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To Study

LAWS CONCERNING CEMETERIES AND MAUSOLEUMS.

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Hearing Division  
New Jersey Civil Service Commission  
State House, Trenton, N. J.

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ASSEMBLYMAN FRANK W. SHERSHIN (the Chairman): While we are waiting to organize, I wonder if you have not already done so, will you please register your name and also give to our secretary the organization which you represent. If you have any prepared statements for the record, I am wondering whether you will at the conclusion of your testimony present the transcript for our Committee. We will wait just a few moments until everybody has had an opportunity to register.

(Registering of names with the Clerk)

The hearing will now come to order. Ladies and gentlemen, this is a public hearing conducted under the authority of Assembly Resolution #2, which designates a committee of the House of Assembly whose duty shall be to make a study of the laws concerning cemeteries and mausoleums. The Committee, as you know, is empowered by direction of the resolution to hold hearings in any part of the State, to subpoena records and to compel attendance before the Committee of any individuals, associations or copartnerships, so that we may gather sufficient data for a complete study to be made. There may be some who will not be reached today. If so, we shall arrange for another date for a continued hearing. Some people have written to the Committee stating that they could not be here today. We shall be happy to conduct another hearing to give them the opportunity to present their testimony. We have for the purpose of conducting an orderly hearing arranged for some witnesses to be heard first, and then in

the order of your appearance on the registration sheet, we shall ask those whose names have been registered to testify for the group. The first witness to be called will be Osie M. Silber, Deputy Attorney General of the State of New Jersey.

Mr. Silber, excuse me. For your edification, we have at our side Roger McDonough of the Library, who is Chief Librarian, and he has done considerable research for the Committee. His investigation reveals that the cemetery law as first enacted was enacted in 1851, and since that time there have been some amendments to the law, but in general the law of 1851 is the one which has been followed through the State of New Jersey up until the present time. The members of the Committee, for your edification, are Mr. Emmert R. Wilson, Assemblyman from Hunterdon County, and Mr. George F. Neutze, Assemblyman from Camden County.

MR. SILBER: I am interested in only certain phases at the present time of the entire scope which the Committee will outline as this hearing progresses. There are many sub-divisions of their work. I just want to call attention to two or three of them and then we will proceed further.

There have been many complaints from plot holders in New Jersey and New York about certain charges which have been made by certain cemetery associations or corporations. The charges, I would say, would represent the minority of the number of associations or cemetery corporations of this State. In the statute there is no provision for

cemetery associations to make charges for perpetual care and maintenance. Notwithstanding the absence of that provision, many associations are charging anywhere from 50¢, \$1, \$2 per grave plot per annum. I should like to read for the benefit of those who are not familiar with it, a short section in the Revised Statutes -- 8:2-11 -- only about a dozen lines, and the heading is:

"Disposition of proceeds of sales of lots.

"At least one-half of the proceeds of all sales of plots or lots in the cemetery lands of any cemetery association incorporated under sections 8:1-1 to 8:1-5 of this title or under any special act shall be" -- and the word is "shall", making it mandatory --

"first appropriated to the payment of the purchase money of the lands acquired by the association, until the whole thereof is paid. The residue shall be used for the preservation, improvement and embellishment of the cemetery grounds of the association, and the avenues and roads leading thereto and to defray the incidental expenses of the cemetery establishment.

"After the payment of the purchase money and the debts contracted therefor, and the cost of surveying and laying out the lands, the proceeds of all future sales of plots or lots shall be applied to the preservation, improvement and embellishment of the cemetery of the association, and for incidental expenses, and to no other purpose or object, so long as such embellishment is incomplete."

Now we turn over to the next page to Section 8:2-14 and we find:

"A cemetery association authorized by section 8:2-3 of this title to acquire lands for cemetery purposes" — I will read parts fast which are unimportant — "and to issue certificates of interest in the proceeds of sales of plots or lots in payment therefor may, by agreement, provide for the withdrawal of a fixed proportion of the proceeds of sales of plots or lots for the improvement and embellishment of its cemetery and the perpetual care thereof, and for the accumulation and division of the balance of the proceeds of sales by and through trustees, either individual or corporate.

The agreement may be contained in the deeds of conveyance of the lands to the association or in separate instruments."

We find from the earlier section certain obligations imposed upon cemetery associations. Notwithstanding we find no right in the act to make these annual charges for perpetual care, many of the cemeteries are doing so. As I said in the outset, it is my opinion, based upon my investigation, about two-thirds are not. What they really have been doing has been getting away with a nice quiet racket. The Legislature is going to do something about that. This latter section which I read I hope before long will provide for some means of avoiding these unnecessary charges and establish a penalty for certain groups or associations who insist on getting high rates for their plots and assessing additional charges for perpetual maintenance



and care. It is interesting to note that in the last few years some of the associations who have heretofore been charging certain sums have doubled the charges, claiming that the high cost of maintenance was the basic reason why they find that they must place this double burden or additional charge. Many letters have come to the Governor and to the Attorney General's Office and I have answered quite a number of them. My position has been, and I restate it now, that as far as I can see from the law there is no legal right upon any association to charge for maintenance and perpetual care and I have so written to these people who have made inquiries. I hope among other things which will be discussed here that this act will be and I hope it will soon be amended so that there will be no room for doubt or discussion whether or not this quiet racket is going to continue. This has come up in New York and other places and they have dealt with that situation where some of the corporations having no relation with any religious organization, church, temple, synagogue or otherwise, are making it quite a business. They get a substantial sum for their ground, and, as the act says, provision shall be made to take care of perpetual care and maintenance. I think these few things will be the forerunner of some of the discussion that will be carried on from here.

THE CHAIRMAN: Do any members of the Committee have any questions?

MR. AARON WAROL: May I ask a question of Mr. Silber?

THE CHAIRMAN: Your name please.

MR. NAROL: Aaron Narol. Mr. Silber, would you be kind enough, if possible, to tell me what you mean by a plot or a lot of ground?

MR. SILBER: Well a person can go to the organization or to the church and buy one grave or, as happens very frequently, he may buy an eight grave plot or a sixteen grave plot.

MR. NAROL: I take it that you mean sixteen graves constitute a plot?

MR. SILBER: No, I don't. It all depends how you buy it. You can go to an association and say, "I want a piece of ground the equivalent of ten graves."

MR. NAROL: That is not, as I understand, the practice among the organizations and cemeteries. My understanding is either fourteen graves or sixteen graves constitute a plot or a lot, and the statute refers constantly to "lots" and "plots."

MR. SILBER: There are charges being made where the plot consists of sufficient space for one grave and others for more.

MR. KURZBOK: Mr. Chairman, I have a question. I am Mr. Ernest Kurarek. Mr. Silber, with reference to the ambiguity of this lot or plot description, when you speak of an individual having one grave, would that person be permitted to vote at an election? Would he be able to cast a vote?

MR. SILBER: I can't answer that.

THE CHAIRMAN: May I ask at this time, Mr. Kurarek, that

you reserve your remarks for a future time when you will be given the opportunity to address the meeting and you can bring that point out. It is a point well taken; but rather than have this meeting drag by cross examination or questions from individuals in the audience, I prefer to have the individuals state their grounds and then we may have your views or anyone else's views for the Committee to make its own analysis at a later date.

MR. SILBER: May I just say one thing? What I just concluded speaking about may have no bearing on half or two-thirds of the organizations with which you ladies and gentlemen are connected. I am sure it has some bearing on some of them.

THE CHAIRMAN: Do any members of the Committee have any questions of Mr. Silber? If not, we will proceed to the next witness.

MR. HELLRING: Mr. Chairman —

THE CHAIRMAN: You see this is what we are going to come up against. We will always ask for your name if you want to address us.

MR. BERNARD HELLRING: I am Bernard Hellring representing Restland Cemetery.

THE CHAIRMAN: You want to address a question to the chair?

MR. HELLRING: Yes. Is the question which was raised by the Attorney General today the only item in which he is interested in connection with this statute, which he is going to make a suggestion as to a change?

THE CHAIRMAN: I would say he is not limited to that. That

is his first observation from the complaints that have come to the Attorney General's Office and to the Governor. But the Committee is empowered to call upon the Attorney General to assist in analyzing the law as it is now written and he may have some other amendments or clarifications which he may desire to present to the Committee later.

MR. HELLRING: I see.

THE CHAIRMAN: Mr. William Kingsley --

WILLIAM KINGSLEY, State Supervisor, Corporation Tax Bureau, Department of the Treasury, called as a witness, testified as follows:

EXAMINATION BY THE CHAIRMAN:

Q Mr. Kingsley, you are in charge of the Corporation Tax records for the State of New Jersey? A I am.

Q And for how long have you been in that capacity? A About nine years.

Q And during the last nine years, have you had any records from cemetery associations organized in the State of New Jersey with respect to franchise taxes? A Well, they don't come in to us with that specific identification. We get records of all business corporations in the State of New Jersey. Now some of them happen to be cemetery corporations which have incorporated under the general corporations law. We would have a record of them.

Q Can you tell the Committee approximately, to the best of your knowledge, how many cemetery organizations are incorporated under the general corporation act, have filed returns with you?

A Well, I should state for the record that this request has just been made of us. I wouldn't want it to appear that our records are faulty in that respect and that we can't get them out. It would take us a little while to get them out. However, there is this that we do know about it, that most of the cemetery corporations are not incorporated under the general corporations law. We know that as a fact and we would have a record in our office only of those cemetery corporations which happen to be incorporated under the general corporations act.

