch Holding Company,
Branford Finance and Development Co.,
Incorporated,
Brauer Glue Co.,
Braverman Electric Supply Co., Inc.,
Braytep Petroleum Holding Co.,
Braytep Petroleum Products,
Breneman & Tams, Inc.,
Brennon's Tea Room, Inc.,
Bridge Realty Company,
Bridge Street Machine Shop, Inc.,
Bridgeway Home Builders,
Bright Homes Realty & Construction Co.,
Brighton Builders, Inc.,
Brighton Company,
Brightwood Corporation,
Brinckerhoff Estates Company,
Broadcliff Amusement, Inc.,
Broad-Market Emporium, Inc.,
Broad and State Corporation,
Broad St. Parking Station,
Broadway Driving Range,
Brockway Fast Motor Freight, Inc.,
Brolando, Incorporated,
Brooks Brothers, Inc.,
Brooks Clothing Company,
Brookside Nursery, Inc., of Wayne, N. J.,
Brown Derby Taverns, Inc.,
Browning. King & Co. of New Jersey,
Brown Mfg. Company,
Brozyna Tool and Machine Manufacturing
Company,
Bruco Realty Co., Inc.,
Bruss Realty Co., Inc.,
Bryant Distilleries,
Brvn Bella Land Co.,
B. T. Greenfield, Inc.,

Buckler Decorating Co., Inc.,
Budd Lake Estates, Inc.,
Building Service Co.,
Bulletin Adv. Co., Inc.,
Bungalow Tavern, Inc.,
Burdette Service Stations, Inc.,
Bureau of Adjustments,
Burlington Supply Company,
Burnett & Hillery, Inc.,
Burnt Mills Distilling Co.,
Buschelle Realty Corp.,
Byron H. Edwards, Inc.,
B. Z. D. Investment Co. Inc.,

Cabot & Company,
Cadel Bros. Inc.,
Cadillac Diners Co.,
Cadillac Polishing Products, Inc.,
Caldes Cafeteria Inc.,
Caldmont Realty Co.,
Caldwell Builders Supply Company,
Caldwell Laundry Inc.,
Calendar Realty Company,
California Food Market, Inc.,
Cambridge Garage,
Camden Air Supplies,
Camden Arena Boxing Club, Inc.,
Camden County Giant,
Camden Iron and Glass Works Company, Inc.,
Camden Wrecking and Building, Materials Co.,
Cameo Amusement Co.,
Campbell's Distilleries, Inc.,
Campon Company,
Camptown Window Cleaning Company,
Campus Grill Corporation,
Candy Holding Corporation,
Cape May County Bond & Mortgage Corporation,
Capital Accumulation Corporation, of New Jersey,
Capitol Amusement Company, Inc.,
Capitol Broom Company,
Capitol Club Service Station,
Capitol Sales Corporation,
Capko Realty Company,

Capri Beverages Co.,
Cardinal Holding Company,
Carite Corporation,
Carlecliff Chemical Corporation,
Carleton Saunders & Co.,
Carlson Coal and Supply Company,
Carlweiler Co., Inc.,
Carneer Realty Company,
Carol-Richards Corp.,
Carpenter-Kollmar Company,
Carragher Bros. Inc.,
Carteret Finance Corporation,
Carteret Renting Co.,
Carter Holding Company,
Casabruni, Inc.,
Casco Holding Company,
Cash Furniture Co.,
Casino Catering Co., Inc.,
Casino Town Club,
Castleton Corporation,
Cathmar Company,
Cavalcade, Inc.,
C. C. Small Shoe Company,
Cedarbrook Confectionery Company,
Cedar Brook Realty Company,
Cedar Brook Springs,
Cedar Hurst Holding Company,
Cedar Lane Delicatessen,
Cedar Oak Realty Co.,
"Ced" Products Corporation,
Cee, Pee & Eff Investment Co., Inc.,
Celluweld Corporation of America,
Cemeteries Sales Co., Inc.,
Center Realty Co.,
Central Airport Sporting Club,
Central Associates, Inc.,
Central-Cambridge Corporation,
Central Coffee Shops, Inc.,
Central Investment Company,
Central Live Poultry Company,
Central Luggage Shop, Inc.,
Central Newark Realty Company,
Central Service, Inc.,

Central Storage and Forwarding Corporation,
Central Super-Service Company,
Central Tailoring Company,
Central Trade Bureau,
Central Variety Shop, Inc.,
Central Wine & Liquor Co.,
Century Packing & Shipping Corporation of New
Jersey,
Certified Bond & Mortgage Company of New
Jersey,
Certified Dated Egg Company,
Cesare Manasia, Inc.,
C. F. Hageman & Co.,
Chain 5c to \$1.00 Stores,
Chancellor Coal & Ice Company,
Chancellor Construction Company,
Chancellor Investment Company, Inc.,
Chance Realty Co.,
Chane Outlet Stores, Inc.,
Character Shop Inc.,
Chardelle, Inc.,
Charles A. Stoneham & Co.,
Charles Bivona, Inc.,
Charles Buccolo, Inc.,
Charles Grocery Co.,
Charles Harris, Incorporated,
Charles Holding Corporation,
Charles J. Maxwell and Company,
Charles Krakovitz Glass Company,
Charles Levinsohn, Inc.,
Charles Miller, Inc.,
Charles P. Biggin Company,
Charles R. De Bevoise Company,
Chas. R. Piper Company,
Charles T. Wales, Inc.,
Charlotte Swan Stables, Inc.,
Charm Soap Corp.,
Charney Cigar Company,
Charter Transit Lines,
Chary Realty Corporation,
Chase Corp.,
Chase Holding Co.,
Chateau Realty Corporation,

Cheren & Liechenstein, Inc.,
Cher Realty Co.,
Chestnut Realty Company,
C. & H. Holding Co.,
Chiarina Realty Company, Inc.,
Chiffon-Ribboncraft Inc.,
Chimbel Realty Company,
Choe Company,
Choice Liquors Inc.,
Christian Von Oehsen, Inc.,
Christine, Inc.,
Cinderella's Children's Dress Manufacturing Co.,
Circle Hotel & Cafe Co.,
Cirrito Bros. Construction Company,
Citta & Robbins, Inc.,
City Corporation,
City Homes Building Corp.,
City Investment and Realty Company,
City Parking Garage Company,
City Straw Works, Inc.,
City Transportation Co., Inc.,
Civic News Co.,
Civic Theatre Co.,
Clarice & Carmignani,
Clark Blade and Razor Company,
Clark Hardware Company,
Clark Lumber Company,
Classic Shirt Company, Inc.,
C. L. Building Company,
Cleacene Company,
Cleacene Investments, Inc.,
Clem Gilbert, Inc.,
Cliff Motor Corporation,
Cliffside Holding and Investment Company,
Cliffside Realty Holding Company,
Cliffside Trap Rock Company,
Clifton Taxi Service, Inc.,
Clifton Waste Paper Company, Inc.,
Climax Crib Company, Inc.,
Cline's,
Clinton Hill Corp.,
Clinton Hill Masonic Temple Association,
Clinton-Peshine Realty Co.,

Clinton Service Garage, Inc.,
Clip Realty Corp.,
Clove Acres Lake Development Company,
Clover Dyeing & Printing Works,
Clover-Leaf Dairy Products, Inc.,
Club Investment Company,
C. Marks Realty Co., Inc.,
C. M. Holding Company,
C. Noordyk & Sons,
Coal Trucking Corporation,
Coast Mortgage Corporation,
Coast Oil Company,
Coatings Corp.,
Coburn Flooring Company,
Cogswell and Boulter Manufacturing Company,
Coirin Real Estate Corporation,
Cole & Co. Inc.,
Coleen Construction Co.,
College Sweet Shoppe, Inc.,
Collins Nurseries, Inc.,
Colonia Estates Company,
Colonial Gas and Oil Company,
Colonial Land Company,
Colonial Linen Supply Co.,
Columbia Ices Company, Inc.,
Columbia Motors Corp.,
Columbia Realty Corporation,
Columbia Sales Corporation,
Columbus Realty Company (No. 2),
Comet Laundry and Linen Supply Co.,
Comet Paper Tube Co.,
Commerce Realty Company,
Commercial Beverage Company, Inc.,
Commercial Decorators, Inc.,
Commercial Haulage Corporation,
Commercial Overall Dry Cleaning Co.,
Commercial Realty Company #1,
Committee for Re-Organization of Cramp's
Shipyards, Incorporated,
Commodity Receipts Corporation,
Community Agency, Inc.,
Community Realty Corporation,
Como Holding Company, Inc.,

Compania De Cosmeticos, Limited,
Compa Stationery Company,
Comrade Homes, Inc.,
Concord Lumber Co.,
Concrete Specialties Company,
Congo Fish and Game Club, Inc.,
Congressional Co.
Conklin Company,
Connolly's Florist Inc.,
Conrad Brothers, Inc.,
Conrads Corporation,
Consolidated Illuminating Co.,
Consolidated Motor Sales Corp.,
Consolidated Radio Sales Corporation,
Consolidated Upholstery Manufacturing Co.,
Constance Harris, Inc.,
Construction Company of New Jersey,
Consumers' Coal Company,
Consumers Laundry, Inc.,
Consumers Packing Company, Inc.,
Continental Carpet Co.,
Continental Holding Company,
Continental Management Inc.,
Continental Vintners, Inc.,
Control-O-Graph Company, Inc.
Cooperativa Garibaldi, Inc.,
Cooperative Grocery & Butcher Shop of Rahway,
New Jersey,
Cooperative Workers Association,
Cooper River Parkway Country Club,
Cooper's Exclusive Wearing Apparel,
Coplan's Cigar Store, Inc.,
Coppola Undertaking Co., Inc.,
Cordts,
Cornelia Street Pharmacy,
Cornelius Bush, Incorporated,
Correll Investment Company,
Corriana Corporation,
County Liquor & Bar Supply,
Courtois Bros., Inc.,
Couse and Bolten Incorporated,
Craftsmen, Inc.,
Crane Milk Company,

Cranford Casino,
Cranford Hat Company, Inc.,
C. Rasmussen, Inc.,
Crawfords, Inc.,
C. R. C. Company,
Credit Corporation of East Orange,
Credit Investigating Bureau,
Credkim Holding Co.,
Credmont Company,
Crescent Bakery Stores, Inc.,
Crescent Construction Company,
Crest Beach Realty Company,
Crest, Inc.,
Crichton & McCann, Incorporated,
C. R. Mapps & Sons Inc.,
Cro-Dem Realty Company,
Cronin, Foley & Wandelt Realty Company, Inc.,
Crouch Company, Inc.,
Crown Amusement Company, Inc.,
Crown Individual Laundry, Inc.,
Crown Laundry Service, Inc.,
Crowther & Homer, Inc.,
C. R. Sweeney, Inc.,
C. S. Hook, Inc.,
Curtin Brothers, Incorporated,
Curtis Aero Ignition Co., Inc.,
Cuskaden Motor Company,
Custom Motors, Inc.,
Cut Glass Works, Inc.,
C. V. Soley Company,
C. W. Adams, Inc.,

Dailey & Stierlen, Inc.,
Dalco Oil Corporation,
Daletisky Realty Company,
Daniel Company,
Daniel McGrath Company,
Daniel's Paint and Wallpaper House, Inc.,
Danzig-Friedman Company,
Darress-Moore Co. Inc.,
D. A. Ryer, Inc.,
David S. Meyer, Incorporated,
Davies Corporation,

Davis & Isler Co., Inc.,
Dawson's, Inc.,
Daylight Market, Inc.,
D. & C. Realty Company, Inc.,
Dealers' Oil Company,
De Block Coal Company,
Decker Realty Corporation,
Defiance Fruit Company,
DeFlesco Brothers Co.,
De Laine Hat Mfg. Co.,
Delano Realty Co.,
Delano Realty Corporation,
Delaware River Quarry and Construction
Company,
Delfon Inc.,
Delmor, Inc.,
Delson Holding Corporation,
Demar Corporation,
Demarest Corporation,
Demco Agency, Inc.,
Denman Company,
Dennis Florist,
Denville Holding Co., Inc.,
Despatch Collection Agency, Inc.,
Dezenhol, Inc.,
De Zol Products Co.,
D. F. Newfield Company,
Dial Beverages, Inc.,
Diamond Piece Dye Works, Inc.,
Diamond Spring Realty Company,
Diana Beauty Shoppes, Inc.,
Diatomite Corporation,
DiFiore Bakery & Grocery, Inc.,
Di-Mo Holding and Investment Company,
Dimond Taxi Inc.,
Diner Corporation of New Jersey,
Direct Sales Corporation,
Diskell Realty Company,
Distributors, Inc.,
D. J. Warren, Inc.,
D & M Holding Co.,
D. N. Condé & Co.,
D. Newman, Inc.,

Dodd Variety Corporation,
Dodman Wall Paper Corporation,
Dollar Units, Inc.,
Domenico Vuono Realty Co.,
Domestic Construction Co. Inc.,
Donald Ltd. of New York, Inc.,
Donebest Home Improvement Company,
Donnelly's Restaurant, Inc.,
Dorfman Sales Promotion System, Inc.,
Doris Hosiery Mills, Incorporated,
Dorothy Dress Co., Inc.,
Dorrismil Poultry Feed Corporation,
Dorsey-Beemer Corporation,
Dorsil Company,
Dorwil Construction Co.,
Dot's Kitchen Inn, Inc.,
Dougherty Specialty Glass Corporation,
Douglass, Inc.,
Dover Oldsmobile Co.,
Dover Realty Company,
Downy Flake Shop of Newark, Inc.,
Dresvelope, Incorporated,
D. & R. Holding Co.,
Drof Transportation Co.,
D. & R. Shoe Co., Inc.,
Druggists' Specialties Company, Inc.,
D. & S. Restaurant Corporation,
Dublin Corporation,
Dubro Realty Company,
Duckham-Pierson Company,
Duden Corp.,
Duer Realty Co. Inc.,
Dultz Drug Stores,
Dumont Company,
Du-Mor Holding Co., Inc.,
Dunbar Realty and Investment Company,
Dundee Coal & Coke Corp.,
Dundee Piece Dye Works, Inc.,
Dunellen Securities Company,
Dunwall Manufacturing Company,
Du-Rite Printing Company,
Dwelling Realty Company,
D. W. May Corporation,
Dy-Dee Wash, Inc.,