Q Would you know whether or not they pay any franchise taxes? A We do not maintain our corporate records under specific classifications of industry. But if we had an opportunity to examine our records with respect to specifically named corporations -- if a list of specific corporations were furnished to us -- we could advise whether or not they are listed with us and whether or not they pay corporate taxes. In that connection we scanned a list of 15 which were submitted to us last Wednesday afternoon. We found out of those 15 that 5 of them were listed with our bureau.

Q And do they pay any taxes, do you know? A Yes, all those that are listed with our bureau would be subject to the same tax that the general business corporation is required to pay. They may not be up-to-date. If they are not, they are subject to the same disciplinary procedure that all other delinquent corporations are subject to. Their delinquency would not necessarily

be connected with the fact that they are cemetery corporations.

Q Are you familiar, Mr. Kingsley, with the provision of the taxation laws, specifically 8:2-27, which states as follows: "The cemetery lands and property of any cemetery association, however incorporated, actually used for cemetery purposes, and the bonds and mortgages given to secure the purchase money of such lands, shall be exempt from all taxes, rates or assessments, and shall not be liable to be sold on execution," etc.? A If I may point out, Mr. Chairman, that particular provision of the law relates to local property taxes, and, of course, my familiarity with that particular section would be no greater than with any other section of the law. It does not apply to the scope of administration of our particular bureau. The scope of the administration of our bureau is limited to the administration of corporation business taxes. I assume that what you have read is the correct statement of the law as it relates to local property taxation.

Q Do you have in your records a memorandum of how many cemeteries and grave yards there are in the State of New Jersey or in lieu thereof the total assessed valuation which is accepted as subject to taxation? A Well I do know that the Division of Taxation has published in its last annual report --

Q What year would that be? A -- a list. That is for the fiscal year ending June 30, 1949.

Q What was the total shown in that report? A The

Division of Taxation annually publishes a report, and on page 174 of the annual report of the Division of Taxation of the Department of the Treasury, for the fiscal year ending June 30, 1949, there is a breakdown of various classifications of property exempt from taxation in the various counties of the State. Under the caption "Cemeteries and Grave Yards" there is shown the amount of property--the assessed valuation of cemetery and grave yard property exempt from taxation in the various counties. It all adds up to an aggregate of \$15,669,800. It is broken down on page 174. I assume you don't want me to read the figures.

THE CHAIRMAN: That will be sufficient reference for the Committee.

MR. KINGSLEY: (continuing) I may add that the average rate of taxation for the year 1949 was determined by the Deputy Director of the Division of Taxation to be \$6.139 per hundred. So going back to the property totally exempt from taxation because it belongs to cemeteries and grave yards, the amount of taxes represented in this exemption can be computed at the rate of \$6.139 per one hundred on that figure of \$15,669,800.

THE CHAIRMAN: Thank you very much, Mr. Kingsley. The Committee will submit a list of the cemetery associations, when they have it available, and will ask you to check your records and see how many pay franchise taxes.

I will now call Mr. Walter R. Scott, State Registrar of Vital Statistics.

W A L T E R     R.     S C O T T, State Registrar of Vital Statistics,  
called as a witness, testified as follows:

EXAMINATION BY THE CHAIRMAN:

Q Mr. Scott, what is your official position? A State Registrar of Vital Statistics.

Q How long have you been in this position? A Since 1939.

Q And you have access to the records of the burials in the State of New Jersey? A I would say no. We have the death certificates.

Q You also have filed with your office the names of cemeteries? A Not an official file. I have a list of certain cemeteries. I don't know how complete it is.

Q Under the law the cemeteries are required to file with you certain papers? A Nothing. The only time the State Department of Health comes in on cemetery business is when there is a dispute between the local board of health and the cemetery association which is to start operation in a municipality.

Q You do not have available the number of burials made in the cemeteries of the State of New Jersey? A No, sir.

Q Do you know whether such record is available? A There are no official records.

Q Excepting for such records as the municipalities may have? A That is correct -- as the cemetery associations have -- and it is possible that Registrars of Vital Statistics may have records



of burials made in the cemeteries; that is, the file of the burial permits - the transportation permits from other states. It is possible, but I don't know just how good those records are. It is required by law they be filed with the local registrar.

Q Under the present law are the cemetery associations required to file maps of developments with the State Board of Health? A Only, I believe, when there is a dispute with the local board. Frankly, the State Department of Health authority on this is divided. I am not an expert on it and have not had too much to do with it in the past. I think it is only in disputes that we enter into it. It may be that we are actually required to have the maps.

EXAMINATION BY MR. WILSON:

Q If I may, Mr. Scott, I would like to ask a pointed question. You said in your remarks that the deaths are recorded with the local registrars of vital statistics. Now, is it possible for that to be transferred to the State Department? A It is entirely possible.

Q Would it be a satisfactory procedure? A It would make for a great duplication of records. The State already has births, marriages and deaths. In addition they would have a burial permit, which would give certain burial data. It is already part of the death certificate when the death occurs in the State. It would make for, well, at least some four to five thousand additional records.

Q It would make repetition? A There would be some duplication.

MR. SCOTT: Mr. Shershin, on that question you asked before, I think that is covered in one section of the cemetery act, with which I am not too familiar.

THE CHAIRMAN: We will take judicial notice of the statute.

MR. SCOTT: It is under 2-7. It says something about filing a map.

THE CHAIRMAN: Mr. Scott, we will examine the law and take judicial notice of it.

MR. SCOTT: I am sorry I don't have it on my fingertips.

THE CHAIRMAN: Thank you very much, Mr. Scott.

Mr. Roger McDonough, State Librarian --

MR. ROGER N. MC DONOUGH, Director, Division of State Library,

Archives and History: Mr. Shershin, when you asked the State Library to research this problem for you, we went to work on it. We have been working on it now for some time. I want to say, just for the record, I can't remember any legislative research problem on which we have been able to obtain so little concrete data. In the reports of the Secretary of State and certain other State departments, such as Banking and Insurance, Treasury and Health, there is no detailed complete picture that is presented about the cemetery associations in the State of New Jersey. There is one report that you wished me to call to your attention particularly, however, and it is the report of exemptions prepared by the State Tax Department and submitted to Governor A. Harry

Moore and the Legislature in 1938 by J. H. Thayer Martin, State Tax Commissioner.

THE CHAIRMAN: You have that report with you?

MR. MC DONOUGH: This report I have with me. It is taken from the official files of the State Library.

THE CHAIRMAN: Will you read the section pertaining to cemeteries that is included in that report.

MR. MC DONOUGH: That is Section IV, and I quote:

"The exemption provisions affecting the group of exempt properties classified as 'cemeteries and graveyards' are a fit subject for legislative revision.

"Undoubtedly the legislative theory in exempting such types of property was based on conditions that existed prior to the mushroom development of large cemetery plots throughout the State. Formerly cemeteries and graveyards were developed and maintained because of the need of suitable space for interment. Within the past decade a large number of cemetery plots have been sold more for investment purposes than for actual use. Such activity in the sale of real estate has given rise to large profits for the developers of cemeteries, and even though these operations are to a large extent commercial, these associations in many cases are still receiving the benefits of exemption.

"There appears to be no legal distinction between a graveyard and a cemetery. However, it can be reasonably inferred that

graveyards as such were for the limited use of members of a family, church, or locality, and that probably accounts for the limitation of ten acres for graveyards as contained in the act.

"On the other hand, cemetery associations are more susceptible to the profit motive in that there being no such limitation as to area the development and sale of plots for more than the normal requirements creates a commercial activity.

"In the opinion of tax assessors throughout the State there are more abuses of the provision for cemetery exemption than of any of the other types of exemptions that are granted by the laws of this State. Dealers in subdivisions for the sale of building lots must assume their share of the common tax burden, while numerous dealers of subdivisions in burial lots receive the benefits of an exemption that in all probability was never intended by the Legislature when these provisions were enacted."

THE CHAIRMAN: Will you please bring that report up so that our secretary may have it. (Mr. McDonough leaves report with the secretary.) Mr. Sullivan --

JAMES M. SULLIVAN, Chief, Consumer Credit Division, Department of Banking and Insurance, called as a witness, testified as follows:

EXAMINATION BY THE CHAIRMAN:

Q Mr. Sullivan, I do appreciate the fact that you were just called down to the hearing on a few moments' notice, but the

Committee is anxious to know whether or not the Banking and Insurance Department, with which you are connected, does supervise the trust investments of the cemetery associations? A No. They supervise the trust fund investments of rural cemetery associations. Cemeteries can be incorporated under five different acts: Special Act of the Legislature; the Non-Pecuniary Profit Act; General Corporation Act; Rural Cemetery Act; and Religious Society Act. The only ones we supervise are the rural cemetery associations.

Q Do you of your own knowledge know whether the other types of cemeteries have trust funds for perpetual care? A I believe they have.

Q They do not come under your supervision? A No.

Q Do you get annual reports from the ones under your supervision? A We do.

Q Do you have any authority to limit the type investment that they may have? A It is limited by law. 8:2-37 limits the type of investment and covers the authority of the department.

Q Has your department ever made any inspection of these trust funds? A We do continuously, every two years.

#### EXAMINATION BY MR. NEUTZ:

Q Can you tell me how many cemeteries are incorporated under the Rural Cemetery Act? A I can't tell you that. I don't know.

Q Do you know how many cemetery associations your department supervises and checks into the investments of? My purpose for

asking that is just to point out how many you may supervise.

A 74, if I counted correctly.

EXAMINATION BY THE CHAIRMAN:

Q So that if there are any associations established under the Rural Cemetery Act which are in excess of the 74, your department has no knowledge thereof? A That is of trust funds. No, they have never filed a report and advised us that they had.

Q Do you know whether or not there is any requirement which would set forth a place where the rural cemetery associations would have to file a formal report of their existence and operation?

A Do you mean the cemetery associations as a general unit or the trust funds?

Q As a general unit. A No. The only provision in the statute governing trust funds is contained in 8:2-36. That is the only thing that is subject to our jurisdiction. I don't believe they file anywhere else on anything.

Q When a rural association filed a certificate of incorporation with the Secretary of State -- A It doesn't. It files with the County Clerk.

Q And it is not necessary to file with the Secretary of State? A We have a lot of difficulty finding them for that reason. It makes it necessary to check 21 counties.

Q So you would recommend, would you not, that there be also a certificate filed with the Secretary of State? A Yes, sir.

Q Isn't it true likewise that "A" cemetery association which might operate in a county could organize -- I withdraw the word "organize" -- could incorporate and file a certificate in "B" county and yet be existent in "A" county? A That I don't know.

THE CHAIRMAN: Thank you very much, Mr. Sullivan. If you want to leave that book with us, we will be very happy to have it.

Assemblyman Arnold M. Smith of Passaic County --

ASSEMBLYMAN ARNOLD M. SMITH: As a member of the Legislature and an attorney representing a memorial company, as well as just a member of the general public, I am very much concerned with the subject matter of this meeting this afternoon. I think that many people know and realize that this problem is of great concern to many individuals. The interment of persons who are relatives and dearly beloveds means quite a good deal to the interested parties and I know that they are seeking to see that there be proper care and maintenance of the graves and lots in the cemeteries in which their beloved ones are now interred.

In that connection in reviewing some of the sections of Title 8 of the New Jersey statutes, there were some legal problems that came up in my mind. One was mentioned earlier today. Constantly throughout Title 8 there are references to plot and lot owners or it may be phrased proprietors of plots and lots. Yet nowhere throughout the statute is there a definition of exactly what, as far as real property is concerned, constitutes a plot or a lot. The definition is most important because it goes to matters concerning eligibility for voting

for members of the board of trustees or managers of a cemetery and they are the very ones who have overall jurisdiction of the government of the cemetery association. The necessity for the definition also goes to the fact that a person to be eligible to hold the office of trustee or manager must be a lot or plot owner. Also there are certain notices that are required to be given pursuant to the statutes. It is said the notices are to be given by a lot or plot owner. Constantly we are faced with the question, who is properly a plot or lot owner, to meet the various requirements set forth in the statute. I would like to see a very clear-cut definition of a lot or plot owner for these various and sundry purposes.

Then we come across the problem pertaining to perpetual care and maintenance. I would like to see our law defined -- it is lacking at the present moment, of course -- as to the standard for perpetual care and maintenance. I think there should be, if possible, a minimum standard prescribed. I realize there are a great many ramifications to that problem. There are many factors that have to be taken into consideration. As I say again, if it is possible, I would like to see a minimum prescribed and thereby anyone knowing that he has contracted for perpetual care -- anyone in reading an advertisement in which the cemetery association would indicate their agreeability to furnish perpetual care -- if there is a trust fund set up in which the settlor or the maker of the will has indicated he is setting up the fund for perpetual care and maintenance, would know pursuant to a statute in New Jersey that there is a minimum standard that the



other party to the contract would have to abide by in connection with the trust in giving perpetual care and maintenance. I find that in the statute there seems to be confusion on that particular point. The Deputy Attorney General has cited a certain section pertaining to the allocation of funds derived from sales for that particular purpose.

Then you come to another section of our statutes, 8:2-45. I don't know what inference exactly is spelled out from the language they have there. First you have to become acquainted with another section of the statutes which indicates that a cemetery association that has purchased lands and where there are no interments in those lands or they have not sold any portion of the lands to be used for that purpose, and they may so desire to sell off the land, they would have a right to do so, etc. That is the first section that is pertinent. Then we come to this section 8:2-45, in an instance where such a cemetery association then wants to sell these lands and will provide a fund for the upkeep of the association and the care of burial plots or lots therein equal to at least three times the capital stock of such association. I say that that is giving some sort of an inference that perhaps there is some standard established that there should be a perpetual fund set up equal to not less than three times the capital stock. If that is the actual intention and that is the result we would like to achieve, let's put it in there clearly so everybody will know.

There is another point in the statute I would like to call attention to. This is just purely technical - a legal matter. At the

onset in the organization of a semetery association, the board of trustees are split up into three classifications--three categories.

Let's say class one is to serve for a single year at the onset; class two, two years; and class three, to serve for three years. The intent is to establish a stagger system on the board of trustees. Another section of the statute goes on to say that after the organization of the first board of trustees at any subsequent election, the person elected will serve for three years. They are trying to run that stagger system through there. Then there is that section of the statute that goes on to say in the event that an association finds itself without trustees, whatever the cause may be, either they fell to hold their annual election or through death or some other reason a vacancy comes about, they shall hold an election. The question comes up as to how they are going to create a new board of trustees since they have no trustees functioning at the moment. Now the statute says that every board of trustees elected after the first would serve for three years. If that is going to hold true in that particular instance, then the stagger system wouldn't hold true. I don't think that was desired. I think at any time they found there were no trustees, they would want to reinstate the stagger system. If that is the intention and that is a desirable result to achieve, I would like to see our statute corrected on that particular point.

I believe, Mr. Sherbina and you other gentlemen of the Committee, that those are the main points I had in mind which I wanted

to bring forth here this afternoon.

THE CHAIRMAN: Thank you, Mr. Smith, for your remarks. In your testimony, you referred to the act in generalities and then went on to explain the points where you thought there were inconsistencies. I am wondering whether for the Committee you might do this: Write a letter to the Committee and be specific, giving the reference for the particular part of the statute.

MR. SMITH: I will be glad to do that.

THE CHAIRMAN: Then we may in going over your testimony and reading the statute acquaint ourselves with the problem at hand.

MR. SMITH: I will be glad to do that.

THE CHAIRMAN: Any other questions?

MR. SMITH: All my references were solely within Title 8.

THE CHAIRMAN: We want the specific paragraphs.

I will now call on Mr. Carl Ek, Staff Writer for the Passaic Herald News and Associate Editor of the Passaic Herald News. Before he testifies, I have here a printed synopsis of an article which was written by Mr. Ek which he has been good enough to submit to the Committee. I offer it for Mr. Ek as one of his exhibits.

Mr. Ek, do you have any comments to make with respect to the Rural Cemetery Act after your investigation thereof, I believe, of two or three months?

MR. HERALD EK, Staff Writer and Associate Editor of the Passaic Herald News: I am not an expert on cemeteries and I was not

able to find anyone who was. But I am not an expert on cemeteries. The job that I had to do was with one cemetery. In the course of checking on the law and reading the Atlantic Reporter going way back to the nineties, I learned a little bit about a number of cemeteries, and, of course, most of it is contained in these four articles that you have there. Our feeling at the conclusion of all this investigation that we conducted was that there is no harm in a cemetery making a profit and that in all probability today you haven't got the conditions that you had years ago when the Rural Cemetery Act and these graveyard laws were passed, when the cemeteries were a family affair or a church affair. It seems that today it is probable you wouldn't have enough cemetery space. I don't know whether that is true. Anyway, it was our feeling that there was no harm in making a profit, but we felt that if a cemetery association were a profit-making venture, like every other business that makes a profit, it should pay taxes. And I think that is the intent of the original law. What happens under the old law I can tell you from what happened in the case of this cemetery I investigated. It passed through several hands and finally came to the hands of this cemetery association that was incorporated under the general corporations act.

THE CHAIRMAN: The Rural Cemetery Act?

MR. WK: No, no. They were incorporated under the business act. The City of Clifton which had in previous years collected taxes on this property attempted to tax this cemetery association, and immediately thereupon the association incorporated under the Rural Cemetery

Act and claimed exemption. Now they did pretty well in court and eventually the case was more or less settled out of court. Mr. Shershin knows about that. He was an associate counsel in the case. I will say this for the gentlemen who owned the cemetery association, or at least who are the principals in it, that I think that the city did get a fair deal finally out of it. But the point is that the law seems to be so weak. Clifton shouldn't have had a bit of trouble taxing this cemetery association, but as a matter of fact this thing went on, I think, for something like ten years in and out of Chancery Court. It finally wound up in Federal court. An attempt was made to prevent the city from taxing the property in Federal court.

There are a number of things that I could talk about.

There is one thing that bothers me that was mentioned here before I think by Mr. Smith, and that is this perpetual care item. I don't know whether Mr. Smith knows this or not. It seems to be that 6¢ per square foot -- and I think this has been approved by the old Court of Chancery on more than one occasion -- 6¢ per square foot of the purchase price--it is perfectly permissible to set that much aside for perpetual care of the lot or plot or whatever you people want to call it. I just want to take a moment on that.

In the first place, there is no such thing as perpetual care. I think everyone will agree that there isn't one of us who knows what will happen tomorrow or fifty years from now or a thousand years from now. I want to quote a statement made a few years ago at

the American Cemetery Association Convention by the Executive Secretary, Owen P. Stacy, that erroneous conceptions inevitably result from the phrase "perpetual care." He said: "The public pretty generally believes that as a part of the purchase price of cemetery lots or as a separate financial transaction, the deposit with a cemetery of a stipulated sum forever removes from their shoulders any responsibility for the care and maintenance of their respective cemetery lots. There isn't the slightest thought of the extent to which the revenues from such deposited funds with relation to the actual cost of operation of the respective cemetery may limit the individual attention that may be given to that particular grave site." And in this connection, Simon A. Murray who was speaking for the State Auditor of the State of Illinois said: "Perpetual care is a misnomer since it is impossible to promise that funds invested now will be intact for a generation, to say nothing of eternity."