Eaco Electric and Apparatus Company,
Eagle Ice Company, Inc.,
Eagle Rock Amusement Co.,
Eagle Steam Laundry, Inc.,
Earle Atlantic Company,
East Brunswick Holding Company,
Eastern Aeronautical Corporation,
Eastern Auto Racing Association,
Eastern Basic Chemical Company,
Eastern Building Co.,
Eastern Investment Co.,
Eastern States Chemical Corporation,
Eastern States Development Corporation,
Eastern Stationery Stores, Inc.,
Eastern Wine Co., Inc.,
East Fourth Street Meat and Poultry Market, Inc.,
East Mountain Corporation,
East Orange Realty Company,
East Point Beach Estates, Incorporated,
East Rutherford Investment Co.,
East Side Building & Investment Corporation,
Eatmor Ice Cream Co.,
Eatmor Lunch, Inc.,
Ebco Realty, Inc.,
E. C. Dougherty, Inc.,
E. Christensen, Inc.,
Eclipse Ribbon Mills, Inc.,
Economy Cut-Rate Drug Co., Inc.,
Economy Machine & Box Corp.,
E. C. O. N. Realty Co. Inc.,
Edelman Bakers,
Eden Construction Company,
Edgar Phillips & Son, Inc.,
Edge-Bak Sales Corporation,
Edge Chain Company,
Edgewater Development Company, Inc.,
Edith Corporation,
Edward H. Bahrenburg, Inc.,
Edward H. Friel, Inc.,
Edward H. Feltus Co.,
Edward R. Burt & Co., Inc.,
Edward Smith, Inc.,
Edward W. Mason, Inc.,

Edward W. Stevenson, Inc.,
Edwood Corporation,
E & F Clothing Company,
E. G. Koenig Studio-Inc.,
E. H. Kahlert & Sons,
E. H. Kuhnen Realty Company, Incorporated,
Ehrlsdale, Inc.,
E. Hunt & Co., Inc.,
Eichler-Fischer-Knopf Laboratories, Inc.,
Eighth Ward Tavern, Inc.,
Eileen Realty Co.,
E. K. Management Co.,
Elcaro Investment Company,
Electric Management & Holding Corporation,
Electric & Motors Corp.,
Electric Transformer Corporation,
Electrocrat Corporation,
Electro Fire Detector Co. Inc.,
Eleder-Hickok Company,
Elevator Service & Maintenance Co.,
Elgin Full Fashioned Hosiery, Inc.,
E. L. G. Realty & Construction Corporation,
Elise Products, Inc.,
Elite Amusement Company,
Elite Holding Corporation,
Elizabeth Ace Cleaners & Dyers, Inc.,
Elizabeth Blue-White Laundry Co.,
Elizabeth Live Poultry Co. Inc.,
Elizabeth Paving Company,
Elizabeth Planing, Mill & Lumber Company,
Elizabeth Sash, Door and Supply Company,
Eljay Realty Corporation,
Eljin Corporation,
Elkay Holding Co.,
Elks Parking Station, Inc.,
Ellem Realty Company,
Ellen T. Van Arsdale, Inc.,
Ellsworth Realty Corporation,
Elm Acceptance and Guarantee Co.,
Elmac Realty Corporation,
Elm Holding Company, Inc.,
Elm Investment Co.,
Elmora Grill, Inc.,

Elmwood Loan Association,
El-Nora Laboratory,
El Ribero Wine Corporation,
Elsie Silk Mills,
Emanuel Herman, Inc.,
Emay Realty Co., Inc.,
Emblem Holding Corporation,
E. M. Cleveland, Inc.,
Emel Trucking Co., Inc.,
Emerald Apparel Shop, Inc.,
Emerson Realty & Improvement Company,
Emhertz Corporation,
E. Miner Fenton Company,
Empire Camera Corporation,
Empire Distillers Corporation,
Empire Film Distributors, Inc.,
Empire Film Industry Vaults, Inc.,
Empire Fixture Co., Inc.,
Empire Handkerchief Co., Inc.,
Empire Pure Wine Corp.,
Empire Supply Company,
Emprah, Inc.,
Enbro Holding Corporation,
Englewood Butter & Egg Co.,
Englewood Coal and Lumber Company,
Englewood Realty & Construction Co. Inc.,
Englewood Tiling Corp.,
Enjay Fuel Supply Co.,
Enteeco Manufacturing Co., Inc.,
Eploew Holding Corporation,
E. & P. Manufacturing Co., Inc.,
Equitable Bond & Mortgage Company,
Ernest Engel, O. D. Inc.,
Ernest L. Antoine, Inc.,
Errickson Brick Company,
Erva & Co. Inc.,
E. Schnabel Inc.,
E S E Electrical Products, Inc.,
E. S. Sanford & Co. Inc.,
Esscee Corporation,
E. S. S. Construction Co., Inc.,
Essex Business Service Corporation,
Essex Investors Holding Co.,

Essex Land Title Company,
Essex Mortgage and Realty Company,
Essex Oil Corporation,
Essex Remedy Co., Inc.,
Esskay Company, Inc.,
Estate of Esther, Inc.,
Estate of Thomas Lukasewski,
Euclid Realty Co.,
Euclid Star Cafeteria, Inc.,
Europa Drug Company,
European-American Liquor Co.,
European Brake Shoe Company,
European Lace Shop, Inc.,
Evalyn Dress Shops, Inc.,
Everett W. Cox Company,
Evergreen Realty Co., Inc.,
Eversharp Manufacturing Co.,
E. & W. Manufacturing Co., Inc.,
Excelsior Jobbing Co.,

Fabricore, Inc.,
Fagan Oil Company, Incorporated,
Fairchild Construction Corporation,
Fairfield Beach, Incorporated,
Fairfield Bus Co., Inc.,
Fairfield Manor,
Fair Furniture Co. Inc.,
Fair Lawn Building & Construction Company,
Fairmount Liquor Distributors, Inc.,
Fair Silk Mills, Inc.,
Fairview Building Company,
Fairview Mausoleum Company,
Fairways Land Company, Inc.,
Famous Dry Goods Corporation,
Fanwood Chemical Co., Inc.,
Fanwood Real Estate and Building Company,
F. & B. Investment Co.,
F. B. Q. Inc.,
Federal Brokerage Corporation,
Federal Development Co.,
Federal Food Markets, Inc.,
Federal Industrial Corporation,
Federal Laundry Company,

Federal Steel Products Company,
Feifer Bros., Inc.,
Felberbaum Co. Inc.,
Feld and Kobell, Inc.,
Feldo Realty Company,
Feltman's Food Centre Inc.,
Fenner Park Sales Co.,
Fenrose Beauty Shoppe, Inc.,
Ferguson-Phin Iron Works, Inc.,
Fernes Corporation,
Ferrary Realty Company,
Fesor Corporation,
Feuser & Sullivan, Inc.,
F. & F. Embroidery Works, Inc.,
F. H. Fairchild Company,
F. & H. Holding Corporation,
F. H. Klein & Co. Incorporated,
Fidelis Finance Company,
Fidelity Glen Development Co., Inc.,
Fifth Avenue Products,
Fifth and Ocean Holding Co.,
Finderne Coal and Oil Co.,
Fioggia Realty Corporation,
Firm Investment Co.,
First Avenue Holding Co.,
First National Loan Corporation of America, Inc.,
F. J. Conlen, Inc.,
F. J. Mersfelder & Co.,
Flaherty Realty Company,
Flash Auto Stores, Inc.,
Flax's Luggage Shop Inc.,
Flemington Milling Company,
Fleuchaus Realty Corporation,
Flexible Records, Inc.,
Flower Ware Company,
Flynn-Neaves-McCarthy, Inc.,
F.M. & T. Holding Company,
Fonda Aviation, Inc.,
Foremost Print Shops, Inc.,
Forest Hill Company,
Forest-Sussex Company,
Forget-Me-Not Bakery, Inc.,
Forhelth, Inc.,

Forman's Pharmacy, Inc.,
Fortescue Development and Dredging Company,
Fort Lee Kennel Club,
Foster Bros., Inc.,
Foster Laboratory,
Fountain of Beauty,
Fountana Electric Co.,
Fox Hill Brewing Company, Inc.,
Fox & Ruppel, Inc.,
Fox's Famous Foods Inc.,
F. Perneti Co.,
Francis C. Stokes and Company, Inc.,
Francis Service Station,
Franeline Inc.,
Frank Atherton Grain Company,
Frank Cariddi, Inc.,
Frank Desiderio Sons, Inc.,
Frank D. Leffingwell, Incorporated,
Frank E. Henderson, Jr., Inc.,
Frank E. Murphy, Inc.,
Frank L. Cellini, Inc.,
Franklin Apartments, Inc.,
Franklin Bridge Club, Inc.,
Franklin Coal Company,
Franklin Company,
Franklin Laundry, Inc.,
Franklin Park Co.,
Franklin Piece Dye Works, Inc.,
Franklin Stores Co.,
Frank's Super Service Inc.,
Frank & Ted Luncheonette, Inc.,
Frank Weingart, Inc.,
Frank W. Harding, Jr., Corporation,
Fred Bonnet Coal Co., Inc.,
Frederick Preston & Co.,
Fredericks Amusements, Inc.,
Frederick's Beauty Salon,
Frederick Tench Incorporated,
Fred Fitz Randolph Company,
Fred Fried, Inc.,
Fred J. Endress, Inc.,
Fred R. Stelling, Inc.,
Fred S. Hofmann, Inc.,

Freed & Stern Realty Company,
Freewood Poultry Foundation, Inc.,
French Yarn Shop,
Freund's, Inc.,
Friedman's Auction Rooms, Inc.,
Friendly Investment Corporation,
Frostoff Sales Corporation of New Jersey,
Frost System,
F. & S. Realty Company,
F. S. Walton Company,
F. T. Burke, Inc.,
Fuld's, Inc.,
Fullgor Realty & Investment Co.,
Fulton Silk Mills, Inc.,
Fulton-Tremont Hotel Company,
F. W. Layton & Son, Inc.,

Gaetan, Inc.,
Garden Restaurant, Inc.,
Garfield Agency, Inc.,
Garfield Development Company,
Garfield Feed & Ice Co. Inc.,
Gates Ladder Company, Inc.,
Gaughran Holding Co.,
Gautschy Silk Dyeing Co.,
G. C. Francis Chevrolet, Inc.,
G. DiNapoli, Inc.,
G. D. Z. Building Company,
Gearty Brothers, Inc.,
Gebala Corporation,
Geemak Corporation,
Gem Film Manufacturing Co. Inc.,
General Bus Advertising Company, Inc.,
General Distillers Corp.,
General Equipment and Machine Company,
Incorporated,
General Housing & Construction Corp.,
General Maintenance Corp.,
General Reconstruction Co.,
General Rectifiers of New Jersey, Inc.,
General Tire Company,
General Tire Company of New Jersey,
General Upholstering Co., Inc.,

General Wayne Laundry, Inc.,
George-Anna Realty Co.,
George C. Herbert & Company, Incorporated,
George E. McCormick, Inc.,
George G. Fedden, Inc.,
George Koschek, Inc.,
George M. Mitchell Co.,
George M. Plum, Jr., and Company,
George Oberst Winery, Inc.,
George's Garage, Inc.,
George's, Inc.,
George S. Miller Company, Inc.,
George's Shoes, Inc.,
George Street Service Station, Inc.,
George Washington Bridge Express Lines Inc.,
Georgian Holding Company,
Geormelin Corporation,
Gerhart & Hindley, Inc.,
German-American Import Company,
Gertrude Corporation,
Gertrude Herman Realty Co. Inc.,
Gessner Co., Inc.,
G. & G. Concession Corp.,
G. & H. Brooks Realty Company, Inc.,
Giant Motor Co. Inc.,
Giant Paint Company,
Giantsales, Inc.,
Gibellina Loan Association,
Gibraltar Company,
Gil-Bar Corporation,
Gilbert W. Taylor, Inc.,
Ginsberg & Mitnick, Inc.,
G. J. M. Corporation,
Gladbe Holding Co.,
Glenmont Realty Corporation,
Glenwood Service Station, Inc.,
Gleven Realty Corporation,
Globe Realty Company,
Globe Shirt Shops, Inc.,
Globe Vending Co.,
G. & L. Oil Company,
G. M. C. Express Co., Inc.,
G. & M. Diner, Inc.,

Goldbar Realty Corporation,
Goldberg's Tire Co., Inc.,
Gold Brown Co.,
Gold-Coin Hardware & Paint Stores, Inc.,
Golden Galleon, Inc.,
Goldfarb's, Inc.,
Goldfein's, Inc.,
Gold Textile Co. Inc.,
Goldwal Realty Co.,
Golf View Apartments Inc.,
Gollin Holding Co.,
Good Beverage Company, Inc.,
Gordon Distilling Company,
Gordon Dry Goods Co.,
G. P. R. Holding Company,
Grador Cordial Company, Inc.,
Graham Securities Corporation,
Grand Ave. Pharmacy, Inc.,
Grand Investment Corporation,
Grand-Union Service Station, Inc.,
Granite Textile Corporation,
Grant Development Company,
Grant Textile Mfg. Co., Inc.,
Grantwood Building Corporation,
Graphic Art Realty Company,
Graphic Arts Products, Inc.,
Graphic Business Service, Inc.,
Gray Bus Co. Inc. of Hackensack, N. J.,
Gray Line Trucking Co.,
Great Eastern Breweries Inc.,
Greater Mortgage Corporation,
Great Notch Realty Company,
Great Oaks Mills, Inc.,
Great Western Wineries,
Greco & Sammarco, Inc.,
Greenacres Inn, Inc.,
Greenberg-Schultz Baking Co.,
Greenberg's Confectionery and Stationery Store,
Greenery, Inc.,
Greenfeld & Co., Inc.,
Greenfield Variety Stores Inc. of Elizabeth,
Greenfield Variety Stores Inc., of Plainfield,
Green Garden Farms, Inc.,

Green & MacNelly, Inc.,
Green & White Service, Inc.,
Gregory Holding Company,
Grenada Corporation,
Grief-Baris, Inc.,
Griffin Auto Painting Co.,
Griggs Sales Company,
Grocers Realty Company,
Grossman Theatres, Inc.,
Grove Beauty Shoppe,
Grundy Well Works, Inc.,
G. S. Bus Corporation,
G. & T. Rubber Products Corporation,
Guarraia Realty Company,
Guerin-Moran, Inc.,
Gustav Frank, Inc.,
G. & W. Laboratories, Inc.,

Hackensack Building Supply Company,
Hackensack Estates, Inc.,
Hackensack Meat Corp.,
Hackettstown Investment & Development Co.,
Haddon Finance Company,
Hadley Realty Corp.,
H. A. Frost and Co.,
Hagmann Brothers Company,
Haledon Motor Co.,
Half Moon Country Club,
Halpern's Inc.,
Halsey Company (The),
Halsted Holding Corporation,
Hamilton Development Corporation,
Hamilton Mortgage Co.,
Hamilton Oil Co.,
Hamilton Packing Co.,
Hancock's Inc., 1931,
Hanniball-Coyle, Inc.,
Hanniball Fuel Co.,
Hanost Building Corporation,
Hanover Electric Company,
Hansen Realty Company,
Harben, Inc.,
Harbern Corporation,