Going back to this 6¢ a square foot, four grave plots, 8 by 21 feet, have a total area of 168 square feet. In New Jersey cemeteries 6¢ a square foot is set aside for perpetual care. The total amount set aside for such a lot would be 6 times 168 or \$10.08. If that were invested at an annual return of 6 percent, which is pretty high these days, that would be 60¢ a year. I don't know how you can say that 5 years from now, if we go at the rate we are going now, we are going to be able to give any kind of care at all to a lot that size for that 60¢. I checked up on this with the City of Saginaw in

Michigan where they have municipal cemeteries. And I want to quote, if I may, Russell O. Koenig, Superintendent of Parks and Cemeteries.

Mr. Koenig said that in Saginaw in the municipally owned cemetery, fifty percent of the sale price is set aside for general perpetual care. This would make available in the case of a four grave plot the earnings on \$105. I don't see how you can do much with the earnings on 6¢ per square foot. Then he goes on to say what general perpetual care is. They take 50 percent of the sale price.

THE CHAIRMAN: If you prefer to stand, you may use the dais here as a table.

(Mr. Ek stands on the podium.)

MR. EK: Now, a very important point in this Clifton cemetery trouble was, as I said before, that this cemetery franchise passed through several hands and our feeling was that the law should make it impossible to assign cemetery franchises merely by the sale of a franchise. A cemetery franchise is given by a community presumably to people whom the governing officials of the community know and in whom they have confidence. Now if those people should lose or should sell, it removes from the community the right to decide to whom it should give the franchise. I think that is very important; at least, we felt so. Furthermore, in this connection, why should a franchise that is given for a non-profit venture or charitable use be permitted to be bartered for a profit? That doesn't seem right to us either.

We also discovered that there is another bit of dealing in cemetery plots wherein cemetery plots are sold in large or small blocks to purchasers who understand that they invest in a piece of property that will probably appreciate in value and upon which they will pay no taxes as the owners of a cemetery lot. I can appreciate it would be pretty hard to make a distinction between a person buying a block of cemetery land for the use of himself and his family and the person who was buying that property in the hope of making a profit on later resale. Now I might read to you a letter that was sent by a cemetery association to a number of people.

"To the Man and Woman of Foresight —

"If you are investment minded—if you have idle funds, then let us show you how you can make such funds earn for you at least TWENTY-FOUR per cent (24%) per year.

"Our guaranteed re-sale plan makes this liberal return possible. Like any other commodity, this Memorial Park property can be bought at 'wholesale' and our trained retail organisation 'retails' the same for you at a specific price under a special plan which guarantees an enhancement of 24% per year.

"Hence, a 'wholesale' purchase of \$1,000. can be made to return \$1240. in one year, or \$1720. in 3 years.

"Your capital investment is at all times protected thru the absolute ownership of property having a retail sales price of TWICE your cost.



"We should like the opportunity of giving you the full details of this remarkable investment. If you will return the enclosed post card we shall be pleased to do so. No obligation on your part, of course."

MR. NEUTZE: Was that letter sent out by a cemetery association of this state or some other state?

MR. EK: That was sent out from New York by the representative of a cemetery association in the State of New Jersey, a non-profit cemetery association in the State of New Jersey.

MR. NEUTZE: I would like to have the name of that cemetery association. Do you have it available?

MR. EK: This letter is several years old. It was mailed out in 1938 to residents of Passaic, Clifton and the surrounding communities and it was mailed out by Crest Haven Memorial Park, Inc. of 205 East 42nd Street, New York, New York and they had a branch office at 31 Clinton Street, Newark.

Now the City of Clifton in making final settlement with the Crest Haven Cemetery Association acquired a piece of property from the cemetery association in exchange. It was one of those compromises. As I said before, I think it was a fair compromise all around. But my understanding is that the city intended to sell this property for home development and my understanding is that there is a hitch in the sale by the city of this property for that purpose because that property having been converted to public use by the cemetery franchise now has a

cloud on the title. It would seem that there should be legislation that would make it possible for cemetery property to be returned to private use, if necessary, and I think that this would even probably be beneficial to some cemetery associations. There ought to be something that would make it possible to give a clear title. As I say, this arrangement was made between the city and the cemetery association and final settlement is still being held up. This legal wrangle started back in 1939 and still there is no final settlement of it, not because the two parties disagree, but because of things like this.

Now there apparently is no check, as far as we could determine on whether or not a cemetery association is in fact a non-profit organization or whether it is a business that is in business to make a profit. And, as I said before, I don't know of any business that escapes taxes.

The question of whether or not New Jersey has enough cemeteries was mentioned to me and I don't think that that is anything that can be answered very easily. I just want to point out something that the Committee, I think, should think about. New York City has rather serious restrictions apparently on cemeteries and for understandable reasons. And that has led New York cemetery people to come over to New Jersey. Now the original West Ridgelawn and East Ridgelawn Cemetery promotion was a New York promotion and that was as far back as 1905. Since then, apparently, other New York people have made efforts to come over here and get cemetery franchises. To see where your law

falls down, the law says that the franchise shall be limited to 125 acres. These New York promoters came over to Elfron and they got two franchises for 125 acres each and they formed a joint stock company. They got into a little trouble and they came down to the Legislature in 1911 and 1913 and had laws passed, which are still on the books, following the Court of Chancery decision holding illegal the joint stock scheme in the East and West Ridgeman cemetery promotion. One of these acts "validated" joint stock agreements by cemeteries incorporated at any point only by a public vote--such as East and West Ridgeman etc. Vice-Chancellor James T. Howell commenting on these acts in *Bliss vs. Linden Cemetery Association* (91 Atlantic 308) said this:

"After the decision in East Ridgeman Cemetery Co. vs. Frank ... it is quite evident that schemes like the present were in great danger. In 1911 and 1913 acts were passed by the Legislature whose undoubted purpose was to cure any defects that there might be in this plan of financial organization; and an able argument was addressed to the court in favor of the view that the Legislature had not sanctioned the plan in question. If, indeed, it had ever been open to question.

That it is doubtful whether the so-called curative acts of 1911 and 1913... have any effect whatever upon the situation developed in this case... If the act means what it appears to say, then it is possible for a cemetery company to pledge all its lots and all the proceeds of the sale thereof for the payment of purchase money, and thus abrogate what has been the settled policy of our Legislature since

1877. I therefore conclude that the so-called curative acts have no application to the case in hand, and that the case must be decided as if no such legislation existed."

There are a number of these things and I think that if anyone bothers to run through these long articles, they will find a lot of ideas.

THE CHAIRMAN: We will read the articles that you have submitted. I do want, if you will, Mr. Ek, for the benefit of the people that are out there who have been good enough to give their time this afternoon, to have you go into another important phase where there appears to be absence of statutory authority with respect to abandonment of franchise rights. I refer particularly to the purchase of the Lockwood tract in 1935.

MR. EK: It is a little complicated. But the East Ridgelawn and West Ridgelawn, as I said, got franchises for 125 acres each, although they were a single enterprise that two New Yorkers promoted. There was trouble and the two split up. Now, let's see, the important point, I think, the one that Mr. Shershin is making, is that never at any time did the original promoters or the subsequent owners of this franchise - the West Ridgelawn Cemetery I'm speaking of now - own the full 125 acres for which they obtained the franchise. This Lockwood tract that Mr. Shershin speaks about was a tract that was owned by a family and it was included in the original franchise. For thirty odd years - I don't know the exact number of years - this property was held by the family and when the new owners of the East Ridgelawn,

that is Crest Haven, obtained control of West Ridgeland, they purchased, as I recall, this tract of 19 acres from the Lockwood family and held that. They were permitted by the terms of the original franchise to develop it as cemetery land. Now in the final settlement, the city agreed to that in return for taking back some property that had already been developed as a cemetery. It seems to me rather extraordinary that you can wait for a good quarter of a century and then move in and get property. One of the owners of that property or one of the principals in this enterprise told the Clifton Council one night while I was at a meeting when the Clifton Council did pass an ordinance which restricted further development of the cemetery, "I don't give a rap what you pass. The law is so that when we want to take that property, we will condemn it and take it and none of your ordinances are going to mean a thing." I don't think they would.

THE CHAIRMAN: In other words, Mr. Ek, you would recommend that some legislation be adopted which would restrict the acquiring of the conscriptive to land within a short period of time so that if the land is not acquired by the cemetery association within the restricted time set forth in a proposed statute, all rights which may have been given by consent to that area would be abandoned.

MR. EK: I don't even see how you could do that because this is the point: Suppose a cemetery association got a franchise, as this cemetery association did, under the present laws, for a tract that was owned by someone who didn't want to sell that piece of property.

THE CHAIRMAN: Excepting that under the laws today, a promoting group may obtain a consent for certain lands even though they don't have title thereto.

MR. EK: I think you misunderstand me. Suppose they get a franchise for a piece of property that the person who held didn't want to sell.

THE CHAIRMAN: Then you would recommend if there shall be any requests for consents for new cemeteries, the then owners shall likewise sign their consent in the request to the governing body.

MR. EK: The new owners or the present owners?

THE CHAIRMAN: The then owners.

MR. EK: I think that is very important.

THE CHAIRMAN: Thank you, Mr. Ek, for your very valuable information. I know I have given you a little more time than I want to give the other people who are here. Thank you very kindly. You have been very helpful. Akin to that, ladies and gentlemen, time is fleeing and I know that Mr. Ek had spent the better part of three months in his investigation and I wanted to get some of his information before the Committee. I will ask the remaining speakers when they are called on to limit their remarks and if a point has been covered, skip it and bring out some new points, if you have any.

At this time I would like to call on Frederick Cassert, Jr. of the Roman Catholic Archdiocese of Newark.

MR. FREDERICK CASSETT, JR: Mr. Chairman, at this time I would just as soon forego the privilege of speaking. The only thing I am

interested in is clarification of the State's position as to religious cemeteries and I don't feel that that has been sufficiently discussed at this present time. I would rather waive my time and talk later, if necessary.

THE CHAIRMAN: I might say, Mr. Cassert, that if you do have any views with respect to continuation of the present statutes concerning the religious cemeteries, you express those views in writing so if you don't speak we will have them in the minutes. This hearing will not be conclusive of all the evidence that the Committee will undertake to obtain.

We have here John J. Rafferty of New Brunswick.

MR. JOHN J. RAFFERTY: I have nothing to offer at this time. I reserve the right to accept your invitation to complement the record with anything I may care to write.

THE CHAIRMAN: We will be very happy to let you know when the Committee hearings will be concluded.

Mr. W. H. Webb representing the Mount Pleasant Cemetery of Newark.

W. H. W E B B, representing the Mount Pleasant Cemetery of Newark, called as a witness, testified as follows:

EXAMINATION BY THE CHAIRMAN:

Q Do you want to give any testimony with respect to any changes in the law that should be made, either for or against them

A In my present capacity -- being Superintendent only six or seven

years — I am not too thoroughly familiar with the present laws and I wouldn't have too much to say upon the subject at this time.

Q How large a cemetery do you have, Mr. Webb? A We have 36 acres.

Q And of the 36 acres, how much is developed at the present time? A Practically 95 percent.

Q 95 percent developed? A 100 percent developed, but not 100 percent sold out.

Q When you talk about "sold out," you don't mean occupied with bodies. A That is correct.

Q Is it the practice of yours to sell larger than four or six or eight grave lots to any individual family? A If such were requested, we would have.

Q If I as an individual came to you, a superintendent, and wanted to buy one acre of your property undeveloped—or rather, developed, would you sell it to me? A It so happens that we do not have an acre for sale.

Q If you had one, you would have sold it? A That would be a matter for the board to consider, not for me.

Q When you talk about the board, whom do you mean? A The board of managers.

Q You have a board of managers, and how is that comprised? A Individuals in various capacities in the City of Newark.

Q Is yours a rural cemetery? A We are in the city limits.

Q Are you organized under the rural cemetery act? A No,



sir, we were organized by special act of the Legislature in 1844.

Q So you have been in business since 1844? A Yes, sir.

Q Now, more than a hundred years later, you are about 95 percent developed? A We are 100 percent developed and about 95 percent sold. All lots have been set out so that development is complete.

Q What percentage of the cemetery would you say is filled with bodies so that they cannot be used any further by the public? A Practically 95 percent, sir.

Q 95 percent? A Of course, those lots which have been 95 percent sold are still represented by families, who have the privilege of burying within those lots.

Q What percentage would you say still remains for burial purposes? A It would be a hard thing to decide. So many lots are only partially filled. Perhaps 30 percent or 25 percent of our total number of lots are 100 percent occupied, if that is what you have reference to.

Q That is what I am driving at. There is a capacity in your cemetery of 36 acres to fill with the dead; 65 percent of it is not yet filled? A I would say in that neighborhood.

Q Have you had occasion to sell any of your land for other purposes than for burial purposes? A No, sir. The special act of the Legislature only provides for the sale for deceased purposes.

Q If there has been subsequent legislation, you have never

taken advantage of it? A That is right.

EXAMINATION BY MR. WILSON:

Q Mr. Webb, as Superintendent of the Mount Pleasant Cemetery Association of Newark, you have stated that 100 percent of your property has been developed and that precisely 95 percent is sold at the present time. For the mechanics of this problem, assume that within the next 5 years your remaining 5 percent will be sold, thereby the entire cemetery will be sold. At the conclusion of that time, what provision, if any, have you made for an addition or for expansion? A There is no possibility of Mount Pleasant Cemetery ever expanding. The limits of the cemetery--the confines of the cemetery would prohibit that. We are entirely surrounded by property which is railroad property or Broadway, Newark, or built up property, and on the other side, county highway. We have no possibility of expansion.

EXAMINATION BY THE CHAIRMAN:

Q Is that the cemetery which is near the River Road?

A Yes, sir. It is the cemetery which practically adjoins the Home Offices of Mutual Benefit.

Q What are the total proceeds now in the hands of the board of directors or board of trustees of that cemetery?

A Capital stock?

Q Capital in the bank or investments or whatever you have - dollars and cents. A I would say roughly about \$700,000.

Q To what use is that \$700,000 put? A For the care of the lots in general. We take care of the property regardless of whether the family is living or whether they are paying or are not paying. We take care of all property.

Q That \$700,000 represents a fund which you set aside for investment and re-investment to take care of the graves in Mount Pleasant Cemetery? A Yes, sir.

Q What sums, if any, are paid for administrative expenses? A Only my salary as Superintendent and the President and Vice President receive only a nominal sum per year.

Q What do you call a nominal sum for the President? A He gets \$600 a year.

Q And the Vice President? A He gets nothing. The Treasurer gets \$1200 per year.

Q Would it be revealing a confidence to say what the Superintendent's salary is? A My salary is \$4200.

Q Do you ever hold any meeting of the lot owners? A Yes, once every three years we call a special meeting.

Q Once every three years. Do you know whether that is in compliance with the present law? A I wouldn't know, sir.

Q How many lot owners or plot owners attend your meetings? A We have very few.

Q Do you have any bylaws? A Yes.

Q Do you have any regulation in the bylaws which provides that a certain number of lot owners shall be in attendance before

you have a quorum at which you can conduct business? A A quorum of the Board of Managers is necessary, but not of the lot owners, except by those lot owners who might be represented by proxy, which we do send out to our owners. That incidentally the bylaws provide for -- that lot owners meetings and the proxies be not good for any period longer than three years.

Q The entire management of the association is vested within a few people that manage the cemetery at that time? A Yes. That is practically within the Board of Managers.

Q One more question: You have a separate fund known as the perpetual care fund? A Yes, we call it the endowed fund.

Q How much does that amount to? A Practically two-thirds of the \$700,000.

Q How much would you say it cost to maintain the cemetery on an annual basis? A Our labor costs practically run around \$25,000 or \$26,000 per year.

Q Is there any profit made from the \$700,000 invested beyond the \$26,000 expenses? A I would say it would be considered as profit. If it was a credit, so to speak, it would be added to the capital.

Q It would be added to the corporate? A That is correct.

Q After the cemetery is all sold out, will there be any need to have this large surplus? A We still require maintenance.

Q Have you ever filed a franchise tax return? A That form 890? I don't know.

Q Have you filed any return with Mr. Kingsley? A Not that I know of, sir.

Q Your funds are not supervised by the Department of Banking and Insurance, are they? A No.

Q Have you ever submitted any reports to the Department of Banking and Insurance? A Not that I know of.

Q Have you ever submitted any reports to the Secretary of State with respect to the officers of your corporation? A I think the information that is filed is filed with the Federal government. I believe it is form 890.

Q That is the only report your association files? A Yes.

THE CHAIRMAN: No further questions. Thank you very much.

Mr. Ward N. Hammell of the Atlantic City Cemetery, would you care to come up to the microphone and give us any remarks and submit yourself to examination.

W A R D N. H A M M E L L, representing the Atlantic City Cemetery, called as a witness, testified as follows:

DIRECT EXAMINATION BY THE CHAIRMAN:

Q Would you like to make a statement to the Committee, sir?

A Well, I have nothing to say at this time. If there is anything you would like to ask me, I'll be glad to answer.

Q What kind of a cemetery do you have? A A non-profit.

Q Organised how? A Under a charter of the State.

Q Under the Rural Cemetery Act? A No, I don't think so.

I'm not familiar with that. We organized in 1879.

Q Probably by special act. A Yes.

Q How many acres do you have? A 50 acres.

Q What percentage of your land is sold out? A 75 percent.

Q What percentage of your land is occupied by burials?

A Well I would say 60 percent.

Q Do you maintain a perpetual care fund? A Yes.

Q How much is in that perpetual care fund now? A Something over \$300,000.

Q Do you charge any fee for perpetual care annually?

A We have lots which we sell which include the perpetual care fee. They are the perpetual sections. We have non-perpetual care lots which may be perpetuated by payment of a sum of money to the association.

Q How much money would that be? A Two grave lot is \$50 for perpetual care.

Q Do you submit any reports to the State of New Jersey?

A That would be a question that our bank would have to answer.

Q What position do you hold? A Vice President.

Q You don't know whether or not franchise taxes are paid?

A I don't think so.

Q You don't pay any property taxes at all, do you? A Oh, yes, we pay property taxes to the City of Pleasantville.

Q You mean a real estate tax? A Yes.

Q How much? A \$266 a year.

Q For the 50 acres? A That is for certain properties on which there are still buildings which haven't been taken down. There is a building there for the use of the caretaker.

Q On the cemetery property itself, you pay no real estate tax? A No.

Q Are there any improvements in the streets? A They are all improved.