Harbor Homes Corporation,
Harbor Oil Co., Inc.,
Hardright Company,
Harida Company,
Harlan Catering Co.,
Harleigh Memorial, Inc.,
Harlem Cleaners, Inc.,
Harlem Marathon, Inc.,
Harley Terrazzo Strip Co.,
Harold B. Meyers,
Harper Brothers, Inc., #1,
Harrison Brass Foundry Co. Inc.,
Harrison Brewing Co.,
Harrison Department Store, Inc.,
Harrison Finance Service Inc.,
Harris Rug Mills Inc.,
Harry A. Chesler, Inc.,
Harry Bershadsky, Inc.,
Harry H. Levin and Company,
Harry W. Fell, Inc.,
Hart's,
Hart Sales Service, Inc.,
Harvard Realty Company,
Hasbrouck Building Company,
Hasbrouck Service Center, Inc.,
Hase, Schweizer and Webster, Inc.,
H. A. Silsby, Inc.,
Hasselhuhn-Williams Company,
Hassell The Floor Man, Inc.,
Haworth Engineering Co.,
H. B. Davenport Engineering & Contracting Co.,
H. C. Vernick, Druggist,
H. Demel Coal & Fuel Oil Co.,
Heating Supply & Repair Company,
Heat Utility Corporation,
Hedden Auto Service Co.,
Hedden Place Machine Company,
Heitmann Motors, Inc.,
Helderman Paint & Supply Co.,
Heller-Coghlan Building Co.,
Hellmund Refining Corporation,
Helm Realty Co. Inc.,
Henderson Amusement Company,

Hendrick Hudson Realty Co.,
Henry Doherty Silk Company #1,
Henry Holding Company,
Henry Louis Co., Inc.,
Henry's Clothiers & Furnishers, Inc.,
Henry's Sweet Shop, Inc.,
Henschel Motor Corporation,
Henshaw Realty Co. Inc.,
Herman Building Co.,
Herman's Luncheonette, Inc.,
Herobe Investment Company,
Herring Bros. Inc.,
Hersam Realty Co.,
Hess, Inc.,
Heyman & Son, Inc.,
H. G. Rekemeier, Inc.,
H. Grieshaber and Sons,
H. & H. Electrical Supply Co.,
H. Homer Buckelmueller, Inc.,
Hidden Hill, Inc.,
Higgins Drug Co.,
Highland Constructing and Wrecking Company,
Highland Distilleries Products Corporation,
Highridge Holding Corporation,
Hightower-Anderson Mfg. Co.,
Hightstown Swimming Pool, Inc.,
Hill Baking Corporation,
Hill Bread Company,
Hill and Dale Realty Corporation,
Hillmont Development Company, Incorporated,
Hill Realty and Mortgage Co.,
Hillside & Liberty Holding Company,
Hilltop Holding Company,
Hilltop Tavern,
Hi-Low Grill Inc.,
Hinchman's Bathing Beach, Inc.,
Hirsch-C. R. Daniels Corporation,
Hirsch & Witkin, Inc.,
Hirsh's, Inc.,
Hirsh's Thrift Stores, Inc.,
Hirz Bros. & Co.,
H. J. Horner & Sons,
H. L. Kent Model Dairy, Inc.,

H. M. Davison Company,
H. M. L. Realty Corp.,
H. M. Smith Company,
H. Norman Middleton, Inc.,
Hobart Sales Co., Inc.,
Hodes and Rosenberg, Inc.,
Hoffman Co., Inc.,
Hoffman Co-operative Association,
Hoffman Holding Company, Inc.,
Hoffman Home-Made Egg Noodle Co., Inc.,
Hoffman House Wines & Liquors, Inc.,
Holden-Wake Co., Inc.,
Holland Upholstering, Inc.,
Hollenberg Bros., Inc.,
Holly Shops, Inc.,
Hollywood Holding Co. Inc.,
Hollywood Shoppe, Inc.,
Holmdel Estates, Inc.,
Holmrose Corporation,
Homco Inc.,
"Homeade" Ice Cream Co. Inc.,
Home Drug Inc.,
Home Finance Company,
Home Loan Company,
Home Owners, Inc.,
Home Site Development, Inc. of Long Branch,
Homestead Holding Co.,
Hommer's B. R. T. Service Station, Inc.,
Honeybrook Realty Company,
Horner's Shoppe, Incorporated,
Horowitz & Katzen, Inc.,
Horwitz Shoe Shop, Inc.,
Hotel Elton, Inc.,
Hotel Grossfeld, Inc.,
Hotel Riviera Restaurant, Inc.,
Hotel Rosemont, Inc.,
House America, Inc.,
Household, Incorporated,
House of Keys,
House of Stratford, Inc.,
Howard Pharmacy,
Howard Woods and the Royal Crest Orchestra,
Inc.,

Howell J. Yogg, Incorporated,
H. & P. Baker, Inc.,
H. and P. Carriers, Inc.,
H. R. Bogle & Co.,
H. & R. Market, Inc.,
H. Rosner, Inc.,
H. & S. Dress Shop, Co., Inc.,
H. & S. Engineering & Foundry Corporation,
H. & T. Holding Company,
Hubert Booth & Co.,
Hub Operators, Inc.,
Hudson and Adams, Inc.,
Hudson Beef Co.,
Hudson Bootery, Inc.,
Hudson County News Company,
Hudson County Painting & Decorating Co., Inc.,
Hudson County Warehouses, Inc.,
Hudson Studios, Inc.,
Huff Hardware Co. Inc.,
Hugh A. Smith, Inc.,
Hugh B. Miller & Sons, Inc.,
Hugh M. McDonald Holding Co.,
Hulit & Tuzenew, Inc.,
Humphreys & Co.,
Hunter Realty Co.,
Huse Corporation of New Jersey,
H. V. Reilly & Co.,
H. W. Merriam Shoe Co.,
H. W. Securities Corporation,
Hy-Art Printing Co., Inc.,
Hyde Music Company,
Hyde Park Realty Company,
Hydooraulic, Inc.,
Hydro, Inc.,
Hydroproof Chemical Corporation,
Hygeia Holding Company,
H. Z. Realty Investing Company,

Ice Creams, Incorporated,
I. C. H. Co., Inc.,
Ideal Cement Block and Sand Co.,
Ideal Construction Corporation,
Ideal Construction and Realty Company,

Ideal Decorating Co.,
Ideal Dried Fruit Co.,
Ideal Food Shop, Inc.,
Ideal Fur Shop, Inc.,
Ideal Textile Corporation,
I. E. Meara, Inc.,
I & J Manufacturing Co.,
I. Miller & Son, Inc.,
Imperial Company,
Imperial Holding Co.,
Imperial Paint & Varnish Works Inc.,
Imperial Paper and Bag Company, Inc.,
Imperial Shoe Corp.,
Imperial Vodka & Cordials, Ltd.,
Importers & Planters Food Products, Inc.,
Improved Mortgage and Realty Company,
Improvement Holding Co.,
Incorporated Dealers,
Independent Brick Company,
Independent Chemical Corporation,
Indian Head Fuel Corporation,
Indian Transit Lines, Inc.,
Industrial Securities Company, #2,
Ingalls & Co.,
Ingersoll Contracting Company,
Ingram Motor Sales Co.,
Innelli Realty Company, Inc.,
Inter County Motor Corporation,
International Associates, Inc.,
International Champagne Corporation,
International Credit Corporation,
International News Service, Inc.,
International Research Products, Inc.,
International Transportation Service, Inc.,
Interstate Concessionaire Corporation,
Inter-State Distillers & Rectifiers, Inc.,
Interstate Food Stores, Inc.,
Interstate Grain and Feed Company,
Interstate Highways Extension Ferries,
Interstate Salvaging Co., Inc.,
Interstate Woodworking Co.,
Investors & Traders Corporation,
Iona Realty Company,

I. R. Company, Inc.,
Irene Shoppe, Inc.,
Irish Hill Supply Co.,
I. R. Rachles & Co. Inc.,
Irving Klinkowstein Co., Inc.,
Irving Shoe Company, Inc.,
Irvington Excavating & Contracting Co.,
Irvington Food Exchange Inc.,
Iselin Building and Mortgage Corporation, of
Iselin, New Jersey,
Iselin Meat Market,
Island Park Amusement Company,
Island Park Corporation, Inc.,
Isman Trucking Company, Inc.,
Isro Realty Co. Inc.,
Issie's Busy Corner,
Italian American Groceries And Delicatessen, Inc.,
Italian American Public Grocery Market,
Italian-American Winery Co.,
Italian Associated Grocers, Inc.,
I. X. L. Photo Co.,

Jack Green Holding Corporation,
Jackson Contracting Company,
Jackson Street Warehouse, Inc.,
Jack Weinstein & Co. Inc.,
Jacob Gottlieb Metal & Roofing Co. Inc.,
Jacobson Painting and Decorating Co.,
Jacobs Realty Co., Inc.,
Jaeger Construction Company,
Jaeger Land Company,
Jae's, Inc.,
James Billington, Inc.,
James D. Holman Cranberry Co., Inc.,
James E. Taylor Contracting Company,
James H. Staman Laboratories, Inc.,
James H. Swann Company, Inc.,
James Orlando Inc.,
James Simone Inc.,
Jamestone Co.,
Japanese Evergreen Dining Room, Inc.,
Javett Dress Co.,
Jay Drug Stores, Inc.,

Jay & Ess Knitting Mills, Inc.,
J. Black, Inc.,
J. Crane Transportation Co., Inc.,
J. C. Williams Co., The,
J. Daddea, Incorporated,
J. E. B. Webster Realty Company,
Jefferson Bottle Supply, Inc.,
Jefferson Company of Trenton, New Jersey,
Jefferson Ice Company,
Jefferson Press Corporation,
Jefferson Realty Corp.,
Jeff's Service, Inc.,
Jemek, Inc.,
Jem Realty Company,
Jerome Borchardt, Inc.,
Jerrod Shoe Shop, Incorporated,
Jersey Brewing Corporation,
Jersey Carbonic, Inc.,
Jersey City Lumber Company,
Jersey City Refractories Co.,
Jersey City Stadium Inc.,
Jersey Finance Corporation,
Jersey Markets, Inc.,
Jersey National Kosher Products Co.,
Jersey Poultry and Egg Producers, Inc.,
Jersey Vending Specialty Co. Inc.,
Jewett Realty Corporation,
J. F. Dittman Co. Inc.,
J. Frederick Baer Realty Company,
J. Heller and Co.,
J. H. Fiesser Company,
J. J. Eberhardt & Son,
J. & J. Middlesex Poultry Farms, Inc.,
J. & J. Realty Co., Inc.,
J. M. Callaghan Trucking Co., Inc.,
J. & M. Ribbon Mfg. Co.,
Joe Gunty, Inc.,
Joel Holding Company,
John A. Bidwell Co.,
John Borea, Inc.,
"John Faller Monumental Co.,"
John Fencsak & Son, Inc.,
John Gaggis, Mike Gianoukos and Tom Nikitaras,
Inc.,

John Henry Realty Co.,
John H. Knox Incorporated,
John H. Williams Contracting Company,
John J. Ryan Trucking Co.,
John Kantor,
John Lombardy, Inc.,
John Maddock and Sons,
Johnny Connell, Inc.,
Johnny Gorman's Corner, Inc.,
John Ryan, Inc.,
Johnson Motor Company,
Johnston & Attlee, Inc.,
John Tureck, Inc.,
John W. Covert & Company,
Jonesco Realty Corporation,
Jordan Construction Company,
Jorgensen Plumbing and Heating Co., Inc.,
Josefy, Inc.,
Joseph A. Dana, Inc.,
Joseph Arbes Company,
Joseph A. Samelsberger Company,
Joseph Cummins, Inc.,
Joseph Eckel & Son, Inc.,
Joseph Fiore, Inc.,
Joseph Honixfeld, Inc.,
Josephick Company,
Joseph Leer Agency, Inc.,
Joseph Leff, Inc.,
Joseph Neibart & Son,
Jos. R. Shimer Company,
Jos. Selitto Sons, Inc.,
Josephson Realty & Construction Company,
Joseph T. Evans, Inc.,
Journal of Industry and Finance, Inc.,
Journal Square Market, Inc.,
Journal Square Pure Food Shop, Inc.,
Journal Square Wine & Liquor Corp.,
J. R. Durand Printing Co., Inc.,
J. and S. Auto Supply Company, Inc.,
J. Smith & Son, Inc.,
Julia Realty Company,
Junior Company,
Junior Order Realty Company,

Junior Order United American Mechanics Building
Association of Essex County,
Juniper Realty Company,
Juris and Zaitz, Inc.,
Juvenile Palazzo Shoe Co., Inc.,
J. V. Nyquist & Sons, Inc.,
J. W. Cleveland Hardware Company,
J. W. Goldstein, Inc.,
J. Wolansky, Inc.,
J. W. Parker & Son, Inc.,

Kadrey's, Inc.,
Kahn Silk Co., Inc.,
Kaighn Realty Company,
Kamm Management, Inc.,
Kamo Manufacturing Co.,
Kaplus Realty Company,
Karl Manufacturing Co., Inc.,
Karnal Painting Co., Inc.,
Karrow & Small, Inc.,
Kayne's, Inc.,
K. & C. Raybestos Brake Service Corporation,
Keer Estates, Inc.,
Kelco Holding Company,
Keller Securities, Inc.,
Kelley Typesetting Company, Inc.,
Kenilworth Tavern, Inc.,
Kenlo, Inc.,
Kenmore Furniture Co., Inc.,
Ken's Grill,
Kensington Company,
Keogan Bus Company,
Kerry Tavern, Inc.,
Kevon Knitting Mills, Inc.,
Keystone Company,
Keystone Engineering Co.,
Keystone Furniture Stores Co., Inc.,
Keystone Radio Corp. of New Jersey,
Keystone Realty Co., Inc.,
Keystone State Oil Corp.,
K & G Embroidery Co.,
Khalaf & Boyajian, Inc.,
Kievitt Beverage Co.,