Q Did they pay for any of it? A They paid for sidewalks and curbs.

Q Did they pay for sewers? A I don't believe so.

Q Do they pay for the road? A I'm not sure about that.

Q Are there any salaried employees? A Yes. There is the President, who gets \$600 a year. There is the Secretary, who gets the same salary, and myself - I get \$150 a year - and there is another Director who gets the same \$150.

Q How often are your meetings of the lot owners held? A Once every year.

Q Are notices sent out to them? A Yes.

Q How many are in attendance? A Very few.

Q So that in the main, the management of this cemetery is left to a few people? A We call this group of the President, Vice President, Secretary and Assistant General Manager the Board of Trustees.

Q Do you have any other funds beyond the \$300,000 that you have in the perpetual care fund? A That is all.

Q That represents the proceeds from the sale of these lots —

A That is right.

Q — together with any accrued interest? A Any profit that has been made is put in that perpetual fund, over and above actual expenses.

Q How much would you say was absolutely required to take care perpetually of the entire 50 acres? A About \$10,000 a year.

Q The interest on \$10,000 a year would be sufficient to pay for the cost of cutting the grass, etc.? A It would cost about \$10,000 a year to give this entire 50 acres annual maintenance.

EXAMINATION BY MR. WILSON:

Q Mr. Hamell, in your statement you said that a number of the lots were sold with perpetual care and several were sold without perpetual care. It appears that there is a differential arrangement there. Could you tell the Committee the proportion of lots sold with perpetual care together with the proportion sold without perpetual care? A I would say there are just about 50 percent of non-perpetual care lots and 50 percent perpetual care.

Q Can you answer this please: What is the prime object of having in the same cemetery two different programs for the sale of plots? A When the cemetery was organized in 1879 there was no such thing as perpetual care. That came along about 1910 and the newer sections were laid out with the perpetual care plan.



The cheaper lots which are non-perpetual, of course, are kept for people in more moderate circumstances. The people who could afford perpetual care lots, although they have non-perpetual lots, are permitted to have their lots perpetuated later or they can pay the cemetery an annual fee for the annual care of the lot.

MR. WILSON: Thank you.

# EXAMINATION BY THE CHAIRMAN:

Q Before you go, I would like to ask you another question. You say about 25 acres of the cemetery is in the non-perpetual care class. A No, I would say 50 percent of the cemetery. 25 percent is not sold.

Q You have 50 acres. 25 acres is 50 percent. A That is correct.

Q How many grave plots do you get out of 1 acre? A I don't know. I haven't figured that out. We just had an engineer come in and lay out the lots.

Q Would you say you get 2,000 grave plots in an acre? A I wouldn't have any idea.

Q Can you estimate how many grave plots you would get? A It would depend upon the number of driveways, the widths, the number of allies.

Q I am allowing for the driveways and walks, etc. A I would have to take a map and figure it out.

Q How much do you charge for perpetual care for a person who owns -- I will withdraw that. How much do you charge a lot

owner who did not pay for this perpetual care for annual care?

A If a lot owner wishes the cemetery to take care of his lot, annually, he pays \$6 a year for a two-grave lot.

Q So that in addition to the \$300,000 that you have set up in this perpetual care fund, you also collect annually fees of \$6. A No, we don't collect it from everybody, only those who are willing to pay. It is not compulsory.

Q You do have additional revenue coming in other than the income from the \$300,000? A That is right.

Q Can you estimate what that revenue is? A I would say possibly \$1200 or \$1500.

THE CHAIRMAN: No further questions. Thank you very kindly.

Miss Maud Rieffe, Fairview Cemetery --

MISS RIEFFE: Our attorney, Mr. Burke, will represent us.

MR. BURKE: My name is William F. Burke.

THE CHAIRMAN: Mr. Burke, would you like to make any recommendations to this Committee for amendments, changes or alterations?

MR. BURKE: May I ask one thing: If I pay the charges, may I obtain a copy of the minutes?

THE CHAIRMAN: We will see. Suppose I reserve answer to that question. We will see if we can strike off enough copies for the Committee members, the Library, etc. The cost will depend on how many people may want it. I will reserve an answer to that question.

MR. BURKE: Whatever the reasonable charges are, we would like to pay.

THE CHAIRMAN: Suppose you make your comments now.

MR. BURKE: Does this committee expect to state some kind of a preamble at any time of what you are aiming for or what you expect to accomplish.

THE CHAIRMAN: That has already been stated in the opening remarks of the Chairman.

MR. BURKE: That will appear in the minutes?

THE CHAIRMAN: That is right.

MR. BURKE: I haven't anything to say, excepting this, that I am a trustee and receiver under the jurisdiction of the Superior Court of New Jersey operating in the Fairview Heights Cemetery Company. I inquired one day about our profits and I thought we must have been organized under the non-profit act, but that doesn't seem to be so. Any records that we have are at your disposal. Anything that you wish, if you give us a reasonable time, we will be glad to furnish.

THE CHAIRMAN: Thank you, Mr. Burke. In order to expedite the hearing, I have a list of persons who have registered with the Committee, I shall for the Committee write a letter to each of you directing certain questions similar to those which have been propounded to the first two or three witnesses of the cemetery association. We will ask you, for instance, to tell us the acreage, the number of plot owners that you have, the total amount of money that you have in a perpetual care fund, and whatever other questions the Committee may decide upon. In that way we will not bore you with the same questions over and over. We will ask that these statements be made

under oath and sent to this Committee.

If there are some of you who have anything else other than the pertinent questions that have been directed to some of the members who have testified, I will be glad to hear from you. If anybody has something to say which has not been touched upon or something which has been discussed, upon which you desire to elaborate for the benefit of the Committee, we will hear you now.

MR. BURKE: May I ask one more thing. You spoke in your preamble about some complaints. Will those complaints be made available to us?

THE CHAIRMAN: The complaints will be set forth with the Committee's report in the transcript which we will have.

MR. BURKE: Do you expect to have any more hearings?

THE CHAIRMAN: I don't know right this minute. I presume we will have to re-examine reports.

Are there any people who would like to be heard on a subject which has not been covered at the present time?

Mr. Ernest Kurzrok -- I wonder, Mr. Kurzrok, if you might limit your remarks to three minutes. I see there are other people here who want to be heard too.

MR. ERNEST KURZROK: I want to take some time. We covered quite a bit of territory in our grounds and I would like to answer some of the remarks made by previous witnesses, Mr. Ek and Assemblyman Smith particularly. Now I happen to be a lot owner of West Ridgelsawn Cemetery. I was a landscape gardener for about 40 years. I have quite

an intimate knowledge of the cemetery field. I come out of Mr. Wilson's territory. I used to be farming down there. I am pretty well acquainted with the State of New Jersey and with the subject of cemeteries. I have gone into it from two angles, one being, of course, that I tried to get the best picture of the cemetery situation from Mr. Ek before the Attorney General's Office — and, by the way, I am very happy to see the Attorney General at long last appearing on behalf of the public —

THE CHAIRMAN: Mr. Kurzrok, may I interrupt please. We appreciate the background that you have and I think to save time for everybody it would help if you can get down to the meat of the subject matter. If you have any recommendations to make, let's get to them, down to the core of this.

MR. KURZROK: All right, sir. This is quite complicated. The core is a lengthy one. Well, the subject raised by Assemblyman Smith with reference to the lot and plot question — I suggest to this Committee that there be a definite size of the lot, which some states have already incorporated. The State of New York, I believe, provides 72 square feet, which will in all fairness give the small lot owner and the large owner a basis for voting.

I suggest further, as a lot owner of a rural cemetery, that the Banking Commissioner, who under the Rural Cemetery Act is presumed to make periodic examinations of the perpetual trust funds of the cemeteries, and also of the other funds that are derived from the sales of lots and other income, take care of this item. It is a very important item, particularly where there is no specific declaration as to what a

rural cemetery or what the new-fangled cemetery is.

With reference to the 6¢ per square foot, Judge Carey here is one of the very few men who associated with the West and East Ridgelawn Cemetery, and I can say that at the time when these cemeteries were organized, the 6¢ per square foot was a sum of which only the interest on the perpetual care fund would be used for the maintenance of the cemetery, and that one-half of the sale price would be set aside into this special fund. Therefore, as the Chairman will recall, when the Crest Haven appeared before the Chancery Court in the matter of the City of Clifton against Crest Haven, it was then stated that Crest Haven would realize some \$4,000,000 just from the sale of lots. If one-half of that \$4,000,000 were to be deposited in a perpetual care fund, the West Ridgelawn Cemetery would be on a par with the Mount Pleasant Cemetery, which is one of the old-line cemeteries and the question of maintenance would not be a vital issue.

THE CHAIRMAN: What is your specific recommendation, Mr. Kurzrok?

MR. KURZROK: My specific recommendation is that there be a periodic and orderly audit of all the cemeteries with reference to the perpetual care fund.

THE CHAIRMAN: Next recommendation --

MR. KURZROK: My next recommendation is with reference to voting. I suggest that the lot owners be notified by the cemetery association by mail rather than by posting the date of the annual meeting.

THE CHAIRMAN: You mean to say that that is not the practice to notify the lot owners by mail?

MR. KURZROK: No, sir.

THE CHAIRMAN: How do they notify them?

MR. KURZROK: By quite a tricky proposition, by posting it some place in the cemetery, and on one occasion in a newspaper, which can be a paper which is very infrequently read.

THE CHAIRMAN: Do you have specific reference to the part in the statute which permits the posting of a notice or advertising rather than by mailing?

MR. KURZROK: Yes.

MR. NAROL: 8:1-9.

THE CHAIRMAN: I prefer when you make recommendations of this nature that you refer to the act so that we can readily look at it. 8:1-9 reads as follows:

"Public notice of the annual election for managers or trustees shall be given by the existing board of managers or trustees, at least two weeks prior to the time fixed for the holding thereof, by publication in a newspaper published in the county in which the cemetery of the association is situate and circulating in the neighborhood thereof."

MR. KURZROK: I have one more question relative to the perpetual care fund. I suggest to this Committee that a fiduciary company or trust like a bank or trust company be the proper depository for the trust funds and not that the matter of trusts be in the hands

of the directors of the cemetery.

THE CHAIRMAN: What is your next recommendation, Mr. Kurzrok?

MR. KURZROK: I further make a recommendation that where the abandonment of a part of a cemetery is to be made, for whatever purpose, there be a meeting, upon notice, to all lot owners for the purpose thereof. And I have here, inasmuch as Mr. Neutze was interested in some of the data on Crest Haven, some of those contracts where they promise 24 percent profit and where they have over 19,000 units.

THE CHAIRMAN: If you offer that as an exhibit, we will return it to you, if you will trust the Chairman of the Committee with it.

MR. KURZROK: I would like to further add, there is a delin-  
eation between the old-time cemeteries which are run as some of these  
cemeteries that have been attested to, and the racket cemeteries.

THE CHAIRMAN: Let's not characterize any cemeteries. If  
you have any comments, state your facts. Let's not make any character-  
izations.

MR. KURZROK: The fact is that in the matter of Crest Haven  
Cemetery, they have acquired the franchise of the West Ridgeland Cem-  
etery, to which they are not entitled.

THE CHAIRMAN: I think that point was covered by Assemblyman  
Smith when he said there should be some study as to the advisability  
of writing into the law some provision with respect to the assignment  
of franchise rights. That has been covered. The Committee intends  
to look into that.



MR. KURZROK: Mr. Chairman, the question I raise here — where in the law has it been stated that you cannot transmit a franchise right.

MR. CHAIRMAN: Can you point out to any provision in 8:3-1 where there is a prohibition against the assignment?

MR. KURZROK: I will, if you so desire, present you with specific cases which prohibit the transfer of the franchise from one corporation, particularly to a business corporation as the Crest Haven is. If you would so desire, I will present it.

THE CHAIRMAN: I believe that I know the line of cases that you have reference to and I refer you to the City of Clifton versus Crest Haven Cemetery. There is nothing in the act on assignments. There is no specific prohibition. That is something this Committee is going to look into.

MR. KURZROK: That has been handled in the investigation over in New York in the matter of Kensico Cemetery where it was specifically stated that the transfer to another corporation was invalid because the right is to the lot owner who buys for burial purposes.

THE CHAIRMAN: If you have any helpful information, Mr. Kurzrok, I would appreciate your sending it to the Committee with your name.

MR. KURZROK: I will be glad to.

THE CHAIRMAN: There is a gentleman back there who wants to speak. Will you give your name?

MR. HELLRING: My name is Bernard Hellring.

THE CHAIRMAN: Whom do you represent?

MR. HELLRING: I am an attorney and I am here with Mr. Weiner representing the Restland Cemetery located in East Hanover Township. I have no specific suggestions to make at this time, but we are hopeful that there will be a further hearing, at which time we may have some suggestions to make. I would like to say only this to the Committee at this time, if I may, that as you already must realize, this problem of running cemeteries -- and I know that the Chairman is particularly familiar with the problem, having had personal and legal experience with it -- is a very complicated one. Some of us, having had some experience with the problem, fool ourselves into thinking that we know something about it, and we feel very strongly that in connection with formulating any legislation which this Committee might recommend, the Committee ought to consult with various representatives of cemetery associations whom they consider have had such experience, so that the bad results that some other states have had with legislation do not occur in New Jersey. There are instances, and I can give the Committee specific examples of it in the State of New York, one or two New England states and some states in the middle west, in which changes have been made without sufficient thought and care, and have been entirely impractical in connection with the operation of cemeteries. I also call the attention of the Committee to the fact that there is in New Jersey an organization called the New Jersey Association of Cemetery Officials, which is well represented at this meeting. I think the past-president and the present president of that organization are

here today. I am sure that that organization will be very glad to advise with the Committee in connection with formulating any specific legislation which the Committee decides to go into. Of course, that can't be done until the Committee determines what phases of legislation it wants to go into.

THE CHAIRMAN: Thank you, Mr. Hallring. I appreciate your remarks. It is the intention of the Committee not to ride rough-shod over present legislation. It is the intention of the Committee to sit down with people in the cemetery business because you know what is going on and we are going to depend upon you for some helpful suggestions. I believe that some things that were brought out today, as well as some things which are in the personal knowledge of the members of the Committee, shall be and should be corrected. There are certain parts of the law that should be amended, and we want your cooperation, and I am sure you are going to get our cooperation. If your group would like to appoint a committee and study this among yourselves and draft up whatever recommendations that you think ought to be incorporated within the law, we would be very happy to have those recommendations submitted to the Committee. We would also be happy to sit down in round table discussion so that we may argue the pros and cons of legislation that you may propose or that we may propose.

Now before I call the next speaker, I would like to get just a bit of testimony in from some cemetery official who has sold a part of his cemetery lands for other than cemetery purposes -- in other

words, someone who has taken advantage of that provision in the law which permits the sale of a parcel of property for other than cemetery purposes. Is there anyone in the room whose cemetery has participated in that type of sale? I have particularly in mind an instance where a cemetery may own a choice parcel of ground near a railroad zone, and after a meeting of your directors, pursuant to the law and the authority therein, you vote, first, that you don't need the land for cemetery purposes, and then, secondly, you vote to sell the land for industrial purposes -- these cases in which a cemetery is enriched by the sale and yet for perhaps a hundred years not a single cent of taxes was paid. I think that matter will be investigated and the sales made by associations will be requested of you, so we may determine whether you or any other association has made a sale and what the sale price was, so that we have an idea whether or not that should be changed and perhaps some penalty or charge or something made by virtue of the sale.

Does the gentleman over there want to be heard?

MR. LLOYD J. KELLY, President, New Jersey Monument

Builders: I want to go on record to say that our organization is ready and willing to cooperate with the investigating committee in this matter. I think you will agree that the monument builders in the State of New Jersey are very close to this vital problem, because we are affected by it in many instances, as well as the lot holders of the various cemeteries. I just want to go on record to say that we would be glad to have you call upon us to help in any way that we can.

THE CHAIRMAN: Whatever recommendations I made to Mr. Hellring with respect to the Cemetery Associations, I repeat for your group.

MR. KELLY: We will be happy to do so.

THE CHAIRMAN: May I make this comment: It is going to be very hard for our secretary to determine the names and addresses of all you people here. Perhaps it is a good thing that the Legislature required that the names of all people on documents to be recorded shall be printed, because if I had to decipher some of the names that are written here, anything I had to send out would be sent to the wrong person. So would all of you in this room be good enough, in spite of the fact that you have given me your names and addresses, to please send me a letter with a three cent postage stamp, giving me your name and association, and type your name underneath it so that we may have it for an official record.

Are there any other comments?

MR. AARON WAROL, 11 Commerce Street, Newark, New Jersey:  
I appear more for the lot owners than the owners of land. I am the minority man for the poor lot owner in the cemetery.

I would like to make three suggestions, if you please.  
Number one is that statute 8:1-9, which calls for notice in a newspaper in the county where the cemetery is located, should absolutely be deleted, and every lot owner should be notified by mail. At a recent meeting of a cemetery association, there were eight or ten people, and nobody knew about the meeting.

The same few lot owners that attended the meeting requested that the record show what had been done in the year's activities in the association, and the answer was, "What is it your damn business?"  
Number two that I would like to recommend is that I think the lot owners are entitled to have a record, so at the annual meeting the secretary can read what has transpired during the previous year in the association.

Number three, and this is the most important part as far as I am concerned, is this, gentlemen: The practice has developed lately in various cemeteries in the State of New Jersey that they have a diggers' association. I do not know whether anybody here represents the diggers' association. Various cemeteries have charged phenomenal fees for opening a grave for burial; they range as high as \$50.00 on a Sunday if you have to open a grave for burial. I think something should be done toward eliminating that type of practice.  
I appreciate the fact that the diggers' association is a union

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organization, but yet I think that a great deal of profit is made by the association from those diggers.

THE CHAIRMAN: Do you have any specific proof that the association gets a profit on the diggers?

MR. HAROL: Well now you know, Mr. Chairman, that proof is hard to get.

THE CHAIRMAN: You are a lot owner.

MR. HAROL: We know for a fact that these diggers get a certain amount per grave; it is either seven, ten, twelve, or fifteen dollars. Who gets the rest?

THE CHAIRMAN: What association have you reference to?

MR. HAROL: Mr. Chairman, if you would permit me, I would like to reserve the name of any association.

THE CHAIRMAN: Pardon me, but if you have a legitimate complaint you are bound, in testifying before this Committee, to tell us the name of any association so we may look into it. That is the purpose of this Committee.

MR. HAROL: May I submit that to your committee?

THE CHAIRMAN: You will submit that to us in writing. And your address is where?

MR. HAROL: 11 Commerce Street.

THE CHAIRMAN: I can assure you, sir, that this Committee will subpoena the records of that association, and we will make a determination for ourselves.