Kimball, Pierce, Clark & MacNair, Inc.,
"Kimwold" Company,
King, Cleary, Incorporated,
King Department Store, Inc.,
King Lear Restaurant, Inc.,
Kings Holding Corporation,
Kingsley Restaurant Inc.,
Kingsley Shop,
King's Palace,
Kitay Bros. Company,
Kitty Hawk Development Corporation,
Kitty Hawk Shores Corporation,
Klay Kraft Pottery,
Klein Bros., Inc.,
Kleinmans-De Gise Co., Inc.,
Klenzall Corporation, Klie and Klie, Inc.,
Kmetz Realty Company,
Knobel & Co.,
Knox Motor Cars, Inc.,
Koeppen Metal Products, Inc.,
Kohl & Miller Construction Co., Inc.,
Koletka & Son,
Kopper and Klein, Inc.,
Kotler Incorporated,
Krasner's,
Kraut & Finke Incorporated,
Kravecz, Inc.,
Kravitz Market, Inc.,
K & R Baking Co., Inc.,
Kree-Mee-Kone Co., Inc.,
Krieger & Krieger,
Krup Holding Co., Inc.,
Krupnick's Department Store,
Kundel & Braun,
Kwikleen Co.,

Lackawanna Auto Trucking Company,
L. A. Costello & Co., Inc.,
Lafayette Dress Mfg. Co. of New Jersey, Inc.,
Lafayette Grocery Stores, Inc.,
Lafayette Smelting and Refining Works,
Lagneau Realty Company,
Lake Park Holding Company,

Lake Region Home Sites Company,
Lakeside Development Company, Inc.,
Lake Stockholm, Inc.,
Lake Valhalla Securities Corporation,
Lakeview Heights Land Company,
Lake View Park Realty Co. Inc.,
Lake Wheimena, Inc.,
Lakewood Retail Ice Company,
La Mark Company,
LaMontagne Brothers, Inc.,
Lamy-Smith Construction Co., Inc.,
Lancaster Hardware Co.,
Landone Villa Lands, Inc.,
Lane Electric Co.,
La Reine Apartments, Inc.,
Lasker Holding Co.,
L. & A. Trucking Company,
Laubach & Myer,
Laumar Corporation,
Laurel Hill Company,
Laurel Springs Hardware Co.,
Laurel Stock Farm, Inc.,
Lauton Company of New Jersey,
Lautrel, Inc.,
Lawyers' Mutual Title and Abstract Company,
Layth-Grindar Corporation,
L. & B. Clothing, Co.,
L. B. News Company, Inc.,
L. Cohn & Sons, Inc.,
Leader Mercantile Company,
Lederer Company,
Lee K. Waring Co.,
Leeland, Inc.,
Lee Tanks, Inc.,
Leffertz, Inc.,
Lehigh Delicatessen, Inc.,
L. E. Inc.,
L'Enfant Realty Corporation,
Lennoc Resorts Corporation,
Lenox Building Corporation,
Lenox Holding Co.,
Leo F. Shurr Coal Co., Inc.,
Leo Holding Company,

Leonia Amusement Corporation,
Leslie Hayes, Inc.,
Lessie Shoppe, Inc.,
Lester B. McBride, Inc.,
Lester Realty Company,
Level Holding Corporation,
Levin's Inc.,
Levinson Brothers Incorporated,
Levin's Shoe Store, Inc.,
Levy Auction Galleries, Inc.,
Lewis M. Loss Company,
Lewis Realty Co. Inc.,
Lewis S. Sculthorp, Inc.,
Lexmont Estates, Inc.,
L. & H. Realty Corporation,
L. H. Starr & Company, Inc.,
Liberty Bulletin & Directory Co., Inc.,
Liberty Co.,
Liberty Oil Company,
Liberty Wine and Liquor Co.,
Lief's Battery and Ignition Service, Inc.,
Lila Lee Dress Shoppe, Inc.,
Lincoln Construction Company,
Lincoln Finance Corporation,
Lincoln Holding Company,
Lincoln Home Remodelng Corporation,
Lincoln Metal Products Corp.,
Linden Kennel Company,
Linden Milk Company,
Linden Sporting Club Inc.,
Linwood Gardens Co.,
Linwood Land Company,
Lion Laboratories, Inc.,
Lippey Printing Company,
Lipschutz-Hotchkiss, Inc.,
Liquid Cane Sugar Corporation,
Liquor Exchange, Inc.,
Lish, Inc.,
Little Bean Shop, Inc.,
Little Bear Dairy, Inc.,
Little Ferry Hotel and Realty Co.,
Little Ferry Realty and Construction Company,
Little Folk Shop, Inc.,

Little Home Tavern & Restaurant, Inc.,
Little Ranches, Inc.,
L. J. Plach, Inc.,
L. L. and G. Co.,
L. L. Johnson Land Company,
L. & L. Manufacturing Company,
Lloyd Operating Co., Inc.,
L. M. B. Co.,
Lo Buono Motor Car Co.,
Locker Utensil Company,
Locksure Laboratories, Inc.,
Lodi Express, Inc.,
Loewer Realty Co., Inc.,
Loewy Holding Company,
Lois Realty Company,
Lombardy Wine Corporation,
Long Branch Aero Corporation,
Long Branch Kennel Club, Inc.,
Long Branch Motors, Inc.,
Long Realty Co.,
Longwood Hotel Corporation,
Lord Realty Company, Inc.,
Lord's Incorporated,
Losey Automobile Company,
Louis Gold & Sons, Inc.,
Louis Milton Realty & Building Corp.,
Louis Palumbo & Co., Inc.,
Lou's Restaurant, Inc.,
Lower Chelsea Ventnor Corporation,
Lowy Brothers, Inc.,
Lowy's Express, Inc.,
L.R. Building Corp.,
L. Schwarz, Inc.,
L. T. Construction Co.,
Lucetta Company,
Lucky Clover Dairy, Inc.,
Lucky Hosiery Co., Inc.,
Ludlum Motor Car Company,
Ludy-Iroquois Inc.,
Luna Trading Corporation,
Lusberg Holding Co., Inc.,
Luxor Restaurant,
L. Weiner, Inc.,

Lynch Realty Company,
Lyndhurst Garage, Inc.,
Lyndhurst Shoe Company, Inc.,
Lyons Avenue Realty Company,

Maabee Co.,
Mackay Drive Realty Company, Inc.,
Mack Machine Co. of Harrison,
Maclan Realty Corporation,
MacOjac Company,
Mac's Auto Service, Inc.,
Madicar Corporation,
Madison Piece Dye Works, Inc.,
Madison Sales Co.,
Madison Silk Dye Sales Co.,
Madison Weaving Co.,
Maes & Gaugler, Inc.,
Magic Foam Corporation,
Magna Investment Co.,
Magyar Ladies' and Gentlemen's Association,
Mahenshe Company,
Mahmak Realty Corp.,
Mahnken Holding Company,
Mahwah Realty Company,
Maimon Baths,
Main Building Construction Co.,
Main Sea Food Co., Inc.,
Main Terminal, Inc.,
Majestic Realty Corp.,
Majestic Trading Corporation,
Major Oil Co.,
Malay-Ralston Corporation,
Manasquan Holding Company,
Manhattan Bar & Grill, Inc.,
Manhattan Operating Company,
Manhattan Photo Engraving Company,
Manhattan Productions, Inc.,
Manning Coal Co., Inc.,
Manufacturers' Chemical Company,
Manufacturers Mortgage Company,
Manufacturers Mortgage Company of New Jersey,
Manumuskine Silica Company,
Manville Center Developers, Inc.,

Manville Cigar Company, Inc.,
Manville Lumber Company, Incorporated,
Maplecrest Laundry, Inc.,
Maple Grill, Inc.,
Maple Lodge, Inc.,
Maple Shade Betterment League Building Fund,
Inc.,
Maple Shade Coach Company, Inc.,
Mapleshade Hosiery Mills, Inc.,
Maple Spring, Inc.,
Marcantonio Corporation,
Marcia Shoe Shop, Inc.,
Marcy's Dress Departments, Inc.,
Mardo Associates, Inc.,
Marech Holding Company,
Margaret Larsen, Inc.,
Margate Wine & Liquor Co.,
Marhoffer Corporation,
Mariani's Food Shop, Inc.,
Marion Products, Inc.,
Marion Realty Co.,
Market Concessions, Inc.,
Market Corporation,
Market Holding Company,
Marley Electric Company,
Marlo Realty & Investment Co.,
Marome Realty Company,
Marsamlou Realty Company,
Marsan Holding Corporation,
Marsdun Holding Corporation,
Marshall Company,
Martange Realty Co., Inc.,
Martin Cinder Block Corporation,
Martin-Niemitz-Puschel Incorporated,
Martin & Opdyke, Inc.,
Martin R. Everett Lumber Company,
Martin Transportation Corp.,
Marvel Realty Corporation,
Marvin Milliners, Inc.,
Marvin Pharmacy, Inc.,
Mary A. Stoddard Holding Corporation,
Mary Lou Shoppe,
Masco Service Station, Inc.,

Matapakor Construction and Holding Company,
Matthew T. Brady Company,
Mattox Distilling Corp.,
Maurice Goldstein & Sons, Inc.,
Maxim Realty Corporation,
Max Josephberg, Inc.,
Maxon Fixtures, Inc.,
Max Shanefield, Inc.,
Max Shapiro & Sons, Inc.,
Max Teitlebaum, Inc.,
Maxwell Building Corporation,
Maxwell Silk Co.,
Maxwell & Son Food Company,
Max Yavner, Inc.,
May-Belle Service Corporation,
Mayfair Grill,
Mayfair Productions, Inc.,
Mayfair Sweets, Inc.,
Mayflower Realty Co.,
Mayler & Company,
May Management, Inc.,
May Oil Heating Corp.,
Mayor Corporation,
Mayvic Holding Corporation,
Mazdabrook Corporation,
M. and B. Development Company,
M. B. Markland Co.,
M & B Plumbing & Heating Co. Inc.,
M. & B. Realty & Investment Company,
M & B Theatre Co., Inc.,
McAdams-Devine Pharmacy,
McCarthy's Pharmacy, Inc.,
McDonough Corporation,
McGill's Interstate Express Incorporated,
McGuire Art Shop Inc.,
McLaughlin Berman Realty Co.,
Meacham-Drury Co.,
Meadowbrook Gardens, Inc.,
Meadowbrook Storage Warehouse Co.,
M. E. Associates, Inc.,
M. E. Castles, Inc.,
Mechanical Coal Stoker Corporation,
M. E. Jarvis, Inc.,

Meldwar Realty Corporation,
Melrod Realty Co.,
Meltzer's, Inc.,
Memorial Realty Co.,
Merban Building Co., Inc.,
Mercantile Service, Inc.,
Mercer Dairy Company,
Mercer Pipe & Fittings, Inc.,
Mercer Realty Company #2,
Merchantville Holding Corporation,
Merganz Realty Co.,
Meridian Realty Co.,
Merit Credit Association, Inc.,
Merolla Brothers Co., Inc.,
Mersel Realty Co., Inc.,
Mershon Stores, Inc.,
Merville Corporation,
Metallic Seal Company,
Metallo Bakery Company,
Meta Realty Co., Inc.,
Metro Hotel Corp.,
Metro Manufacturing Co.,
Metropolitan Aircraft Corp.,
Metropolitan Button Works of New Jersey, Inc.,
Metropolitan Corporation,
Metropolitan Dairy Products Corp.,
Metropolitan Parlor Suit Company, Inc.,
Metro Sales Corporation,
Mets-Bloodgood Agency,
Meyer Engineering Company,
Meyer Jonasson and Company of Pittsburg,
Meyer Made Bedding Co., Inc.,
Meyer Mdse Company,
M. Heller & Co.,
M. H. Investment Corporation,
M. Hoagland Sons Company,
Micawber Realty Corporation,
Michael De Cicco and Company,
Michael's Clothes Shop, Inc.,
Michaels Manufacturing Co., Inc.,
Mickle Holding Company, Inc.,
Mickle Realty Co.,
Microphone Laboratories, Inc.,

Middlesex-Jordan, Incorporated,
Middlesex Plumbing & Heating Company, Inc.,
Midget Thermostat, Incorporated,
Mid-Jersey Distributors, Inc.,
Mid-Jersey Machine & Welding Company,
Migro-Zaboro Realty Co., Inc.,
Milady's Shoppe, Inc.,
Milady's Shoppe of Westfield, Inc.,
Milan Ross Agency,
Military Luncheonette,
Millas' Restaurant, Inc.,
Millburn Chateau, Inc.,
Mill Creek Distilling Corporation,
Miller Street Trucking Company, Inc.,
Millicent's, Inc.,
Milling Machinery Corporation,
Milruth Holding Co.,
Milter Laboratories, Inc.,
Minerva Restaurant, Inc.,
Minute Realty Corporation,
Miracle Homes and Land Co. Inc.,
Miracle Oil Refining Co., Inc.,
Miramar Hotel Co., Inc.,
Miramar Realty Corporation,
"Miss Frances Shop,"
Mitchell-Holland Corp.,
M. J. Monahan, Inc.,
M & L Construction Co.,
M. & M. Distributing Co.,
M. & M. Tire & Battery Exchange, Inc.,
Mocan Realty Co., Inc.,
Model Dairy, Inc.,
Modern Fertilizer Company, Inc.,
Modern Investment Corp.,
Modern Silk Mills, Inc.,
Modern Wrappers, Inc.,
Mohawk Playground Equipment Co.,
Mollie Mayers, Inc.,
Molton Trading Corporation,
(The) Momar Company, Inc.,
Monaco Furniture Co.,
Monarch Amusement Corp.,
Monarch Diner, Inc.,

Mondon, Inc.,
Monks Loan Association,
Monmouth County Distilling Company, Inc.,
Monmouth Kennel Club,
Monmouth Memorial Park, Inc.,
Monmouth Pleasure Club Association,
Monmouth Tobacco & Confectionery Co.,
Monroe's Bakeries,
Montclair Auto Gear and Axle Corporation,
Montclair Theatre Guild, Inc.,
Montgomery Distillers Corp.,
Monthly Review,
Montray Service Station,
Monument Market,
Moonachie Chemical Research Corporation,
Moonlight Tavern, Inc.,
Moore & Graf, Inc.,
Moore Industrial Service Corporation,
Moore & McAdam Agency, Inc.,
More-Land Realty Company,
Morgan Boat Works,
Morganville Military Academy,
Morgen Distilling Corporation,
Morhart & Company,
Morley & Russell, Inc.,
Morningside Realty Co.,
Morok Realty Co.,
Morris & Company Atlantic City,
Morris County Printing & Publishing Co., Inc.,
Morris Drug Company,
Morris & Du Bois, Inc.,
Morris Gottlieb, Inc.,
Morris & Grand Streets Realty Corp.,
Morris Metsky, Inc.,
Morrison Company,
Morrison & Gunthner, Inc.,
Morris Pharmacy, Inc.,
Morristown Buick Company,
Morristown Tire Sales Company,
Morristown Veritas, Inc.,
Mortimer B. Mandle, Inc.,
Morton Realty Company,
Moslip Meat Market, Inc.,