MR. MAROL: It is a known fact that the minimum charge runs anywhere from fifteen to twenty-five dollars. That is a known fact in the City of Newark. It used to be five dollars; then it got to be fifteen, twenty, and twenty-five dollars. And when it comes to burial on a Sunday, they tell you they have to pay double to the union people, and they have to charge so much more money.

They are the only three suggestions that I would like the Committee to take into consideration to give the lot owners some protection as to the burial end.

THE CHAIRMAN: Will you incorporate the name of the association in your specific complaint? You can address it to me as Chairman of the Committee at the State House.

MR. MAROL: I will give you, Mr. Chairman, the few different items, and how much they charge. I will try to get that.

THE CHAIRMAN: That will be incorporated as part of the transcript of this proceeding.

MR. NEUTZE: I think the person who has just spoken has raised a point, but he has not gone into it to its fullest. The cost of digging the grave, as I would understand it, is not the only cost. You would have the cost of transportation of the materials out to the grave, and returning them. You would have the use of the very expensive equipment which lowers the casket into the grave. I think for the benefit of the members of this Committee, we ought to have some idea as to those expenses. When you say a cemetery may be charging twenty-five or thirty-five dollars for opening a grave, they



may be paying the diggers only ten dollars. That may seem like a tremendous profit until you go into what the difference is used for. We want to get the entire picture of the opening and closing of a grave.

MR. MAROL: Frankly, I don't know how they divide their charges, but I do know that they make these charges.

MR. MORRAY WINNER, Eastland Memorial Park, Newark:

I see that Mr. Kenise has the key knowledge of what happens at the cemetery. We took a survey of fifty interments, and we discovered that at forty-five dollars we were losing money. You have to take into consideration the two men, because the slides are apt to cave in, and you have to have two men. It takes one solid day in order to arrange the digging, and it takes several hours for the service to come in. We have compensation, and we have equipment. And over this survey of fifty interments we discovered that at forty-five dollars we were losing money. And coming back to the Sunday interment, I want to say this: The men get time and a half or double time in some cemeteries. So I do not think that that point was well handled.

THE CHAIRMAN: Suppose you leave it to the Committee to make a decision on that.

MR. HUGO O. MUELLER, Secretary-Treasurer, New Jersey State Cemetery Association: Just for the record, I would like to state that you have not gotten the complete number of cemeteries in the State in so far as we are able to ascertain. That does not include the number of historical cemeteries, and the small country cemeteries that we have not listed. Our listings show there are about 261 cemeteries of all types in the State.

Our association has a membership of about 110 at the present time, and the membership comes from about 69 cemeteries, the larger cemeteries, and three mausoleums. Thirty-two of those cemeteries are mutual organizations; nineteen are stock corporations, and eighteen are religious cemeteries. I just state that for your information.

THE CHAIRMAN: You have a list of 261 cemeteries, Mr. Mueller?

MR. MUELLER: I believe I submitted that to Mr. McDonough.

MR. McDONOUGH: We have that.

THE CHAIRMAN: Do you have the full 261, or 218, as we counted it?

MR. McDONOUGH: We will take a reading on that.

THE CHAIRMAN: Is that the complete list?

MR. MUELLER: I believe you have it. If you haven't, I would like to check.

THE CHAIRMAN: We will check through the municipalities as well.

Are there any other comments from anyone in the audience?

MR. JOHN T. FREES, Treasurer, Laurel Memorial Park,  
Atlantic City: I am treasurer, trustee, and superintendent.

I just want to commend you on your statement a few minutes ago, before the last discussion. The best way that you could arrive at any concrete development of what is best for all of us, and best for the State of New Jersey, is to have a committee from this association. Mr. Mueller, who is a hard-working man, is the secretary, and I am sure if we get together we can iron out all these little things. These little things take up an awful lot of time, and they are small compared to some of the things we have to combat. What we have to do is try to combat those who try to come into our State and make it hard for us, who start something for promotion, and then get out. I know all about that. We started our Park in 1929, and since then we have a mausoleum that is all paid for. And I want to say that Mr. Sullivan is one of the finest gentlemen that I ever met. We were in trouble back in 1931, and when the banks closed in 1933 we had to use some of the perpetual funds to put water pipes in. He summoned me up to Trenton and told me what I had to do. I thank him for it. But it was a tough proposition, because the banks had closed.

THE CHAIRMAN: Thank you, Mr. Frees.

MR. FREES: I think the best way we can get at this, sir, is our committee meeting with you.

THE CHAIRMAN: Thank you, Mr. Frees. That is the way we

intend to work it out.

Now, is there anyone else who has a remark to make before we close the hearing? I should say, ladies and gentlemen, that we are going to adjourn the hearing, not close it, because I presume we shall have further hearings.

I would like to say this, that our Committee is not attacking this problem in a belligerent manner. We are attempting to find out facts. We will familiarize ourselves completely with the present law. If it needs amendment -- maybe you people will agree that in some instances it does -- for everyone's benefit, your benefit as well as for the benefit of the State of New Jersey, then we can prepare a report with a proposed law to be submitted to the Legislature next year, so as to give the State a proper cemetery law.

You will be advised when the date of the next hearing will be, and you may come if you desire. In the meantime we should like letters from you all, giving us the name of your association and, as I said before, your typewritten name. You will get a questionnaire which will be prepared by the Committee, and you will be required to answer it under oath, and it will be made a part of the record.

MR. ROBERT CAREY: When will your next open hearing be?

THE CHAIRMAN: We are going to draft that questionnaire as soon as we have an opportunity, and that questionnaire will be sent out to all you people, and the date of the next hearing depends on how fast we get that information.

MR. CAREY: I am not in a hurry. I am just trying to get a

line on it.

THE CHAIRMAN: It depends on when we get your replies, as well as when we get the replies from the municipalities that we are also circularizing. That will tell us when we will have a meeting.

MR. CAREY: I don't think we ought to run that too near into January, or anything of that sort, because from January on you folks are going to be busy in the legislature every hour.

THE CHAIRMAN: We appreciate your comments, and we will act accordingly. Mr. Neutze has a recommendation to make.

MR. NEUTZE: I would like to say to Mr. Mueller of the New Jersey Association of Cemeteries, that when you send to us your recommendations -- I am speaking for myself and possibly for the other two committee members -- we would like to have some expression of thought from you relative to the prohibiting of reselling cemetery lots.

THE CHAIRMAN: There being no further business before the group, this hearing is adjourned until further notice. Thank you one and all.

(Hearing adjourned)

Persons Registered with Secretary

Osie M. Silber, Deputy Attorney General

William Kingsley, State Supervisor, Corporation Tax Bureau

Charles M. Callahan, Executive-Assistant to Commissioner of Health

Walter R. Scott, State Registrar of Vital Statistics

Roger McDonough, State Librarian

Assemblyman Arnold M. Smith

Carl Ek, Associate Editor, Passaic Herald News

Frederick Gassert, Jr., Roman Catholic Archdiocese of Newark

Mr. W. H. Webb, Mt. Pleasant Cemetery, Newark, New Jersey

Ward H. Hammett, Atlantic City Cemetery, Atlantic City, New Jersey

Miss Maud Rieffe, Fairview Cemetery, Fairview, New Jersey

William F. Burke, Fairview Cemetery, Fairview, New Jersey

Harry J. Kiss, Greenwood Cemetery, Trenton, New Jersey

Eleanor S. Vaux, Riverview Cemetery, Trenton, New Jersey

John V. Trampore, Hillside Cemetery, Plainfield, New Jersey

John T. Freese, Treasurer, Laurel Memorial Park, Atlantic City, N. J.

Russell J. Zesch, Secretary, Mt. Hebron Cemetery, Upper Montclair, N.J.

Abraham R. Winer, Riverside Cemetery, Rochelle Park, N. J.

T. Wolf Winer, Riverside Cemetery, Rochelle Park, N. J.

Samuel Rodner, Riverside Cemetery, Rochelle Park, N. J.

Edward Zesch, Clinton Cemetery, Irvington, N. J.

William F. Sutton, <sup>Jr.</sup> Rosedale Cemetery, Orange, N. J.

Ernest Kurkrok, West Ridgelawn Cemetery, Clifton, N. J.

Aaron Harol, Newark, New Jersey

William DeRitter, Cedar Lawn Cemetery, Paterson, N. J.

Henry Reussmann, Hillside Cemetery, Plainfield, N. J.

Aaron D. Grane, Evergreen Cemetery, Elizabeth, N. J.

Mr. A. G. Grane, Evergreen Cemetery, Elizabeth, N. J.

Charles A. Otto, Jr., Evergreen Cemetery, Elizabeth, N. J.

Lloyd J. Kelly, President, New Jersey Monument Builders, Trenton, N.J.

Murray Weiner, Restland Memorial Park, Newark, N. J.

Bernard Hallring, Restland Memorial Park, Newark, N. J.

John G. Bechl, Greenwood Cemetery, Trenton, N. J.

Mr. R. McDonough, Holy Cross Cemetery, North Arlington, N. J.

Mrs. Hazel B. Hackett, Arlington Cemetery, Merchantville, N. J.

John J. Rafferty, New Brunswick, N. J.

Joseph F. Kroboth, Rosehill Cemetery, Linden, N. J.

Mr. M. L. Howard, Rosehill Cemetery, Linden, N. J.

Robert Carey

John T. O'Neill, Lake Nelson Memorial Park Association, Plainfield, N.J.

Mr. A. E. Young, 20 Madison Avenue, Morristown, N. J.

Mr. Thomas E. Young, 20 Madison Avenue, Morristown, N. J.

William H. Frank, Memorial Estates, Inc., 972 Broad St., Newark, N. J.