Motherwell Realty Company,
Motor Boys Auto & Radio Supply Inc.,
Motorcraft Corporation,
Motor Discount Corp.,
Motor Speedways, Inc.,
Mountain Lakes Garage, Inc.,
Mountain Valley Coal Co., Inc.,
Mount Pleasant Silica Sand Company,
Mt. Sinai Food Corp.,
M. R. D. Hat Company, Inc.,
M. & R. Realty Co.,
M. R. Swinger Company,
M. Sinisi & Co., Inc.,
Mullen Distilling Corporation,
Multiple Sales Corp.,
Multiplex, Inc.,
Mumm Champagne & Importation Co. of New
England,
Municipal Construction Corp.,
Municipal Finance Corporation,
Municipal Survey and Engineering Corporation,
Munitions, Inc.,
Murbach & Iversen, Inc.,
Murite Transportation Corporation,
Murray's Cafe, Inc.,
Murray Trading Corp.,
Murrose Company, Inc.,
Mutual Investment Company of Montclair,
M. W. Schneider, Inc.,
Myers Hotel Importing Co., Inc.,
Myrna Holding Co.,
Myrtle Realty Company,

Nalabak Realty Co. Inc.,
Na-Lear Realty Company,
Nancy's,
Nancy Shoppe,
Narberth Co.,
Narut Holding Company, Inc.,
Nash Paterson Inc.,
Nash Sales Corp.,
Nassau Rubber Company,
Natale Grocery Company, Inc.,

Nathan Flusser, Inc.,
Nathan S. Kohn, Inc.,
National Blenders,
National Circular Company,
National Distributors Corporation of America,
National Farm Products, Inc.,
National Finance Corporation of America,
National Home Builders Corporation,
National Industrial Loan Corporation,
National Investment Co.,
National Liquors, Inc.,
National Manufacturing Co.,
National Materials Company,
National Mirror and Novelty Co., Inc.,
National Motor Freight Terminal,
National Provision Co., Inc.,
National Railroad Advertisers, Inc.,
National Realty Service Co.,
National Reorganization Corporation,
National Stock Exchange,
National Syndicate, The,
National Underwriters, Inc.,
National Vodka Products Corporation,
National Walkathon Amusement Company, Inc.,
National Washing Company,
Natphilben Corp.,
Nat Rose, Inc.,
Nat's Blue Stein, Inc.,
Nat Stark, Inc.,
Natural Humus Company,
Neckwear Specialties Corporation,
Nednil Realty Co.,
Neilson Beverage Co.,
Neiman's Incorporated,
Nemal Paint Co.,
Neon Sign Safety-Device Corporation of New
Jersey,
Neo Ped Incorporated,
Neptune Avenue Realty Co.,
Neptune-Pine Realty Co.,
Neuhaus Bros., Delicatessen, Inc.,
Neumann Holding Company,
Nevalost Manufacturing Co., Inc.,

Nevin Atlantic Lines, Inc.,
Newark Automatic Garage, Inc.,
Newark Bottle Co. Inc.,
Newark Dodgers' Amusement Corporation,
Newark Dressed Poultry Company,
Newark Fuel & Ice Corp.,
Newark Furniture Corporation Inc.,
Newark Garment Company, Inc.,
Newark General Agency, Inc.,
Newark Grid Co., Inc.,
Newark Hide & Tallow Co.,
Newark Holding Co.,
Newark Kent Garage, Inc.,
Newark Leather Machinery Company,
Newark Pipe Cutting & Threading Co.,
Newark Refrigerating & Engineering Co., Inc.,
Newark Refrigeration and Appliance Co.,
Newark Stock Shirt Laundry,
New Blackstone Hotel Co.,
New Brunswick Fruit Exchange, Inc.,
New Brunswick Motor Truck Sales, Inc.,
New Brunswick Storage Battery Company, Inc.,
Newcam Finance Co.,
New Deal Housing Corp.,
New England-New Jersey Freight Lines, Inc.,
New Federal Laundry, Inc.,
New Home Builders, Inc.,
New Hope Sanatorium,
New Jersey Board of Adjusters,
New Jersey Bottling Co.,
New Jersey Brewing Corporation,
New Jersey Fruit and Produce Company,
New Jersey Furniture Sales Company,
New Jersey Iron and Steel Construction Company,
New Jersey Isle of Pines Land Company,
New Jersey Liquor Enterprises, Inc.,
New Jersey Lumber Co.,
New Jersey Plumbing Equipment Co.,
New Jersey Research Bureau,
New Jersey Storage Battery Co., Inc.,
New Jersey Yarn Co., Inc.,
Newjoy Shoe Co., Inc.,
New Lido-Venice Corp.,

New Lorraine Inc.,
New North Newark Laundry,
New Prospect Delicatessen,
New Riverside House,
New Solar Cleaning Service,
Newton G. Gabriel Furniture Co.,
Newton Silk Company, Inc.,
New York Clothing Exchange, Inc.,
New York Headlight Company,
New York Marine Company,
New York Meat & Poultry Market, Inc. of L. B.,
New York and New Jersey Cleaning & Dyeing Co.,
New York and New Jersey Construction Co., Inc.,
New York and New Jersey Land Company,
New York Outlet Store,
New York Real Estate Exchange,
New York Wholesale Produce, Inc.,
Nickel Coffee Pot, Inc.,
Nielson Estate, Inc.,
Nirenberg Co., Inc.,
Nirepla Company,
Nissenson & Co., Inc.,
Nissenson's Hat Shop, Inc.,
Nobby Men's Shop, Inc.,
Nodo, Inc.,
Noreg Real Estate Co.,
Northeastern Holding Co.,
North End Market Inc.,
North Holding Co.,
North Jersey Beverage Co., Inc.,
North Jersey Coal Company, Inc.,
North Jersey Tile Co.,
North Jersey Underwriters, Inc.,
North Jersey Wholesale Produce Co.,
Northjohn Corporation,
North Palm Beach Land Company,
North Pitman Land Company,
North Pole Market, Inc.,
Northpros Realty Company,
North Realty Co.,
Northside Model Grocery Stores,
Northside Mortgage & Securities Co.,
North Ward Amusement Company,

Norton Metalcraft,
Norwood Holding Corporation,
Notlim, Inc.,
Nu-Day Beverage Corporation,
Nudeal Drug Co., Inc.,
Nu-Era Importing Co.,
Nu-Life Cleaners & Dyers, Inc.,
Number Two Corporation,
Number Five Corporation,
Nuova Casteltermini Association, Inc.,
Nutmeg Realty Company,
Nylorac Holding Co.,

Oakaline Oil Co.,
Oakley Hall School for Girls, Inc.,
Oaklyn Manor Corporation,
Observer Press,
Ocean City Agency,
Ocean Securities Company, Inc.,
Ocean View Corporation,
O'Connor Agency, Inc.,
O'Donnell & Son, Inc.,
Oehm Jewelry Co., Inc.,
Ogden and Company, Inc.,
Ogden Trucking Co., Inc.,
Oil Appliances Company,
Oil Bottle, Inc.,
O. K.-Apex Laundry,
Olden Avenue Theatre Company,
Old Fashion Brewing Company,
Old Fashion Brewing Corp.,
Old Fashioned Apple Distilling Co.,
Old Fashioned Molasses Co. Inc.,
Old Reserve Distributing Corporation, Inc.,
Olive Products Corporation,
Oliver Investment Company,
Oliver Realty Company,
Olympic Food Shop,
Omega Investing Company,
O. M. Holding Co. Inc.,
O & N. Construction Co.,
Orange Cleaners & Dyers, Inc.,
Orange Drug Co., Inc.,

Orange and Essex Realty Company,
Orange Food Center, Inc.,
Orange Mountain Traction Company,
Orange Trading Co.,
Orange Valley Realty Company,
Orenstein Trunk Co., Inc.,
Organized Cafeteria Company,
Orient Loan Co.,
Original Optical Manufacturing Co.,
Orpheum Theatres, Inc.,
Orris, Drug Store, Inc.,
Orsi Brothers,
Orso Realty Co., Inc.,
Osborne Grill Inc.,
Osborne and Marsellis Company,
Oscar Blum & Sons, Inc.,
Oscar H. Andersen Construction Co.,
O-Sole-Mio Importing Company,
Oswald F. Haertling, Inc.,
Outdoor Sports, Inc.,
Owen Feeney and Sons, Inc.,
O. W. Johnson, Inc.,
Oyster Bay Sea Food & Chop House, Inc.,

P. A. Brake Service, Inc.,
Pacific Engineering Equipment Corporation,
Palace Delicatessen Grocery and Dairy
Incorporated,
Palace Holding Company,
Palais Royale Co.,
Palisade Furniture Co.,
Palisade Refreshment Co., Inc.,
Pallitto Plumbing Company,
Palmer Construction Company,
Palmer and Embury Manufacturing Co.,
Panco Dairy Co., Inc.,
Panoulas Health Foods Inc.,
Paradigm Land Co., Inc.,
Paradise Grill, Inc.,
Paragon Woven Label Company,
Paramount Delicatessen, Inc.,
Paramount Gas Company,
Paramount Restaurant and Grill, Inc.,

Paris Coiffures, Inc.,
Park Avenue Buildings, Inc.,
Park Avenue Service Station, Inc.,
Park Centre Holding Company,
Parker-Burger Company,
Park Gables, Inc.,
Park Lane Bar and Grill, Inc.,
Park Meat Market Inc.,
Park Produce Markets, Inc.,
Park Square Market, Inc.,
Park Sweet Shoppe, Inc.,
Parkway Realty Company,
Parlor Motor Coaches, Inc.,
Parsippanong Land Owners' Association,
Pasadena Winery, Inc.,
Pascack Holding Corporation,
Passaic and Bergen Realty Company,
Passaic Fuel Oil and Coal Company,
Passaic National Finance Company,
Passaic Park Meat & Poultry Market, Inc.,
Passaic Restaurants Enterprise Inc.,
Passaic Stores, Inc.,
Paterson Chemical Company,
Paterson Drilling Company,
Paterson Flour Mills, Inc.,
Paterson Food Center, Inc.,
Paterson General Adjustment Co.,
Paterson Oil Burning Equipment Co.,
Paterson Shoe Market, Inc.,
Pattberg Handbag Co., Inc.,
Paula Laboratories, Inc.,
Paulmolly Realty Co.,
Paul-Morris Shop, Inc.,
Paul's,
Pavoni Auto Painting Inc.,
Pax Holding Company, Inc.,
P. Connelly, Inc.,
P and D Construction Co.,
Pearce W. Sherman, Inc.,
Pearl Manor Corporation,
Pearson & Danenhour, Inc.,
Pecker's Dry Goods Store, Inc.,
Peerless Color and Chemical Co., Inc.,

New Jersey State Library

Peerless Construction Company,
Peerless Pillow Manufacturing Corp.,
Pellrey Holding Corporation,
Pelouze & Campbell,
Pender & Arzt, Inc.,
Penn Avenue Live Poultry Co.,
The Pennington Holding & Investment Company,
Inc.,
Penn Plaza Liquor Store, Inc.,
Penn-Rob Distributing Co., Inc.,
Pennsylvania Furnished Apartments,
People's National Finance Co. of Hackensack,
People's National Finance Co. of Orange,
People's National Finance Co. of Paterson,
People's National Finance Co. of Union City,
People's National Loan Co. of Hackensack,
Peoples Park Amusement Co., Inc.,
Perfection Oil Company,
Perfect Sign Company, Inc.,
Perlite Dental Supply Company,
Perness Corporation,
Perry-Campbell Farms, Inc.,
Personal Benefit League,
Personal Credit Plan,
Perth Amboy Feed Company,
Perth Amboy Garage Company,
Perth Amboy New York Transportation Company,
Inc.,
Perth Amboy Supply Company, Inc.,
Perth Holding Company,
Peter Freund Knitting Mill,
Peter J. Bakos & Company, Inc.,
Peter & Lillian Beauty Shoppe, Inc.,
Peter & Louis Floral Co., Inc.,
Peter Scola & Son, Inc.,
Peterson's Wonder Bar Inc.,
Peysograph Corporation,
Pheasant Service Stations, Inc.,
Phelps Manor Realty Company,
Philadelphia Ceiling and Stevedoring Company,
Philadelphia Gas Range Company,
Philadelphia Trans-Atlantic Line,
Philip Aumueller, Inc.,

Philip Cooper & Sons, Inc.,
Philip Feinstein Poultry, Inc.,
Phipps, Inc.,
Phoenix Novelty Corporation,
Photolex Co., Inc.,
Picuri Holding Corp. Inc.,
Pidgeon Corporation,
Pier Operating Corporation,
Pilgrim Realty Corporation,
Pine Brook Farm, Inc.,
Pinewald Development Company, Inc.,
Pioneer, Inc.,
Pioneer Luminous Lights, Inc.,
Pitmans, Inc.,
Pitt Realty Corporation,
P. J. Jennings Co., Inc.,
P. J. Palliser, Inc.,
P-K Shops, Inc.,
Plainfield Apartments Company,
Plainfield Auto Tire Company,
Plainfield Economy Club,
Players' Boat Club Realty Company,
Plaza Bar & Grill, Inc.,
Plaza Grill,
Plaza Mills Inc.,
Pocahontas Wholesale Coal Company Inc.,
Point Pleasant Sports Arena, Incorporated,
Poletti's Garage Inc.,
Police Post,
Polish Burial Company, Inc.,
Polish National Home of Harrison, N. J.,
Polish National Liquor Products, Inc.,
Porter Fuel Carbureter Co.,
Porter Health Service, Inc.,
Porteus Electric Products, Inc.,
Port Monmouth Beach Company,
Port Newark Realty Company,
Powhatan Country Club Realty Corporation,
Prebol Dyeing Company,
Preferred Advertisers, Inc.,
Premier Butter and Egg Co., Inc.,
Premier Construction Co.,
Premier Hand Laundry,

Premier Silk Mills, Inc.,
Premier Wire Corporation,
Pressgood Livestock Co., Inc.,
Presto Cleaning Company, Inc.,
Presto, Inc.,
Pride of California Wine Company, Inc.,
Prim Dress Co.,
Prince Concrete Products, Inc.,
Princess Dress Co., Inc.,
Princess Shop, Inc.,
Printers & Dyers Finance Corporation,
Priscilla Hat Company,
Processing Co., Inc.,
Profit Sharing Realty Co.,
Progressive Business and Loan Association of
Norma, N. J.,
Progressive Italian Grocery Market,
Progressive Realty Company,
Progressive Realty & Mortgage Company,
Progress Laundry, Inc.,
Progress Ring Manufacturing Co.,
Projectionist Realty Corp. Inc.,
Prospect Auto Service, Inc.,
Prospect Boiler Co.,
Prospect Food Market, Inc.,
Protective Credit & Investigation Bureau, Inc.,
Protective Credit Service,
Proto Realty Company, Inc.,
Provident Realty Co.,
Provost Diners, Inc.,
Prudential Construction Company,
Public Collection Service, Inc.,
Publix Photo Corporation,
Pulaski Realty Co. of Newark,
Purdue Laundry, Inc.,
Puri's Market Inc.,
Pynlss Products Corporation,
Pyramid Credit Corporation,
Pyramid Service Laundry, Inc.,
Pyresisto Company,

Quaker State Garage, Inc.,
Quality Construction Company, Inc.,

Quality Delicatessen Shop, Inc.,
Quality Shoe Store,
Quentin Distilleries, Inc.,
Quicker Service Stations, Inc.,

Radburn Dairy Co.,
Radio Holding Company,
Rahkin Holding Company,
Rahway Home Building Co.,
Rahway Mutual Gas Co. Inc.,
Rainbow Service Stations, Inc.,
Rainbow Tavern and Grill, Inc.,
Ralph & Company, Inc.,
Ralph E. Stevens, Inc.,
Ralph Tullo Co., Inc.,
Ramsey Realty Company,
Ramsey Service Station, Inc.,
Ramshead, Inc.,
Rancocas Chemical Works,
Rancocas Distilleries, Inc.,
Rancocas Park Company,
Randolph Corporation,
Rankin-South Orange Realty Corp.,
Ransome Realty Company,
Raoul Health Foods, Inc.,
Raritan Hollow Tile Corporation,
Raritan Petroleum Corporation,
Raritan River Rest,
R. & A. Sparky Realities, Inc.,
Raven Rock Rest, Inc.,
Raviola, Inc.,
Ray Drug Stores, Inc.,
Raymond Wochner, Inc.,
Ray's Garage & Bus Co., Inc.,
R. B. Securities Corporation,
R. & B. Theatrical Enterprises,
R. and C. Engineering Corporation,
Real Assets Co., Inc.,
Realen Realty Company,
Real Estate Credit Bureau, Inc.,
Recovery Capital Corporation,
Rector Realty Company,
Red Bank Real Estate Company,

Red Top Cab, Inc.,
R. E. Dudley Co., Inc.,
Regal Finance Company,
Regina Hotel Company,
Reich-Ash Sales Corporation,
Reilly's Diner & Restaurant, Inc.,
Reiner-Klumpp Spindle Co.,
Reinhart Market, Inc.,
Reinland Company,
Relda Laboratories, Inc.,
Relda Restaurant, Inc.,
Reliable Cut Rate Co., Inc.,
Reliable Painting & Decorating Co.,
Reliance Market, Inc.,
Reliance Trading Corporation,
Remey Realty Company,
Remi Corporation,
Remote Recording Co.,
Renault's Shops,
Renler Realty Company,
Renwal Realty Company,
Reporter Publishing Company,
Republic Engineering & Construction Corporation,
Retford Holding Company,
Retka's, Inc.,
Revolert Corporation,
Rewave Heaters, Inc.,
Rex, Inc.,
Rex Refrigerating Company,
Reymac Motors, Inc.,
R. H. Barlow, Inc.,
Rheingold Corporation,
R. and H. Freight Line, Inc.,
Rhoades Realty Company,
Rialto Court Realty Company,
Ricald Corporation,
Rice Bros. Service Station, Inc.,
Richard Hafeman, Inc.,
Richardson Patent Metal Awning Corporation,
Richmond County Milling Company,
Rickhey's, Inc.,
Ridge Development Company,
Ridgewood Corporation,

Ringled Holding Company,
Rio Grande Packing Co.,
Rite Realty Corporation,
Ritter's In The Pines,
Ritz, Inc. of South River, N. J.,
Rival Tailoring Company, Inc.,
River Avenue Realty Co., Inc.,
Riverside Distillery Corporation,
Riverview Heights Corporation,
Riviera Restaurant, Inc.,
Rix Realty Co., Inc.,
R-K-L Inc.,
R. K. Prince Co., Inc.,
R. L. Darnall, Inc.,
R. L. Lanterman, Inc.,
R & M Confectionery, Inc.,
R. M. D. Realty Company,
R. M. Ekins Company, Inc.,
R. M. K. Holding Company,
R-Moore Cut Rate Market, Inc.,
Roberts Delicatessen,
Roberts, Inc.,
Robert Trimble Company,
Robinson Realty Corporation,
Robinson Supply Company of Trenton,
Rocamco Products, Inc.,
Rock Products Company,
Rocon Corporation,
Rodvien & Mulcahy Inc.,
Roeco Oil Corporation,
Rogers Jewelry Co., Inc.,
Rogosin's, Inc.,
Rok-A-Car Company,
Rollo Refinishing Co., Inc.,
Roman Studios, Inc.,
Roma Olive Oil Co.,
Romona Realty Co.,
Roosevelt Baking Company, Inc.,
Roosevelt Realty and Investment Company,
Rosalind Shop Inc.,
Rosalind Sweets Shoppe,
Rosedale Estates,
Rosedale Markets, Inc.,

Rose Feld, Inc.,
Roseland Associates, Inc.,
Roselie Dress Co., Inc.,
Roselle Heights Realty Company,
Rosenberg Manufacturing Co., Inc.,
Rosenfarb, Inc.,
Rosen's Inc.,
Ross Hagerman, Incorporated,
Rotacon, Inc.,
Rothal Realty Company,
Rothenberg Hat Company, Inc.,
Roto Engraving and Printing Company,
Rotucon Company,
Rough Dry Laundry Company,
Rowe Land Company,
Roxy Trenton Store Inc.,
Royal Auto Soap Mfg. Co.,
Royal Dutch Bakeries, Inc.,
Royal Kosher Provisions, Inc.,
Royal Liquor Stores, Ltd.,
Royal Paint & Varnish Co., Inc.,
Roy Kantor, Inc.,
R. P. Lister Incorporated,
R. R. Brant, Inc.,
Rudgers Builders Supply Company,
Rumonog Company,
Rumson Land and Development Company,
Ruskin's Paint Supply Co.,
Russan Enamel Company,
Russomanno & Nick Hairdressers, Inc.,
Rutgers Holding Co.,
Rutgers Shirt Company,
Ruthelen Corporation,
Rutherford Development Corporation,
Rutherford Paint and Varnish Company,
Rutherford Theatre Corporation,
R. W. Hollyer, Inc.,
Ryan's Fur Dressing & Dyeing Corp.,
Rynco, Inc.,
Ryt-Way Products Corporation,
Rytz Holding Co.,

Saber Plumbing & Heating Company, Inc.,
Saddle River Polo Club,
St. Clair Oil Burner Corporation Of New Jersey,
St. James Realty and Hotel Company,
Salango Export Company,
Salem Holding Co.,
Salmon Sand Company,
Salzinger, Inc.,
Samo Corp., Inc.,
Sam's Furniture House, Inc.,
Samuel Rapoport Realty Company, Inc.,
Samuel W. Smith Sr., Investment Co.,
Samuel W. Garrigues, Inc.,
Sanders and Cogswell, Inc.,
Sandri Dress Manufacturing Co. Inc.,
Sandri Dress Shoppe, Inc.,
Sanford Heights Bake Shop, Inc.,
Sanitary Cleaning & Dyeing Works, Inc.,
Sanoma De Luxe Wine Corp.,
Santell Realty Co. Inc.,
Santo Fruscione & Sons Company,
Sapphire Express Co., Inc.,
Sarah A. Carlton Estate,
Sara Realty Corp.,
Sasco Plumbing Supply Co., Inc.,
Satz Wholesale Grocery Company,
Saucyroll, Inc.,
Saxton's, Inc.,
Saye Holding Co.,
Sayre Steel Construction Company, Inc.,
S. B. Bonis, Inc.,
S. B. F. Realty Company,
S. B. Jaffee Co., Inc.,
Schaffer's Garage, Inc.,
Schanzenbach Auto Electric,
Scheerer Construction Company,
Schindler Advertising Company,
Schlitz Gardens, Inc.,
Schneider Motor Sales, Inc.,
Schneider's Department Store,
Schoellner & Bock Mfg. Co. Inc.,
Schuyler Theatre Corporation,
Schwabsky Fur Dressing Co., Inc.,

Schwartz Clothes, Inc.,
Schwartz Hardware Company, Inc.,
Scientific Engineering Corporation,
Scott-Booth Service, Inc.,
Scott Manufacturing Company,
S. C. Ratti, Inc.,
S C S Company,
S. D. Cherlin & Company,
S. D. G. S. Realty & Investment Company of N. J.,
Seaboard Coal Company, Inc.,
Seaboard Milk Co.,
Seaboard Model Airplane Co., Inc.,
Seaboard Steel & Engineering Corp.,
Seacoast Engineering Co.,
Seacoast Equipment Company,
Seacoast Market,
Sea Deal Estates, Inc.,
Seashore Food Products, Inc.,
S. E. D. Hotel Corporation,
Sees Realty Company,
Seevee Realty Co.,
Se-Ko Waste Material Co.,
Selclair Realty Co. Inc.,
Select Used Cars, Inc.,
Sendars, Inc.,
Senior Corporation,
Sentry Protective Systems, Inc.,
Sering P. Dunham and Company,
Service Beverage Co.,
Service Brokerage Company,
Service Hosiery Mills,
Service Ice & Coal Supply Inc.,
Service Markets, Inc.,
Service Pharmacy of Englewood,
Service Securities Corporation,
Service Station Realty Co.,
Seton Company,
Settlers Realty Co.,
Sevilla, Inc.,
Seymour's, Inc. of Paterson,
S. Froehlich & Son, Inc.,
S. & G. Building Company,
S. G. & G. Construction Company,

S. Gural and Sons, Inc.,
Shadow Ridge, Inc.,
Shaffer's Sport Shop,
Shapiro Home Furnishing Co.,
Sharlow Realty Co.,
Shauger & Beebe, Inc.,
Shauger Farms, Inc.,
Shelkowitz Co. Inc.,
Shepherd's Rail and Harbor City Minstrel's,
Elizabeth, N. J.,
Sheridan Home Building Co., Inc.,
Shils Sinderbrand Coal Company,
Shimar Realty Co., Inc.,
S. H. McKnight & Co., Inc.,
Shoe Guide, Inc.,
Shore Construction Co.,
Shore 5ct. to \$1.00 Stores, Inc.,
Shore Players, Inc.,
Shore Sand and Gravel Company,
Short Hills Estates,
Shrewsbury Estates,
Shrewsbury River Holding Company,
Shumer's Englewood Meat & Live Poultry Market,
Inc.,
Shu-Mitt Corporation,
Sidkrow Realty Company,
Siegel Fruit Company,
Siegmeister Butcher Saw Supply Co., Inc.,
Silk City Enterprises, Inc.,
Silk City Lighting Company,
Silver Fox Lard Company,
Simon Gohd Realty Co., Inc.,
Simon Silk Co.,
Simonson's Oyster & Chop House, Inc.,
Singac Food Store, Inc.,
Singer, Wolf, Smith & Company,
Sinaco Products Company of Jersey City, N. J.
Inc.,
Sip Corporation,
S. & J. Albert, Inc.,
Ski-Ads Corporation,
Sleepwell Chair Co., Inc.,
Slocum & Kirkman, Inc.,

S. Marshall Construction Co.,
S. M. Bonnell, Inc.,
S. Michaelsohn & Co. Inc.,
Smith and Frith, Inc.,
Smith Products Corporation,
S. & M. Realty Company,
S. Nagle, Jr., Coal and Grain Company,
Snoyl Company, Inc.,
Society Hall Association,
Sogar Corporation,
Soho Building Company of Newark, New Jersey,
Solid Holding Company,
Solomon Poultry Co.,
Somerset Ledger,
Somerset Realty And Holding Company,
Somerset Wine And Liquor Company, Inc.,
Somers Point Realty Company,
Somerville Realty Company,
Sommer's Dover, Inc.,
Sorblum's Delicatessen, Inc.,
South Bergen Review, Inc.,
South-Bergen Sales & Service, Inc.,
South Camden Realty Company,
Southern Farm Products Corporation,
Southern Gardens, Inc.,
Southern United Gas Company,
South Jersey Butter & Egg Company
Incorporated,
South Jersey Pole Company,
South River Brick Company,
South Side Construction Company, Inc.,
Sovereign Paint Mfg. Co. Inc.,
Span Tire and Rubber Company Inc.,
Spear Drug Company,
Speare Optical Co.,
Speedwell Development Co.,
Speedwell Tract Incorporated,
Spher-O-Safe Co., Inc.,
Sportswear Shop,
Spreckels Winery, Inc.,
Spring-Beacon Realty Company,
Springdale Beverage Company,
Springfield Auto Sales Co.,

Springfield Department Store, Inc.,
Spritzler's, Inc.,
Sprucolite Corporation,
Square Construction Co., Inc.,
S. & R. Holding Co.,
S. R. & S. M. Inc.,
S. & R. Tire Company,
S & S Motor Car Company, Inc.,
S. Sogorka, Inc.,
Stacy-Trent Bus Terminal,
Stager Coal & Supply Co.,
Stainless Cleaners and Dyers, Inc.,
Standard Baking Co.,
Standard Business Forms Company,
Standard Cement Brick Co.,
Standard Combustion Corporation of New Jersey,
Standard Cutlery Company,
Standard Drug Company, Inc., #2,
Standard Furniture Co., Inc.,
Standard Goods Company of New Jersey,
Standard Lamp Company of New Jersey, Inc.,
Standard Live Poultry Company,
Standard Materials Co.,
Standard Metallizing, Inc.,
Standard Paper Company, Inc.,
Standard Service Stations, Inc.,
Standard Textile Co.,
Standard Weaving Corporation,
Stanley Ciechanowski, Inc.,
Stanrob Realty Co.,
Stanton Forging Company,
Staple Silk Company,
Star Bagging & Burlap Co.,
Star Beverage Company,
Star Food Markets, Inc.,
Star Home Improvement Co.,
Star Mfg. Co.,
Star Plumbing Supply Company,
Star Trading Stamp Co., Inc.,
State Collection Bureau,
State Foods, Inc.,
State Liquor Store, Inc.,
State Uniform Supply Co., Inc.,

State Wine & Liquor Co.,
Steenland Construction Company,
Stein Holdings, Inc.,
Stein Shops, Inc.,
Stella Realty Co.,
Stelton Products Company, Inc.,
Stephens Pharmacy, Inc.,
Sterling Dairy Products, Inc.,
Sterling Ice Company,
Sterling Laundry, Inc.,
Sterling Sales Company,
Sterling Theatre Corporation,
Stern Securities, Inc.,
Stever Estates, Inc.,
Stewart Millinery, Inc.,
S. Thiesen, Inc.,
Stoehr & Lauten, Inc.,
Stoicovy Baking Co., Inc.,
Stoker Economy Corporation,
Stonehouse Construction Co.,
Stone Pattern Mount Co., Inc.,
Store Door Delivery of New Jersey, Inc.,
Stousland & Company, Inc.,
Strathmann Sand & Gravel Co.,
Straton's Inc.,
Strauss Stores Corporation,
Streng Dye Sales Co.,
Strickland Bros., Inc.,
S. Trimmer & Company,
S. Trugman, Inc.,
Strunk & Son, Inc.,
Studebaker Corporation,
Studio Bar, Inc.,
Stuyvesant Grill, Inc.,
Stuyvesant Tavern, Inc.,
Suburban Holding Company,
Suburban Milk & Cream Company, Inc.,
Summit Silk Mills, Inc.,
Sun Electrical Supply Co.,
Sun Investment Co., Inc.,
Sun Laundry, Inc.,
Sunlite Rubber Co.,
Sunnyside Gardens Co.,

Sun Ray Silks, Inc.,
Sunrise Realty Company,
Sunset Ridge Realty Company,
Sunshine Beach and Pool Co.,
Sunshine Laundry Inc., #2,
Sunshine Silk Company, Inc.,
Sun Silk Co.,
Sun Trading Corp.,
Super Construction Company, Inc.,
Superior Garage Company,
Super-Service Appliance Corporation,
Supply Realty Corp.,
Supreme Distributing Company,
Supreme Fuel Sales Co.,
Supreme Motor Service, Inc.,
Supreme Provision Corp.,
Supre Qua Provision Company,
Sure Seal Beer Bung Mfg. Co., Inc.,
Susser's Drug Store, Inc.,
Sussex-Franklin Realty Co.,
Sussman Realty Company,
Swan Cleaners & Dyers,
Swan Manufacturing Company,
S & W Company, Inc.,
Sydanrear Dump Body Corporation,
Syd-Lee Shoppes, Inc.,
Sykes Drug Store, Inc.,
Synthetic Fuels Company,
S. & Z. Restaurant & Catering, Inc.,

Tabriz Renovating Company,
Tait, Incorporated,
Tolson Building and Repair Company,
Tamarack Lake, Inc.,
Tampico, Inc.,
Tan Sher Silk Co., Inc.,
Tate Realty Company,
Tax Title Liquidating Company,
Taylor Mill Road Farm, Inc.,
T. Donald Hickey Motor Co., Inc.,
Teaneck Highlands Land Co.,
Telewriter Company,
Ten Eyck Realty & Investment Company,

Tenzer & Wieder, Inc.,
Tepper's Kiddie Shop Inc.,
Terma Realty Co.,
Terminal Market, Inc.,
Terminal and Transit Corporation,
Teson Silk Mills, Inc.,
Tessler & Son, Inc.,
Textile Carrier,
Textile Transportation Corp.,
T & F. Corporation,
Thelma Realty Co.,
Theodore Miller, Inc.,
32nd Street Improvement Co.,
Thomas A. Auld & Son,
Thomas A. Kridos, Inc.,
Thomas A. Rowland, Inc.,
Thomas D. Gratz, Inc.,
Thomas F. Dunn, Inc.,
Thomas J. Kenney, Inc.,
Thomas Langan Lumber Company,
Thomas Roofing & Construction Co., Inc.,
Thompson Oil Company, Inc.,
Thompson & Smith, Inc.,
Thornwood Corporation,
Thrift Fuel Corp.,
Thrift Realty Corporation,
Thrill Ride Corporation,
Thropp Flying Service, Inc.,
Tilton City Dairy, Inc.,
Tilton Dairy Farms, Inc.,
Timothy J. Kelly, Inc.,
Tindall Co. Inc.,
Tinton Construction Company,
Tira Realty Co.,
Titan Oil Company, Inc.,
T. J. Dairy Co.,
T. & N. Hand Co., Inc.,
T. O. A. Realty Co.,
Todd Building Co.,
T. O. Enamel Corp.,
Tony's Service Station of Lodi, N. J.,
Topnotch Realty Co.,
Tower Hill Corporation,

Trachyte Products, Inc.,
Traders Investment Company,
Trading Post,
Transatlantic Estates & Credit Company,
Trans-Bridge Bus Lines, Inc.,
Transfer Brake Service,
Transfer Paint & Wallpaper Co.,
Transmarine Corporation,
Travelers Tra-car Service, Inc.,
Traveling Sewing Machine & Motor Co., Inc.,
Treat Lunch, Inc.,
Trees Candy Co. Inc.,
Tregarthen Corporation,
Trent Motor Company,
Trenton Cleaners & Dyers Co., Inc.,
Trenton Credit Association, Inc.,
Trenton Finance & Service Bureau, Inc.,
Triangle Co. of Lodi,
Triangle Freight Lines, Inc.,
Triangle Wrecking Co.,
Trinaeria Wine Corp.,
Trinity Holding Co.,
Trioxxo, Inc.,
Tri-State Coal Distributors, Inc.,
Tri-State Tricho Corporation,
Trojan Silk Co. Inc.,
Troy Apartments, Inc.,
Troy Shops, Inc.,
True Republican Banner,
Trustees Development Company,
Trutone Manufacturing Co.,
Tule Mountain Ranch, Inc.,
Tumble Inn, Inc.,
Tunnel Holding Corp.,
T. W. A. Trading Company,
Twentieth Century Baking Co., Inc.,
Twin City Milk Transportation Co.,
Twin City Realty & Mortgage Co., Inc.,
Twin Corporation,
Twin Lakes Development Co.,
Twin Plumbing And Heating Supply Co.,
Twin Sisters, Inc.,
Twin-State Cleaners & Dyers, Inc.,

U-Drive-It Co. of Paterson, N. J.,
Ukrainian Park, Inc.,
Ultra-Smart Jewelers, Inc.,
Umans Bros., Inc.,
Umans Holding Corporation,
Uncle Sam's Hardware & Paint Co., Inc.,
Uniform Realty Company,
Union Boys, Inc.,
Union Center Holding Co.,
Union City Bargain House, Inc.,
Union Club of Hoboken,
Union Labor Center, Inc.,
Union Parlor Frame Company,
Union Realty Company,
Union Registry Company,
Union Silk Company,
United Auto Electric Service Corporation,
United Cleaning and Dye Works,
United Construction & Supply Co. Inc.,
United Contracting and Supply Co., Inc.,
United Depositor Corporations, Inc.,
United Holding Co. (No. 4),
United Mercerizing & Dyeing Co., Inc.,
United Oil and Supply Company,
United Public Service Company,
United Realty Owners Association,
United Refining Corporation,
United Safety Knife Corporation,
United Sales Corp.,
United Securities Co.,
United Service Corporation,
U. S. Collection Bureau,
U S Commercial Aviation, Inc.,
United States Discount Corporation,
United States Motorists Association, Inc.,
United Stock Company,
United Towel Supply Co. Inc.,
Unity Bronze Ink Company,
Unity Clubs, Inc.,
Universal Audit Company,
Universal Brokerage Co.,
Universal Candy & Nut Shops, Inc.,
Universal Corporation,

Universal Net & Supply Company, Inc.,
Universal Trailer Corporation,
University Insignia Corporation,
Updike & Company, Inc.,
Up To The Minute Business Corporation,
Urban Land & Mortgage Company,
Urdang Shoe Store, Inc.,
Utilities Specialties Company,
Uvalde Engineering and Construction Company,

Vaco Realty Company,
Vactite Denture Corporation,
Vacu-Spray Mfg. Co., Inc.,
Vallatese Investment Co. Inc.,
Valley Tavern,
Van Note Electrical Company,
Van Orden Realty Co.,
Van-Roth Realty Co.,
Van Steenbergh Cut Stone Co., Inc.,
Van Varick, Inc.,
Vaux Hall Plumbing Supply Co. Inc.,
Venus Dress Shoppe, Inc.,
Vera Stanley's Candies,
Ver-Mont Company, Inc.,
Verona Homes Corporation,
Veteran Market,
Victor Carlson, Inc.,
Victor Development Corporation,
Victoria Liquor Shops,
Victoria Mansion of Lakewood,
Victoria Wine & Liquor Co., Inc.,
Victoria Wine & Liquor Co., Store Number Three,
Inc.,
Victoria Wine & Liquor Co. Store Number Two,
Inc.,
Victory Holding Co.,
Vietmeyer Baking Co., Inc.,
Vigor Realty Co.,
Viking Realty Co.,
Villa Brothers, Inc.,
Village Drug Company, Inc.,
Village Radio Shop,
Vineburg Optical Shop,

Vinson Holding Company,
Vintners & Distillers Corporation,
Virginia Land Company,
Vogels Sales & Commission Stables, Inc.,
Vogue, Inc.,
Volcanic Products Company, Inc.,
Von Holden Operating Co., Inc.,
Vonovich Construction Co., Inc.,
The Voss Agency, Inc.,
Vulcania Agency, Inc.,

W. A. Burnett & Co.,
Wade's Inc.,
Wadie Rustum and Sons,
Wagaraw Holding Company,
Wahlson Realty Company,
Walcan Plumbing & Heating Corporation,
Walcutt-Williams Manufacturing Co.,
Waldorf Restaurant, Inc.,
Waldorf Sweet Shop, Inc.,
Waldwick Coal and Lumber Company,
Walker Foundation, Inc.,
Walkup Realty Association, Inc.,
Wallace Street Corporation,
Wallie H. Becker, Inc.,
Wallington Machine Company, Inc.,
Walnut Fur Dressing Co., Inc.,
Walrol Realty Co., Inc.,
Walsum Company,
Walter S. Mills, Inc.,
Walt Whitman Dairies,
Warranty Realty Company,
Warren Dye Works, Inc.,
Warren House of Bargains,
Warren Upholstery Co., Inc.,
Washington Cabinet Co., Inc.,
Washington Cleaners & Dyers, Inc.,
Washington Development Company,
Washington Market Realty Company,
Washington Parking Yard, Inc.,
Washington Plumbing Supply Co., Inc.,
Washington Street Market, Inc.,
Washington Thrift Market, Inc.,

Watchung Gardens Nurseries,
Watchung Realty Company,
Watson Bros. Machine Co., Inc.,
Watsward Company, Inc.,
Watts Electric Controls, Inc.,
Way Holding Corporation,
W. B. Paper Box Company,
W. B. Realty Corporation,
Wearbest Company,
Weber Bread Company,
Webster Baking Co.,
Weehawken Electric Welding Company,
"Wee" Moderns, Incorporated,
Weequahic Food Market Inc.,
Weequahic Grocery Co., Inc.,
Wehrhan Aircraft Corporation,
Weidemann's Flower Shop, Inc.,
Weinberger & Gottlieb, Inc.,
Weindor Grocers, Inc.,
Weisbards' Drug Store,
Weiss Specialty Shop,
Welcome Tavern, Inc.,
Well-Bilt Coat Manufacturers, Inc.,
Welles and Decker, Inc.,
Wellsboro Hotel Corporation,
Wells Cigars, Inc.,
Wendell's, Inc.,
West Allenhurst Improvement Company,
West Atlantic Lumber Co., Inc.,
West End Meat Market, Inc.,
West Englewood Home Company,
Westerhoff Brothers Company,
Westfield City Realty Corporation,
Westfield Hardware Company, Inc.,
Westfield Sweet Shoppe,
West Hoboken Roofing & Cornice Works,
West Jersey Realty Associates, Inc.,
West Market-Colden Realty Corp.,
West New York Exhibition Company,
West New York Hemstitching Co.,
West Orange Drug Company,
West Orange Properties, Incorporated,
Westover Holding Co.,

West Point Islands Company,
West Ridgewood Real Estate Company,
West Shore Realty Corporation,
West Side Exchange Realty Co., Inc.,
Westside Furniture Co., Inc.,
Westwood Avenue Realty Company,
Westwood Family Laundry, Inc.,
Whatecom County Railway and Light Company,
Whirl Co., Inc.,
Whirlpool Corporation,
White Building, Inc.,
White Elephant Holding Company,
White, Katz & Company, Inc.,
White Rose Dairy, Inc.,
White Supply Company,
Whitney Holding Co.,
Wholberry Products, Inc.,
Wholesale Paint & Hardware Co., Inc.,
W. H. Shurts Company,
Wiener Body Company,
Wiggins Security Co.,
Wilbur D. Houston Laboratories, Inc.,
Wilbur Realty Company,
Wilburt F. Maier Co.,
Wildwood Extension Realty Company,
Wildwood Gables Corporation,
Wildwood Grocery Co.,
Wildwood Investment Company,
Wildwood Mortgage and Guaranty Company,
Wildwood Park of Hopatecong, N. J.,
Wildwood Shores,
Wilensky Brothers Company,
Wm. A. Molter & Son,
William Beck & Son,
Wm. F. Taylor Barrel Company,
William Guerin Ruden, Inc.,
William Gulden Furniture Company,
William H. Jansen, Inc.,
Wm. J. Ebert & Co., Inc.,
William Patten Company,
Williams Department Store, Inc.,
Williams & Statham, Inc.,
Williams & Stoddard.

Williamstown Supply Co., Inc.,
William Tell Hotel Corporation,
William Weiss & Sons, Inc.,
Wm. W. Rhoads, Inc.,
Wm. W. Woodward Hardware Company,
William Zabransky, Jr., and Brothers, Inc.,
Willner Corset Shop,
Willow-Park Realty Co., Inc.,
Wilsey Manufacturing Corp.,
Wiltshire, Inc.,
Winber Realty Company,
Wincor Corporation,
Windsor Court Restaurant, Inc.,
Windsor Holding Co.,
Windsor Park Association,
Winoca Realty Co.,
Winters Sign Corp.,
Winton Bond and Mortgage Corporation,
Wollner Fringe & Cord Co. Inc.,
Woodbridge Realty and Investment Company,
Woodbury Heights Realty Company,
Wood Lunch Co.,
Woodward Holding Company,
Woodwild, Inc.,
Wooster Paint Co., Inc.,
Wostrow Millinery Co.,
W and P. Corporation,
Wreckers Outlet Co., Inc.,
Wright Furniture Co.,
Wright Smith, Inc.,
Wrigley Park Investing Co.,
W-S Investment Corporation,
W. W. Jacobus Company,
W. W. Kirby & Son, Inc.,
W. W. Rose Company,
W.W.Willetts, Incorporated,
W. W. & W. Realty Company,
Wyndmoor Holding Co.,

Yale Realty Co., Inc.,
Yamatoya, Inc.,
Yankee Cleaners & Dyers, Inc.,
Yardville Diner,

Yavener Dairy Co.,
Yaw Agency (Inc.),
Ye Gem Shoppe, Inc.,
York Distillates, Incorporated,
York Razor Blade Co., Inc.,
York's Flowers,
Yreka Realty Company,

Zachro Service Stations, Inc.,
Zachro Tire Company,
Zenotype Corporation,
Zerbey Brewing Company, Inc.,
Zev Realty & Mortgage Co.,
Zienneker Motor Freight,
Zimmerman Motor Car Company, Inc.,
Zimmerman's Premier Market,
Zinc-O-Type, Inc.,
Znoy Realty Co.,
Zoffer's, Inc.,
Zollmar Holding Company,

Three BBB Department Store, Inc.,
Three Brothers, Inc.,
Three Point Grill, Inc.,
Three Star Cap Company, Inc.,
5c-\$1.00 Stores Holding Corporation,
Five Star Seating And Refinishing Co., Inc.,
Six Realty Co.,
Seven States Transit Company,
Ten Realty Company, Inc.,
11 South Fullerton Avenue Corporation,
13 Springfield Ave. Hardware & Paint Store, Inc.,
15 North Broad Realty Co.,
Thirty-Three Chestnut Corporation,
66 Main Street, Inc.,
Eighty Whitney St. Corporation,
149 Newark Avenue Corp.,
155 Dwight Street, Inc.,
175 Chestnut Avenue Realty Company,
215 W. 88th Street Corporation,
Two Thirty-Five Erie Street, Inc.,
Two-Thirty-Nine So. Orange Ave., Inc.,
350 Henderson St. Co.,

375 Boulevard Corporation,
 437 Bergenline Avenue Realty Co.,
 501-515 West Seventh Street Plainfield,
 546 Mitchell St., Inc.,
 616 Main Avenue Realty Co.,
 653 Springfield Avenue, Inc.,
 678 New York Avenue Corporation,
 690 Main Corporation,
 891 Holding Company,
 Nine Hundred and Thirteen Bergenline Avenue
 Company,
 1034 Springfield Avenue, Inc.,
 1229 Park Avenue Realty Corporation,
 Fourteen Twenty One Boulevard, Inc.,

are void, and all powers conferred by law upon
 such corporations and each of them, are hereby
 declared inoperative and void.

[SEAL] Given under my hand and the Great Seal
 of New Jersey, this twenty-eighth day of
 January, A. D. one thousand nine hundred
 and thirty-eight, and in the Independence
 of the United States the one hundred and
 sixty-second.

A. HARRY MOORE,
Governor.

By the Governor:
 THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

A three-day festival of American music, centering around Washington's Birthday, will be conducted by the Federal Music Project of the Works Progress Administration.

During this Festival, the works of American composers, exclusively, will be presented.

The music organizations financed by the Works Progress Administration are doing a splendid work in encouraging and fostering native talent, as well as providing regular employment for professional musicians.

They are enriching the communities in which they work by affording opportunities, which often did not previously exist, of hearing good music, and they deserve recognition and enthusiastic support.

In connection with this Festival public concerts have already been arranged under the sponsorship of local governing bodies and other committees, in Newark, Jersey City, Passaic, Hackensack, Morristown, Elizabeth, Perth Amboy, Asbury Park, Trenton, Princeton, New Brunswick, Camden, Gloucester and Atlantic City.

For the purpose of directing public attention to this Festival, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the time from

FEBRUARY 21ST to FEBRUARY 23D,
INCLUSIVE,

as

THE FESTIVAL OF AMERICAN MUSIC,

and I ask that the people of New Jersey, by their attendance at these concerts, encourage the Federal

authorities in their efforts to discover and foster creative native talent in music.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
eighth day of February, in the year of
Our Lord one thousand nine hundred
and thirty-eight, and in the Independ-
ence of the United States the one hun-
dred and sixty-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Nothing can exceed in importance the education of the children of our State. Such duty, however, is not entirely the function of the school. It is essential that the home co-operate with the school in such fashion as to produce the best results, and no more effective means of co-operation can be imagined than that supplied by the Parent-Teacher Associations.

These splendid groups have demonstrated their value to our educational system so forcibly, since their organization in this State in 1900, that it seems to me most fitting that a day be set aside for the purpose of showing our appreciation of their efforts and of calling attention to the progress and ideals of the Parent-Teacher Associations throughout the State.

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

FEBRUARY 17TH

as

PARENT-TEACHER DAY,

and I urge the presentation by the various Parent-Teacher Associations of suitable programs commemorating their work and outlining their plans for the future.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this ninth day of February, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The baked products produced by the retail baker are widely recognized as outstanding foods, and are considered important to a well-balanced, enjoyable diet.

PROCLAMATIONS

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Retail bakers play a leading part in our economic life. They have set aside the week of

FEBRUARY 21ST to 26TH, 1938,

as

NATIONAL RETAIL BAKERS' WEEK,

and for this occasion have arranged special activities at that time.

In order that the people of New Jersey may receive the full benefit of this celebration,

I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby call upon all good citizens to join in the observance of this worthy celebration by patronizing their retail baker and serving the products which he makes.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this ninth day of February, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The period from February 12th (Lincoln's Birthday) to February 22nd (Washington's Birthday) is observed by the Reserve Officers Association of the United States as NATIONAL DEFENSE WEEK; and

WHEREAS, The purpose of the observance is to inform the citizens of the United States of the status of their military and naval forces and their adequacy or inadequacy in connection with National Defense; and

WHEREAS, It is beneficial to the people of this country and to the State of New Jersey that they know and be informed on these important branches of government,

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the period from

FEBRUARY 12TH (LINCOLN'S BIRTHDAY)

to

FEBRUARY 22ND (WASHINGTON'S
BIRTHDAY)

as

NATIONAL DEFENSE WEEK

and I call upon all civic, fraternal, women's and veterans' organizations, educators, clergymen and all others interested in preserving the best Ameri-

can traditions, to observe the period with appropriate exercises.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this ninth day of February, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

From the alarming increase in major crimes among narcotic users in this country, and the fact that so many of them are very young people, it is painfully evident that the use of such drugs is growing by leaps and bounds, and that strenuous efforts are necessary in order to combat it.

Murder and robbery, moral and physical degradation and despair follow in the wake of the use of these drugs. There is much to learn about this evil. We need instruction concerning the dangers of habit-forming drugs; we need effective narcotic law enforcement.

In order that the campaign against this terrible menace shall receive all possible support,

I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the period from

FEBRUARY 21ST TO FEBRUARY 28TH

as

NARCOTIC EDUCATION WEEK

and I ask that schools, churches, civic organizations and all interested in ridding the country of this evil, co-operate in the observance of this week.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fourteenth day of February, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Public necessity requires that the Senate of the State of New Jersey be convened in special session,

NOW, THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, in and by the authority vested in me by the provisions of Article V, paragraph 6 of the State Constitution, do hereby con-

vene the Senate of this State to meet in special session in the Senate Chamber, State House, Trenton, on Wednesday, the second day of March, one thousand nine hundred and thirty-eight, at eight o'clock P. M. of the said day.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this first day of March, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

Since the President of the United States has invited the Governors of the various States to issue an Army Day Proclamation, it is incumbent upon me, as Governor of New Jersey, to direct the attention of the people of the State to the observance of this day.

The world-shaking events of today in Europe and Asia bring home to us forcibly the blessings of peace and security, and the necessity for safeguarding these blessings. Army Day will afford an opportunity for the people to learn what provision has been made for our national defense.

PROCLAMATIONS

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

WEDNESDAY, APRIL 6TH

as

ARMY DAY

and I request that civic bodies and patriotic organizations throughout the State observe the day by appropriate exercises.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of March, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The American cotton crop in 1937 was the largest on record, totaling more than eighteen and three-quarter million bales. Due to declining consumption, the prospective carrying over for the new crop year is nearly thirteen million bales, or the equal of an average crop. Such a condition is disastrous to the South, where cotton is the chief money crop, and it is of vital importance, not only to the South but to the entire nation, that this tremendous surplus be reduced.

This season of the year, with warm weather approaching, is an opportune time to lay in a stock of cotton goods. Cotton products are so reasonable in price as to be within reach of the great majority of our people.

THEREFORE, I, A. HARRY MOORE, Governor of New Jersey, do hereby urge the merchants, householders, and individuals, to help reduce this great surplus by buying cotton.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this first day of April, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

For years past, May 18th has been widely observed as Good Will Day, because it commemorates the anniversary of the meeting of the first Peace Conference at the Hague. It is desired to dedicate the whole month of May to the cause of Good Will. Such observance is wise and timely.

It is imperative that we give heed to the ancient truth that peace comes only to men of good will. Equality may be questioned and fraternity may be delayed, but good will is possible and desirable at all times, toward all people. With peculiar fervor it should be extended to the weak and helpless, to

the poor and downtrodden. Even to the wayward and the criminal, who must be restrained, society can extend good will. If good will obtained, human welfare and happiness would well-nigh be established. Good will is the highest motive of individual conduct and the basic structural principle of society. Good will is the meeting of minds and hearts on points of agreement, thereby creating harmony. The possibilities inherent in good will have hardly yet been tapped.

NOW, THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim the

MONTH OF MAY, 1938

as

GOOD WILL MONTH

and do proclaim May 18th as Good Will Day and urge the people of this State to observe it by appropriate programs in churches, schools, fraternal societies, homes and other institutions, to the end that we may develop a sense of unity and common humanity among all people, and thus prepare the way for the establishment of permanent world peace through mutual good will and understanding.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this nineteenth day of April, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Post Office Department at Washington is sponsoring National Air Mail Week from May 15th to 21st, inclusive, and

WHEREAS, This is the twentieth anniversary of regular Air Mail Service in the United States, and

WHEREAS, I believe the citizenry of New Jersey have a lively interest in the development of Air Mail in our Nation,

Now, THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby designate the week of

MAY 15TH to 21ST

as

AIR MAIL WEEK,

and do call upon our people to make proper observance of this week by liberally patronizing the air mail and otherwise evidencing their appreciation of the efforts of the Post Office Department to provide this necessary service for our State.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-fifth day of April, in the year of
Our Lord one thousand nine hundred
and thirty-eight, and in the Independ-
ence of the United States the one hun-
dred and sixty-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Congress of the United States by enactment set aside May 1st as Child Health Day; and

WHEREAS, The President of the United States by proclamation has set aside this day for earnest consideration of the needs of children in their communities and their homes,

NOW, THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

MAY 1ST, 1938,

as

CHILD HEALTH DAY,

and call the people of this State to the task of considering whether the children in their families and in each community are receiving the full benefit of our knowledge of how to promote the health of mothers and babies at the time of birth, and of children throughout the period of growth and development, and ask them to plan how the child-health work of our public and private agencies can be extended and made more effective.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-eighth day of April, in the year
of Our Lord one thousand nine hundred
and thirty-eight, and in the Independ-
ence of the United States the one hun-
dred and sixty-second.

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 fifteenth anniversary of National Music Week—May 1st-8th.

This is an event of such cultural significance as to command very enthusiastic observance. Music is something more than an agency for contributing to our pleasure. It is an elevating influence, an instrument for spiritual and artistic development, and a means of producing genuine happiness and serenity.

I urge the observance of National Music Week throughout the State, and I hope that through the various programs local talent will be given an opportunity to express itself and will receive needed encouragement.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
twenty-eighth day of April, in the year
of Our Lord one thousand nine hundred
and thirty-eight, and in the Independ-
ence of the United States the one hun-
dred and sixty-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The custom of observing the second Sunday in May as "Mother's Day" is now well established.

Custom, however, should not stale the enthusiasm with which we greet the opportunity of acknowledging the debt we owe our mothers, nor dim the lustre of an observance which should grow brighter with each passing year.

In order that everyone may be reminded of the opportunity to pay fitting tribute to Mothers, I, A. HARRY MOORE, Governor of the State of New Jersey, do hereby proclaim

SUNDAY, MAY 8th

as

MOTHER'S DAY.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of April, 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-second.

A. HARRY MOORE,
Governor.

By the Governor:

THOMAS A. MATHIS,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, JOHN MILTON was duly appointed a United States Senator to fill the vacancy caused by the resignation of A. Harry Moore, who was elected on November 6th, 1934, for the full term, to represent the State of New Jersey in the Senate of the United States,

THEREFORE, I, A. HARRY MOORE, Governor of the State of New Jersey, pursuant to law, do hereby issue this proclamation, directing that at the primary election to be held on Tuesday, September 20th, 1938, there shall be selected candidates for the office of United States Senator from New Jersey, to be voted on November eighth, one thousand nine hundred and thirty-eight.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this
first day of June, A. D. one thousand
nine hundred and thirty-eight, and in
the Independence of the United States
the one hundred and sixty-second.

A. HARRY MOORE,
Governor.

By the Governor:
THOMAS A. MATHIS,
Secretary of State.

Decrees of Dissolution

(1135)

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:

<i>Name</i>	<i>Filed</i>
Elizabeth Brewing Corporation	Sept. 2, 1936
Port Beverage Company	Dec. 22, 1937
International Investors Corporation	Mar. 28, 1938
United Bond & Mortgage Company of Hackensack	July 18, 1938

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 Inhabitants of the Township of Chatham, in the County of Morris," was changed to read "Township of Chatham," March 3, 1938. Filed April 5, 1938.

Statements of Results of
Municipal Elections

Statements of Results of Municipal Elections

At a Special Election held in the Borough of Wildwood Crest September 14, 1937, the act of the Legislature "An act relating to, regulating, and providing for the government of cities, etc.," approved April 25, 1911, etc., was adopted by the said borough of Wildwood Crest and filed in the office of Secretary of State September 16, 1937.

At the election held in the Borough of Little Silver, Monmouth County, November 2, 1937, the act of the Legislature "An act providing for the retirement of policemen and firemen," etc., was adopted and a certified copy of the result filed in the office of Secretary of State November 17, 1937.

At the election held in the Borough of Rumson, Monmouth County, November 2, 1937, the act of the Legislature "An act providing for the retirement of policemen and firemen," etc., was adopted and a certified copy of the result filed in the office of Secretary of State November 17, 1937.

At a regular meeting of the Council of the City of Woodbury, Gloucester County, March 22, 1938, an ordinance consenting to the annexation of certain land in the City of Woodbury was annexed to the Borough of Woodbury Heights, Gloucester County, was adopted. Filed March 24, 1938.

At a Special Election June 21, 1938, held in the Borough of Bendix, Bergen County, an act of the Legislature "An act relating to, regulating, and providing for the government of the municipalities," approved March 19, 1923, was adopted. Filed June 24, 1938.

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